



SIS II SCG

SIS II Supervision Coordination Group

Activity Report

2018-2019

Contents

Foreword.....	4
Introduction.....	5
Part I – The Supervision Coordination Activity.....	7
A. Working methods	7
B. Main activities	7
C. Institutional cooperation	10
Part II – The national activity.....	11
1. AUSTRIA	11
2. BELGIUM	11
3. BULGARIA	14
4. REPUBLIC OF CROATIA	16
5. CYPRUS	18
6. CZECH REPUBLIC	18
7. DENMARK	20
8. REPUBLIC OF ESTONIA	22
9. FINLAND	23
10. FRANCE	25
11. GERMANY	26
12. GREECE	28
13. HUNGARY	29
14. ICELAND	30
15. ITALY	31
16. LATVIA	32
17. LIECHTENSTEIN	34
18. LITHUANIA	34
19. LUXEMBOURG	35
20. MALTA	36
21. NORWAY	37
22. THE NETHERLANDS	38
23. POLAND	40
24. PORTUGAL	41

25. ROMANIA	42
26. SLOVAKIA	43
27. SLOVENIA	44
28. SPAIN	45
29. SWEDEN	47
30. SWITZERLAND	48
PART III - The Management authority (eu-LISA)	51
Annexes.....	53
Annex A: List of documents adopted	53
Annex B: List of members and observers.....	53

Foreword

This 2018-2019 Activity Report is the third of its kind under the coordinated SIS II supervision structure, in which national Data Protection Authorities and the European Data Protection Supervisor coordinate their respective supervisory roles and activities.

The SIS II Supervision Coordination Group (SIS II SCG) has continued its efforts in 2018-2019 at a time where the EU has witnessed a major update of its generic data protection framework. The period was marked by the coming into force of three key pieces of legislation, i.e. the General Data Protection Regulation (GDPR), the Law Enforcement Data Protection Directive (LED) and Regulation 2018/1725 on personal data processing by the Union institutions, bodies, offices and agencies. Whilst both the GDPR and the LED have absorbed considerable additional capacity at both national and European supervisory levels, Regulation 2018/1725 has rationalised future coordinated supervision activities in the areas of borders, asylum, migration, police and judicial cooperation in criminal matters and the internal market, by integrating these in the so called Coordinated Supervision Committee (CSC), established in December 2019 within the framework of the European Data Protection Board (EDPB).

The period was also marked by an overhaul of the SIS legal framework, with the adoption in November 2018 of three new Regulations on the establishment, operation and use of SIS, respectively for the purposes of return of illegally staying third-country nationals, border checks and police and judicial cooperation in criminal matters. The framework is supposed to become fully applicable as from the end of 2021 onward, after which SIS II SCG activities will be subsumed in the new CSC within EDPB.

The SIS II SCG's activities in 2020-2021 will therefore focus on issues and discussions of continued future data protection relevance for the SIS framework. These may be linked to inter alia the further roll-out of interoperability, the New Pact on Migration and Asylum proposed in September 2020, proposing a brand new Regulation for screening at the external borders, or the possibility to enter SIS alerts for Europol, proposed in December 2020 as an element of an overall strengthening of the latter's powers.

Whilst we understand the increased call for enhanced information sharing capabilities in the areas of law enforcement, migration and (internal) security, the often draconic steps currently undertaken or envisaged require strict monitoring by and permanent scrutiny from data protection authorities and bodies at member state and EU level.

Gert Vermeulen

Chair

Clara Guerra

Vice Chair

Introduction

The second generation of the Schengen Information System (SIS II) went operational on 9 April 2013 and is regulated by Regulation (EC) 1987/2006¹ (hereinafter "the SIS II Regulation") and Council Decision 2007/533/JHA² (hereinafter "the SIS II Decision"), both being jointly referred to as "the SIS II legal framework".

According to the SIS II legal framework, national Data Protection Authorities (DPAs) of the Member States ensure the supervision of the national competent authorities for National SIS II, while the European Data Protection Supervisor (EDPS) supervises the personal data processing activities of the Management authority (eu-LISA), responsible for the operational management of the Central SIS II.

To ensure coordinated supervision of the SIS II, the national DPAs and the EDPS cooperate actively in the framework of their responsibilities, by exchanging relevant information, assisting each other in carrying out audits and inspections, examining difficulties of interpretation or application of the SIS II Regulation and Decision, drawing up harmonised proposals for joint solutions to any problems, promoting awareness of data protection rights, studying problems in the exercise of the rights of the data subjects³.

Cooperation among DPAs has always been an important share of the data protection supervisory activity and it is well expressed from the very start in the Schengen Convention, the first instrument regulating a European information system.

The SIS II Supervision Coordination Group (SIS II SCG) was set up in its first meeting on 11 June 2013. The SIS II SCG took on board the legacy of the Schengen Joint Supervisory Authority, ensuring consistency with the vast work done by its predecessor. Over its six years of experience, the SIS II SCG has gathered increasing knowledge and expertise on the SIS II and its subsequent developments.

Over the years, the mission of the SIS II SCG has become more and more prominent, facing the challenges of the ever-growing need of the Member States to exchange information in the law enforcement and criminal matters sector and the increasing interactions among EU large-scale systems in the Justice and Home Affairs area.

¹ Regulation (EC) 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second-generation Schengen Information System (JOL 381, 28.12.2006).

² Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (JOL 205, 7.8.2007).

³ According respectively to articles 46 of the SIS II Regulation and 62 of the SIS II Decision.

A new SIS II legislative framework⁴ was adopted in November 2018. It extends the scope and content of the SIS II. New categories of individuals and new biometrics identifiers including palm prints and DNA profiles will be stored in the system. Europol will have access to all alert categories while the European Border and Coast Guard Agency operational teams will be able to access the SIS for the purpose of carrying out their tasks in the hotspots.

Furthermore, two Regulations adopted on 20 May 2019 create the interoperability between existing and future EU large-scale information systems including the SIS in the areas of border checks, asylum and immigration, police cooperation and judicial cooperation in criminal matters. These regulations add another layer of complexity, which will have implications in terms of governance and supervision of the SIS.

The large amount of data collected, cross matched and exchanged for broader purposes with an increasing number of authorities having access to these data require solid and permanent control by the DPAs whose role and responsibilities become broader in scope and scale, both at national and European level. In this context, the SIS II SCG is a significant platform to promote cooperation, share experiences and exchange perspectives, give opinions and find solutions, i.e. to improve supervision.

The new SIS legislative SIS II has also introduced new provisions as regards the supervision of the SIS⁵. In particular, it provides that the national supervisory authorities and the EDPS shall meet as part of the European Data Protection Board (EDPB) to ensure coordinated supervision of SIS. As soon as the new SIS II legislative framework will be applicable, the SIS II SCG will move to the framework of the EDPB.

This Report accounts for the activities carried out by the SIS II SCG in 2018 and 2019. In accordance with Article 12.1 of the Rules of Procedure of the SIS II SCG, this Report also contains a part dedicated to national reports prepared by the national DPAs and presented in a standard model, as well as a part dedicated to a report of the EDPS as supervisory authority of the Management authority (eu-LISA).

⁴ Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006 (“SIS II Regulation Border checks”) and Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (“SIS II Regulation police and judicial cooperation”).

⁵ Article 57 of SIS II Regulation Border checks and Article 71 of SIS II Regulation on police and judicial cooperation.

Part I – The Supervision Coordination Activity

The SIS II SCG organized 4 meetings⁶ in the last two years. All the meetings took place in Brussels and were supported by the Secretariat provided by the EDPS.

A. Working methods

Based on the positive experience of the last 4 years of activity, the SIS II SCG kept using a flexible mechanism to carry out its work and seeking to ensure a high level of participation and involvement of all its members.

The SIS II SCG also tried to rationalise the organisation of its work as best as possible, considering the increasing workload of the DPAs, in particular with the entry into force on 25 May 2018 of the General Data Protection Regulation⁷. The meetings were organised back to back with the VIS and EURODAC SCGs to take advantage of the common membership in these groups.

In the same vein, and due to the interaction between the large information systems in the borders' context, the SIS II SCG used synergies with the VIS and EURODAC SCGs, to avoid the duplication of work and to improve the consistency of data protection supervision.

In order to work in a more efficient way, the SIS II SCG established subgroups to handle specific tasks or prepare its position on certain matters, without prejudice of the continuous guidance and follow-up provided by the plenary.

To promote the cooperation and enhance the communication within the SIS II SCG, the CIRCABC network is used as the basic tool to share information, prepare the meetings, archive documents, organise the work of the subgroups and communicate in a secure, fast and costless way.

B. Main activities

The SIS II SCG succeeded in fulfilling most of the activities proposed in its working program although a few have not been completed yet.

⁶ June 2018, November 2018, June 2019, November 2019.

⁷ Regulation (EU) 2016/1679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC, OJ L 119, 4.5.2016, p. 1.

On the other hand, as the work is not limited to planned activities, the Group had to deal with some emergent questions that required its engagement in discussing and taking position.

1. Interpretation and application of the legal framework

a. Legislative proposals on interoperability between EU large scale information systems

On 12 December 2017, the Commission published two legislative proposals to establish a legal framework for interoperability between EU large-scale information systems.

The Group analysed these proposals and together with the VIS and the Eurodac SCGs wrote a joint letter addressed to the European Parliament, the Council and the Commission. In their letter, the groups stressed the major change introduced by the legislative proposals in the information systems design and, consequently in the way personal data is processed at European and national levels. In particular the group pointed out that it is unfortunate that this complex process was rushed. It further provided some recommendations about crucial issues to be taken into account during the trilogue on the legislative package.

b. Article 36 alerts

In view of the increase of alerts entered in the SIS II based on Article 36 of the SIS II Decision (i.e. data on persons or vehicles, boats, aircrafts and containers entered for the purposes of discreet checks or specific checks), the Group decided to carry out a joint exercise on this issue.

The Group elaborated a checklist to serve as a guide for DPAs when conducting national investigations on the use of these alerts. The purpose of these inspections is to enable DPAs to conduct an overall assessment of the level of compliance with the legal basis and to report such results with possible recommendations.

2. Individual's right of access

Several SIRENE bureaux of the Schengen States have been confronted with a significant increase of requests to access data stored in the SIS. These requests come from third country nationals of specific countries and merely concern the refusal of entry alerts. Many of these requests were sent to all Schengen States with the consequence that they all have to answer individually.

The Group decided to investigate the source of the increasing number of the requests, which might be the consequence of the visa liberalization scheme. In addition, the group decided to develop tools that could be used by DPAs and law enforcement authorities in dealing with access requests.

3. Study on Logging at national level

In its working program 2016-2018, the SIS II SCG decided to carry out a study on logging at national level.

The national competent authorities and the DPAs filled a questionnaire drawn up by the IT subgroup in cooperation with the Secretariat, and which encompassed 14 questions ranging from general questions to technical questions. The IT subgroup analysed the answers and shared their findings with the Group. Based on these findings, the Group adopted a report.

The report provides an overview of the retention period for logs, on whether the competent authorities perform log analysis and, if so, how the analysis is performed. It contains 18 recommendations about the management of logs in accordance with data protection principles. The members of the Group agreed to share this report with their national competent authorities.

4. National criteria used by the Member States for Article 24 alerts

The Group decided in its working program 2016-2018 to further investigate on national criteria used by Member States for introducing alerts on the basis of Article 24 of the SIS II Regulation (alerts on refusal of entry or stay). The aim was to get an overview of national legislation and practices related to this provision and, where relevant, to make recommendations. Pursuant to the adoption of a new SIS II legislative framework, which modify Article 24 of the current legislative framework. The Group decided to further analyse this issue in view of the new legal basis.

5. SHEVAL recommendations

The Group followed closely the Schengen evaluations. It has kept centralizing and analysing information regarding the recommendations adopted as outcome of the SCHEVALs. The focus of this constant exercise was to identify best practices and problems areas with a view to harmonize the efforts to solve them and provide guidance to Member States subject to Schengen evaluations,

6. Raising awareness of data protection rights

The SIS II SCG continuously tries to improve its communication with the public and seeks to be as transparent as possible to allow the public to follow the Group's activity. For that purpose, the group worked on the SIS II SCG website to improve its presentation and to include additional content. Besides the general information, the website also now includes specific information on the SIS II (its objectives and structure, the data protection safeguards, etc.), the Group (achievements, adopted documents,..) the rights of the data subject, the latest news and the contact details of the Secretariat, the national supervisory authorities and the EDPS.

C. Institutional cooperation

The first level of institutional cooperation of the SIS II SCG is undoubtedly with the EDPS, not in the quality of member of the Group, but within the legal task and responsibility of providing the Secretariat to the Group and in bearing the costs of the meetings.

The SIS II SCG also keeps upholding a valuable cooperation with the Commission, by means of regular participation of its representatives (from DG HOME and DG JUST) in parts of the meetings to address any relevant matters while being available for Q&A with delegations.

As a privileged network to reach all national DPAs, the Commission kept channelling through the Group the call for designation of experts for the Schengen data protection evaluations, in order to easily reach out to experts in that area.

The SIS II SCG keeps a good working relation with the IT agency eu-LISA, as the Management Authority for SIS II. It regularly invites the DPO of eu-LISA to present recent developments of the SIS II and answer Q&A with delegations.

The SIS SCG also invited the Fundamental right agency to resent and discuss in particular their report entitled "Under watchful eyes - biometrics, EU IT systems and fundamental rights".

Part II – The national activity

This Part provides an overview of the activity of the national DPAs as national supervisory authorities for the SIS II.

1. AUSTRIA

1. **Country:** Austria
2. **Name of the DPA:** Datenschutzbehörde
3. **Legal provisions implementing SIS II framework (short description):**
The SIS II framework is implemented in the fifth part (5. Teil Schengener Informationssystem) of the EU – Polizeikooperationsgesetz. This part comprises provisions on alerts, retention periods, the rectification and deletion by police authorities and the data subjects' right to access. The access of judicial authorities is regulated in § 16 and 29 of Justizielle Zusammenarbeit in Strafsachen mit den Mitgliedstaaten der Europäischen Union (BGBl. I Nr. 36/2004).
4. **Number of complaints from data subjects:** 2
5. **Main issues object of complaints:** Deletion
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** N/A
 - a. Among those, number of requests for deletion that resulted in deletion:
7. **Number of handled cases of cooperation between DPAs:** 0
 - a. Among those, number of cases which outcome was data deletion: -
8. **Number of inspection actions performed:** 1
9. **Raising awareness activity:** 0
10. **Link for Schengen information in the DPA website:**
<https://www.dsb.gv.at/europa-internationales/schengen.html> (in German)
<https://www.data-protection-authority.gv.at/europe-and-international/the-schengen-information-system.html> (in English)
11. **Any relevant case-law:** -
12. **Any other relevant activity:** -

2. BELGIUM

1. **Country :** Belgium
2. **Name of the DPA :** There are two supervisory authorities :
The Supervisory Body for police information (COC) competent for the supervision of the processing of personal data carried out by police, by BELPIU, by general police inspection service and for a part by customs.

Remark : COC is the only Belgian competent authority for police information since 5 September 2018.

The Data Protection Authority (DPA) competent for the supervision of the processing of personal data where no other law provides otherwise.

3. Legal provisions implementing SIS II framework (short description) :

There is no specific national provisions implementing SIS II framework: Decision 2007/533/JAI and Regulation 1987/2006 are applicable and must be read in combination with:

- The Belgian Act of 30 July 2018 on the protection of natural persons with regard to the processing of personal data.
This Act transposes in national law the Directive (EU) 2016/680 and completes the Regulation (EU) 2016/679.
It provides for the indirect right of access to data and information processed by Belgian police.
- The Belgian Act of 5 August 1992 on the police functions.
This Act establishes rules over the management of the police information. It includes rules over the management of the police databases and the retention of the data and the information. A specific article (art. 44/11/13) provides rules over the communication of data and information by Belgian police to databases and systems of international Agencies and Organisations or foreign police services.
- The MFO-3 Common Guideline of the Ministers of Justice and Home Affairs of 14 June 2002 and its sheets on specific themes like international police cooperation. The sheets give detailed procedures and rules for the Belgian police.

4. Number of complaints from data subjects :

- COC : 0
- DPA : 0

5. Main issues object of complaints :

- COC : n/a
- DPA : n/a

6. Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):

- COC : 162 for 2018 and 2019

Remark : Due to the new competences from September 2018 (and new IT tools), the number of requests for 2018 for COC must be completed with the number of requests of the DPA.

- DPA (former Commission for the protection of privacy competent until 25/05/2018): 21

After 25/05/2018, the DPA analyses and dispatches the SIS II access requests it receives to the Federal Immigration Office (“Article 24” requests) and the COC (other requests) (= one-stop-shop mechanism).

a. Among those, number of requests for deletion that resulted in deletion :

- **COC** : 16 for 2018 and 2019

Remark : Due to the new competences from September 2018 (and new IT tools), the number of requests for 2018 for COC must be completed by the number of requests of the DPA.

- **DPA** : 3 (of the 21 under the old procedure)

7. Number of handled cases of cooperation between DPAs :

- **Current cases for COC** : 5

a. Among those, number of cases which outcome was data deletion:
1

- **Current cases for DPA** : none between 01/01/2018 and 25/05/2018

a. Among those, number of cases which outcome was data deletion:
n/a

8. Number of inspection actions performed :

- The COC and the DPA performed supervisory checks indirectly via the individual data subject requests.
- Joint on site visit of the DPA and the COC on the theme SIRENE bureau and handling of SIS II alerts.
- Joint on site visit of the DPA and the COC on the theme Office N.SIS II and implementing of the security measures.
- For each on site police inspection, the COC controls the logs to Belgian police databases and to databases powered by Belgian police : thus the SIS II Belgian logs are controlled too.

9. Raising awareness activity :

The report of the joint visit of the DPA and the COC on the theme SIRENE bureau and handling of SIS II alerts of 2019 highlighted the importance of the (in)formation of the Belgian police over the feeding of the SIS II.

Since the submission of the report, the COC has noted an evolution in the training of the SIRENE bureau staff and the execution of the DPO's missions.

- **Specific COC** : Website of the COC with a specific tab on the Schengen Information System and a specific tab on the indirect access procedure. COC has developed a template of answer for the access request in which the procedure is clearly explained to the data subject (in case of alert for art. 24 of the SIS II Regulation ; in case of alert for another article of the SIS II Decision ; what is the Belgian indirect access procedure ; ...).
- **Specific DPA** :

Website of the DPA provides specific information on the SIS II, the supervision, the rights of the data subjects and the actual exercise of these rights.

10. Link for Schengen information in the DPA website :

- **COC :**
<https://www.controleorgaan.be/en/monitoring-body/international-activities>
- **DPA :** <https://www.dataprotectionauthority.be/citizen/themes/police-and-justice/coordination-group-for-supervision-sis-ii>

11. Any relevant case-law : /

12. Any other relevant activity :

- COC participation to SCHEVAL evaluations (Hungary 2019)
- DPA participation to SCHEVAL evaluations (Switzerland 2018, Latvia 2018, Czech Republic 2019, Slovakia 2019)

Since 2019 COC sets up annual thematic visits of the SIRENE bureau (for example on the handling of a specific type of alert) and a global visit every 4 years.

3. BULGARIA

1. Country: Republic of Bulgaria

2. Name of the DPA: Commission for Personal Data Protection

3. Legal provisions implementing SIS II framework (short description):

The national legal framework, related to the SIS II personal data processing, includes the following legal acts:

- Constitution of the Republic of Bulgaria and more specifically Article 32 (privacy) and Article 5 (4) (precedence of the international treaties after their ratification/enactment/ promulgation over the national legislation);
- Ministry of Interior Act (MIA) and the relevant secondary legislation;
- Personal Data Protection Act and the related legislation (Rules on the Activity of the Commission for Personal Data Protection and its Administration and Rules on the Organisation of the Inspectorate to the Supreme Judicial Council Activity and on the Activity of the Administration and the Experts);

Other acts, which have relevance with the SIS II personal data processing, are:

- Foreigners in the Republic of Bulgaria Act (prohibition of entering and staying of third country nationals);
- Asylum and Refugees Act (setting the non-refoulement principle);
- Extradition and European Arrest Warrant Act, Criminal Procedure Code (alerts concerning items sought as evidence);

- Customs Act (alerts to SIS II on violations of the custom legislation);
- Bulgarian Identification Documents Act;
- Road Traffic Act (vehicle and drivers registers);
- State Agency for National Security Act (discrete surveillance);
- Administrative Procedure Code (judicial control).

The specific rules for organisation and operation of the national SIS (N.SIS) are set in Ordinance No. 81213-465 of 26 August 2014 on the organization and functioning of the National Schengen Information System of the Republic of Bulgaria, where is foreseen that the personal data processing in N.SIS should be carried out in compliance with the Ministry of Interior Act and the Personal Data Protection Act and the subsidiary legislation related to their application.

4. **Number of complaints from data subjects:** 1 complaint.
5. **Main issues object of complaints:** lawful and fair personal data processing concerning SIS II alert, insufficient technical and organizational measures preventing unauthorized access to SIS II personal data.
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):**

Under Bulgarian national legislation, the requests for access, correction and deletion are exercised directly before the SIRENE unit in the Ministry of Interior. Despite that, CPDP has continued to consult and support the data subjects with regard to the procedure for access, correction and deletion of personal data and to provide them with contact information in order to directly exercise their rights.

- a. Among those, number of requests for deletion that resulted in deletion- N/A
7. **Number of handled cases of cooperation between DPAs:** none
 - a. Among those, number of cases which outcome was data deletion: none

8. Number of inspection actions performed:

In connection with the requirements for full access of the Republic of Bulgaria to the Schengen and Visa Information Systems at the end of 2019 began the preparation for carrying out a check of the N.SIS in the SIRENE national unit, situated in the Ministry of Interior and consular offices in Bulgarian embassies. Information was exchanged with the embassies, issuing the highest number of visas and were prepared questionnaires for the upcoming inspections. However, due to the COVID-19 outbreak the planned on-site part of the inspections could not be carried out and was postponed for the end of the first three months of 2021.

9. Raising awareness activity:

One training event was held for the officials in the Bulgarian institutions, which have direct access to National Schengen Information System.

The work of the CPDP in relation to achieving full accession of Bulgaria to the Schengen area was one of the priority tasks for the 2018-2019. On the special link, provided by the CPDP, concerning Schengen matters was published extremely detailed and up-to-date information about:

- the Schengen legal framework;
- guide on the exercise of the right of access to the Schengen information system;
- catalogues of good practices;
- the general data protection rights of the individuals under the Bulgarian Personal Data Protection Act;
- the Visa Information System and the exercise of data protection rights.

Additionally, model requests for access, correction or deletion of personal data processed in SIS II and brochures and leaflets, concerning the Schengen area, SIS II and the exercising of individual data protection rights are provided.

10. Link for Schengen information in the DPA website:

The “Schengen area” section of the CPDP’s official site can be found on the following links:

<https://www.cdpd.bg/index.php?p=rubric&aid=13>- in Bulgarian

<https://www.cdpd.bg/en/index.php?p=rubric&aid=13> – in English

In the section the information mentioned above in **p.9. Rising awareness activity** is provided.

11. Any relevant case-law: none

12. Any other relevant activity: So far, the planned activities are on hold due to the COVID-19 outbreak.

4. REPUBLIC OF CROATIA

1. Country: Republic of Croatia

2. Name of the DPA: Croatian Personal Data Protection Agency

3. Legal provisions implementing SIS II framework (short description):

Legislative framework applicable till the 25.05.2018. is as follows: Personal Data Protection Act („Official Gazette” number: 103/03, 118/06, 41/08 and 130/11; 106/12 - consolidated text) represents the basis which regulates the personal data protection of natural persons, and the supervision of collection, processing and usage of personal data in the Republic of Croatia. Provisions of this Act shall apply to the personal data processing conducted by state bodies, local and regional self-government units, as well as by legal and natural persons, representation offices and branches of foreign legal persons,

and representatives of foreign legal and natural persons processing personal data (Article 3. Paragraph 1.) Therefore, this regulation also applies to the data processing system SIS II. Personal Data Protection Act is a general act which applies on processing of personal data in Schengen Information System II. The personal data filing systems which are kept by the Ministry of the Interior, as data controller, are regulated with Police Duties and Powers Act („Official Gazette” number: 76/09 and 92/14) as a special act and with Personal Data Protection Act as a general act. Legislative framework applicable from the 25.05.2018. is as follows: In addition to the direct and binding application of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), in the Republic of Croatia, the Law on the Protection of Natural Persons in Relation to the Processing and Exchange of Personal Data for the Purposes of Preventing, Investigating, Detecting or Prosecuting Criminal Offenses or Executing Criminal Sanctions („Official Gazette” number: 68/18) which transposing into Croatian law Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data by the competent authorities for the purpose of preventing, investigating, detecting or prosecuting criminal offenses or criminal sanctions and on the free movement of such data and on the repeal of Council Framework Decision 2008/977/JHA has entered into force. Also the Ministry of the Interior, as data controller, applies Article 41. of Regulation (EC) no. 1987/2006 which is in accordance with the legislation of the Republic of Croatia.

4. **Number of complaints from data subjects:** 158 (requests submitted to the Ministry of the Interior)
5. **Main issues object of complaints:** access – 137, correction – 10, deletion – 11.
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** 2 (The Agency received requests for indirect access to personal data related to SIS II and instructed data subjects to request direct access by submitting a request to the Ministry of the Interior, as data controller)
 - a. Among those, number of requests for deletion that resulted in deletion: 0
7. **Number of handled cases of cooperation between DPAs:** 0
 - a. Among those, number of cases which outcome was data deletion: 0
8. **Number of inspection actions performed:** 2 (Inspections in the Ministry of the Interior, one in the data center especially regarding the system of records on access (Log files) related to SIS II or N.SIS II and one regarding rights of data subject for access, correction and deletion).

- 9. Raising awareness activity:** A Guide for exercising the right of access to the SIS II in order to inform the public about their rights and the ways to exercise them is available on the Agency website.
- 10. Link for Schengen information in the DPA website:** <https://azop.hr/prava-ispitanika/detaljnije/sengenski-informacijski-sustav-ii-vodic-za-ostvarivanje-prava-pristupa> <https://azop.hr/images/dokumenti/536/sisii-vodic-hr.pdf> (Croatian language), https://azop.hr/images/dokumenti/536/sis_guide_of_access_en_2.pdf (English language).
- 11. Any relevant case-law:** No
- 12. Any other relevant activity:** Experts from the Agency participated as national experts from Member States in the evaluation teams for Schengen evaluation (data protection) in 2018 in Switzerland, Finland, and Lithuania and in 2019 in Poland.

5. CYPRUS

Evaluation of Cyprus in the Area of Data Protection

The SCG took note that in November 2019, Cyprus was evaluated in the Area of Data Protection. Pursuant to successful evaluations in other areas of the Schengen acquis scheduled to take place in 2020-2021, Cyprus' national SIS is expected to become operational in 2021.

6. CZECH REPUBLIC

- 1. Country:** Czech Republic
- 2. Name of the DPA:** The Office for Personal Data Protection
- 3. Legal provisions implementing SIS II framework (short description):**
The competences of the Czech DPA are regulated by the Act no. 110/2019 Coll., on processing of personal data. Specifically, Title V of the provision covers its duties, functions and powers. According to the provision the Czech DPA is the central administrative authority in the field of personal data protection within scope laid down by this Act, other regulations, international treaties that form part of the national laws, and directly applicable regulations of the European Union. Title III of the Act further regulates personal data protection in their processing for the purpose of prevention, investigation or detection of criminal offences and procedures of exercising data subject's rights with relation to the SIS II and actually implements the Law Enforcement Directive into national law. Act no.

273/2008 Coll., on the Police of the Czech Republic, specifically Section 84 regulates the status of the Police presidium as the data controller of N.SIS.

4. Number of complaints from data subjects:

In the Czech Republic, the data subjects should primarily exercise their rights vis-à-vis the data controller. The statistics are periodically provided to the Czech DPA by its division responsible.

Over the years 2018 and 2019, the Police of the Czech Republic acting as the controller of data processing within national SIS II received overall 753 requests (306 in 2018 and 447 in 2019) based on Art. 41 of Regulation (EC) no. 1987/2016, of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second-generation Schengen Information System (SIS II) and Art. 58 of Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II).

5. Main issues object of complaints:

Exercise the right to access the processed data, the right to information whether and which personal data were entered into the SIS II and by which authority, the right to correction of deletion factually inaccurate or unlawfully stored data. The main issue of complaints received by the DPA was associated with not providing satisfactory response by the controller.

6. Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):

The DPA received during that period 51 requests from data subjects to indirectly exercise their rights (access, correction and deletion) and 29 complaints in order to complain about an unlawful procedure of their personal data in the SIS II.

- a. Among those, number of requests for deletion that resulted in deletion

No complaint or its subsequent reviewing process by the DPA resulted into deletion of data subject's personal data in the SIS II.

7. Number of handled cases of cooperation between DPAs:

The DPA addressed overall 3 cases in this regard.

- a. Among those, number of cases which outcome was data deletion: N/A

8. Number of inspection actions performed: 1

So far, the last inspection pursuant to the Article 44 (2) Regulation no. 1987/2006 was carried out partly in early 2018. Two local investigations at the Police Presidium's premises took place (SIRENE Bureau and ITC Department). Two specific complaints, sent to the Office before the audit had been launched, were incorporated to the inspection and examined. The audit did not show any breach of the data protection rules and found that the controller (the PCR) was processing the data in the SIS in accordance with the law.

9. Raising awareness activity:

A special section “Schengen” exists on the official website of the Czech DPA. Part of the section is dedicated to the SIS II only. It contains general information about the SIS, types of data stored in the SIS, data subject rights and how to proceed when exercising rights in the Czech Republic. Besides this information, the section contains links to the data controller in the SIS II Police presidium of the Czech Republic, a Guide providing complete information about the right of access to the SIS data and other relevant webpages dealing with the SIS. The section is also available in English in the same extent as the Czech version. Furthermore, the page includes the [Forms section](#) for exercising data subject’s rights – [request for information](#), [request for correction/deletion](#) and [Complaint form](#) to be used in cases where there is suspicion of an unlawful procedure or where the controller (the Police of the Czech Republic) has not provided a satisfactory response.

Moreover, the website contains references to the official SIS II SCG website and the group Activity Reports.

10. Link for Schengen information in the DPA website:

https://www.uoou.cz/en/vismo/zobraz_dok.asp?id_org=200156&id_ktg=1366&p1=1366

11. Any relevant case-law: N/A**12. Any other relevant activity:**

National experts from the Czech DPA participated in overall 2 Schengen evaluation missions (Lithuania in 2018, Hungary in 2019) in accordance with the Council Regulation (EU) no. 1053/2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen.

In addition, Schengen evaluation mission of the Czech Republic was carried out in 2019. Subsequent recommendations have been implemented into practice and in the Inspection plan of the DPA for 2020.

7. DENMARK**1. Country:** Denmark**2. Name of the DPA:** Datatilsynet**3. Legal provisions implementing SIS II framework (short description):**

The rules implementing the SIS II framework in Denmark are Act no. 418 of 10 June 1997, Act no. 227 of 2 April 2003, Act no. 448 of 9 June 2004, and Act no. 521 of 6 June 2007. The act from 1997 implements the Schengen Convention and the acts from 2003, 2004, and 2007 amend the Danish

“Schengen Convention act” in accordance with the Schengen Decision and Schengen II Regulation.

4. Number of complaints from data subjects:

In 2018-2019 the Danish DPA received 9 complaints.

5. Main issues object of complaints:

The decision of the Danish National Police not to delete information about the complainant in the Schengen information system.

6. Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):

In 2018-2019, the Danish DPA has received 25 requests for access and 6 requests for deletion.

Requests are forwarded to the Danish National Police as the first instance. If the data subject wishes to file a complaint regarding the Danish National Police’s decision, the data subject can file a complaint to the Danish DPA.

- a. Among those, number of requests for deletion that resulted in deletion:

The Danish DPA is not aware of the exact number, since the DPA will not necessarily be informed whether a request cf. question number 6 has resulted in deletion. Only in cases where the data subject files a complaint regarding the national Police’s decision, the Danish DPA will be informed of the outcome of the request.

7. Number of handled cases of cooperation between DPAs:

The Danish DPA has handled one case in cooperation with another DPA in the reporting period.

- b. Among those, number of cases which outcome was data deletion: 0

8. Number of inspection actions performed:

The Danish DPA carried out an inspection in December 2018. This inspection also included following up on previous inspections and decisions.

9. Raising awareness activity:

The Danish DPA updated and elaborated on the information about SIS II on the Danish DPA’s website in both Danish and English.

10. Link for Schengen information in the DPA website:

Danish:<https://www.datatilsynet.dk/internationalt/schengen-samarbejdet-sis>

English:<https://www.datatilsynet.dk/english/schengen-information-system>

11. Any relevant case-law: -

12. Any other relevant activity: -

8. REPUBLIC OF ESTONIA

1. **Country:** Estonia
2. **Name of the DPA:** Estonian Data Protection Inspectorate
3. **Legal provisions implementing SIS II framework (short description):**
 National register of SIS is regulated in Police and Border Guard Act §§ 20- 25 and by a statute governing its maintenance. The data subject has to send an application to the Estonian Police and Border Guard Board (PBGB, the controller) or to the Estonian Data Protection Inspectorate (DPI) in order to request access, correct, delete or obtain information. The application must entail at least the applicant's name, date of birth, citizenship, signature, copy of an identification document, the nature and circumstances of the application. Estonian citizens and e-residents can provide a digital signature to their application. In other cases, the data subject has to provide a handwritten signature. There are no other distinctions regarding a data subject's origin – whether he/she is from Estonia, from another Schengen member state or from a third country. Person receives an answer to his/her application within 30 days. The processes in the PBGB and DPI are free of charge. If the data subject is not satisfied with the PBGB's answers, he/she can file a complaint to the DPI or to the court. If the data subject is not satisfied with the outcome of the procedure in the DPI, he/she can turn to the court. If the data subject wishes to seek compensation for the alert, then he/she has to lodge a complaint to court. Court proceedings are not free.
4. **Number of complaints from data subjects:**
 We note that primarily we dealt with cases where a person wished to access their data (indirectly via DPI), but data subjects did not lodge a complaint if they received what was in the SIS II about them. If in fact there was outdated data in the SIS II, then the data was updated while processing the access request.
5. **Main issues object of complaints:**
 N/A
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** they were primarily access requests - 30
 - a. Among those, number of requests for deletion that resulted in deletion: N/A
7. **Number of handled cases of cooperation between DPAs:** N/A
 - a. Among those, number of cases which outcome was data deletion: N/A
8. **Number of inspection actions performed:**
 We started an inspection on n-SIS in October 2017. The investigation entailed several authorities: we checked the PBGB Sirene bureau, IT and Development

Centre at the Estonian Ministry of the Interior and one border-crossing point (PBGB). At the end of 2017 we conducted several on the spot investigations at said authorities. In January 2018 we sent the PBGB a letter, where we listed the shortcomings of the investigation and made the notion that the PBGB is doing follow-up work on these aspects. The investigation continued in 2018 and 2019.

9. Raising awareness activity:

Estonian DPA concentrates the awareness rising by digital means. The Inspectorate keeps the relevant information and links in our website in three languages (Estonian, English and Russian). The same information is also on the websites of the Police and Border Guard Board (PBGB).

The PBGB also provides this information (along with the inspectorate's contact details) on paper at the border crossing points. In PBGB services and border crossing points information about data subject rights are displayed additionally on the screens.

There is also the opportunity to receive information from the official, call the information phone on weekdays and information can be requested by e-mail. It is the same for the DPI and PBGB.

10. Link for Schengen information in the DPA website:

in Estonian: <https://www.aki.ee/et/teenused-poordumisvormid/paring-rahvusvahelistest-andmebaasidest>

in English: <https://www.aki.ee/en/inspectorate/request-international-database>

in Russian: <https://www.aki.ee/ru/mezhdunarodnye-informacionnye-sistemy>

11. Any relevant case-law:

currently no case law – data subjects generally wish to have access on what personal data about them is entered in SIS – therefore they turn for answers to DPI or PBGB

12. Any other relevant activity:

In September 2018 we had the Schengen Evaluation, but the evaluation did not finalise in 2018 or 2019.

9. FINLAND

1. **Country:** Finland
2. **Name of the DPA:** Office of The Data Protection Ombudsman.
DPA until the end of October 2020 Mr. Reijo Aarnio,
DPA since 2020 November Mrs. Anu Talus
3. **Legal provisions implementing SIS II framework (short description):**

Provisions on the processing of personal data by the police and the legal grounds for the processing relating to the National Schengen Information System are set out in the following laws:

- Act on the Processing of Personal Data by the Police (616/2019, hereinafter the Police Personal Data Act)
- Act on the Processing of Personal Data in Criminal Matters and in Connection with Maintaining National Security (1054/2018, hereinafter the Act on Data Protection in Criminal Matters),

and in the legislative instrument of the Schengen Information System.

4. **Number of complaints from data subjects:** During the years 2018-2019 the Office of the Data Protection Ombudsman has had no complaints from data subjects.
5. **Main issues object of complaints:** Since the Office of the Data Protection Ombudsman has had no complaints, the main issues cannot be listed.
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** The Office of the Data Protection Ombudsman had one indirect access request in 2019, in 2018 no such requests were made. This is probably because According to the Finnish legislation, the DPA handles only a request concerning informant data, personal data in the Schengen Information System concerning discreet surveillance or specific checks, data concerning tactical and technical methods of the police included in the personal data referred to in sections 5 through 8 of the Act on the Processing of Personal Data by the Police, observation or informant data or information used for forensic investigation, or personal data obtained using information gathering methods pursuant to chapter 5 of the Police Act and chapter 10 of the Coercive Measures Act and under section 157 of the Information Society Code.
 - a. Among those, number of requests for deletion that resulted in deletion: None
7. **Number of handled cases of cooperation between DPAs:** During the years 2018-2019 the Office of the Data Protection Ombudsman did not handle any cases in cooperation with other DPAs.
 - a. Among those, number of cases which outcome was data deletion: None
8. **Number of inspection actions performed:** During 2018-2019 the Office of the Data Protection Ombudsman had no inspection actions. This is due to the evaluation made in 2018, which caused a heavy workload and took additional resources.
9. **Raising awareness activity:** During 2018-2019 the Office of the Data Protection Ombudsman had only the normal activity in raising awareness. By normal is meant the advisory activities to the data subjects according to their needs. This mostly includes giving information on how and where they should contact when using their access rights.
10. **Link for Schengen information in the DPA website:** The DPA's website does not (yet) have this information. The information can be found from the

website of the Finnish Police: <https://poliisi.fi/en/data-protection-and-processing-of-personal-data>. The reason for this is that according to the Act on processing of personal data by the Police, the request for scrutiny must be done to the Finnish Police, which is the register keeper.

11. Any relevant case-law: None

12. Any other relevant activity: Following the Council's adoption of Regulation (EU) No 1053/2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis, a team of experts from the Member States and the Commission carried out an evaluation of Finland on the application of the Schengen acquis in the field of data protection in 2018. During the year 2019, the Office of the Data Protection Ombudsman spent resources to carry out the recommendations laid down in the action plan resulting from the 2018 evaluation. These actions include the introduction of the new organizational structure in the beginning of the year 2019. Within the new structure there is also a separate function for the supervision of the law enforcement sector. The other of the new assistant data Protection Ombudsmen is the head of this sector. The law enforcement function has also received additional resources. Therefore, it was possible to start more efficient supervisory activities of the SIS II including regular controls of SIS alerts at earliest in autumn 2019 or no later than the beginning of the year 2020. It also includes the preparation of the multiannual inspection plan. During the year 2019 the Office of the Data Protection Ombudsman also had many questions from third country nationals (especially from Albania) concerning access rights requests and participated in the SIS II ESG meetings in Brussels, Belgium.

10. FRANCE

1. **Number of complaints from data subjects:** The CNIL did not receive any complaint related to the Schengen Information System for the period 2018-2019.
2. **Main issues object of complaints:** N.A.
3. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** The CNIL has received 360 requests from data subject for the exercise of their right for the period 2018-2019.
 - a. Among those, number of requests for deletion that resulted in deletion: statistics not available
4. **Number of handled cases of cooperation between DPAs:** The CNIL has handled 28 cases in cooperation with another DPA for the period 2018-2019.
 - a. Among those, number of cases which outcome was data deletion: statistics not available
5. **Number of inspection actions performed:** No new inspection action has been performed for the period 2018-2019. The CNIL however ensured in

2018 the follow-up and conclusion of the inspection proceedings carried out during the period 2016-2017, considering the measures taken by competent authorities.

6. **Raising awareness activity:** The CNIL has kept updated the information on the Schengen Information System, through a dedicated page on its website.
7. **Link for Schengen information in the DPA website:**
<https://www.cnil.fr/fr/sis-ii-systeme-dinformation-schengen-ii>
8. **Any relevant case-law:** N.A
9. **Any other relevant activity:** within the framework of the exercise of data subjects' rights, the CNIL has undertaken 13 missions for the purpose of verification.

11. GERMANY

1. **Country:** Germany

2. **Name of the DPA:**

- Federal Commissioner for Data Protection and Freedom of Information
- Commissioner for Data Protection and Freedom of Information of Baden-Württemberg
- The Bavarian Commissioner for Data Protection
- Berlin Commissioner for Data Protection and Freedom of Information
- Brandenburg Commissioner for Data Protection and Right of Access Information
- Commissioner for Data Protection and Freedom of Information of the federal state Bremen
- The Hamburg Commissioner for Data Protection and Freedom of Information
- The Hessian Commissioner for Data Protection and Freedom of Information
- Commissioner for Data Protection and Freedom of Information of Mecklenburg Western Pomerania
- Commissioner for Data Protection of Lower Saxony
- Commissioner for Data Protection and Freedom of Information of Northrhine-Westphalia
- Commissioner for Data Protection and Freedom of Information of Rhineland- Palatinate
- Commissioner for Data Protection and Freedom of Information of Saarland
- Commissioner for Data Protection of Schleswig-Holstein

- The Saxon Data Protection Commissioner
- The Data Protection Commissioner of the German Land Saxony-Anhalt
- Commissioner for Data Protection and Freedom of Information of Thuringia

3. Legal provisions implementing SIS II framework (short description):

Council Decision 2007/533/JHA of 12 Juni 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) has been implemented by the Act on the Schengen Information System II (Gesetz zum Schengener Informationssystem der zweiten Generation - SIS-II-Gesetz).

Related provision can be found in the following regulations inter alia:

- Criminal Investigation Act (Bundeskriminalamtgesetz – BKAG).
- Act Regulating the Cooperation between the Federation and the Federal States in Matters Relating to the Protection of the Constitution and on the Federal Office for the Protection of the Constitution (Bundesverfassungsschutzgesetz -BVerfSchG).
- The German Code of Criminal Procedure (Strafprozeßordnung – StPO).

4. Number of complaints from data subjects: (Background: There are a lot of requests regarding the SIS which do not qualify as complaints, for example requests for general information, requests for assistance in access requests or access requests addressed to the DPA, when data subjects are unaware of their right of direct access. The Federal DPA received 85 requests in 2018 and 149 requests in 2019. Only a small fraction of these requests constitute complaints.)

6 at federal level, 1 in Bavaria, 3 in Brandenburg.

5. Main issues object of complaints: Federal DPA: no access within the 60-days-limit; Brandenburg: deletion of alerts on objects, investigation of delayed deletion of an alert on a missing person (with severe consequences on the person concerned)

6. Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA): The German law foresees direct access.

- a. Among those, number of requests for deletion that resulted in deletion: not applicable

7. Number of handled cases of cooperation between DPAs: 6

- a. Among those, number of cases which outcome was data deletion: unknown

8. Number of inspection actions performed: 7 (Federal Criminal Office, Federal Police Head Office, two Federal Police Directorates, Federal

Intelligence Service, Berlin Police Authorities, Thuringian Criminal Head Office)

9. Raising awareness activity: -

10. Link for Schengen information in the DPA website:

General information in English:

https://www.bfdi.bund.de/EN/Europe_International/Europe_content/Schengen_Information_System/Schengen_Information_System.html?cms_templateQueryString=SIS&cms_sortOrder=score+desc

Leaflet to information, correction and deletion rights in English:

https://www.bfdi.bund.de/SharedDocs/Downloads/EN/Datenschutz/Leaflet_SIS.pdf?__blob=publicationFile&v=3

General information in German:

https://www.bfdi.bund.de/DE/Europa_International/Europa/Justizielle_und_polizeiliche_Zusammenarbeit/Polizeiliche_Zusammenarbeit/Schengenerl_nformationssystem-

Allgemeines.html?cms_templateQueryString=SIS&cms_sortOrder=score+desc

Leaflet to information, correction and deletion rights in German:

https://www.bfdi.bund.de/SharedDocs/Downloads/DE/Datenschutz/LeitfadenSIS_Dokument1.pdf?__blob=publicationFile&v=5

11. Any relevant case-law: -

12. Any other relevant activity: set-up of a regular information exchange on SIS inspections between DPAs in the Working Group Security (Subgroup of the so-called Conference of the Independent Data Protection Authorities, which serves as establishment for cooperation and coordination of the German DPAs)

12. GREECE

1 Country: Hellas.

2 Name of the DPA: Hellenic Data Protection Authority.

3 Legal provisions implementing SIS II framework (short description):
No such legal provisions were implemented.

4 Number of complaints from data subjects: 25 in 2018 and 17 in 2019

5 Main issues object of complaints: Request for deletion.

6 Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):

- a. Among those, number of requests for deletion that resulted in deletion: N/A (the data subject's rights are exercised directly to the data controller, i.e. the SIRENE Bureau).

- 7 Number of handled cases of cooperation between DPAs:** None
- a. Among those, number of cases which outcome was data deletion:
N/A
- 8 Number of inspection actions performed:** None
- 9 Raising awareness activity:** Information provided by the HDPAs' website (Guide for exercising the right of access, etc) and the quarterly issued newsletter which is published in that website and cites the more important Decisions (amongst which Schengen related Decisions on request for deletion can be found) delivered by the Board of the HDPAs.
- 10 Link for Schengen information in the DPA website:**
http://www.dpa.gr/portal/page?_pageid=33,126607&_dad=portal&_schema=PORTAL (in Greek)
http://www.dpa.gr/portal/page?_pageid=33,67046&_dad=portal&_schema=PORTAL (in English)
- 11 Any relevant case-law:** None.
- 12 Any other relevant activity:** None

13. HUNGARY

- 1. Country:** Hungary
- 2. Name of the DPA:** Hungarian National Authority for Data Protection and Freedom of Information
- 3. Legal provisions implementing SIS II framework (short description):**
Provisions on the use of SIS II are implemented in Act CLXXXI of 2012 on information exchange within the framework of the Second Generation Schengen Information System. The provisions of the act are normative in Hungary regarding data processing issues in the SIS II.
- 4. Number of complaints from data subjects:** 43 (2018 – 19; 2019 – 24)
- 5. Main issues object of complaints:**
Mainly requests for access, information and deletion of personal data from SIS II
- 6. Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** 42
- a. Among those, number of requests for deletion that resulted in deletion: 0
- 7. Number of handled cases of cooperation between DPAs:** 1
- a. Among those, number of cases which outcome was data deletion: 0
- 8. Number of inspection actions performed:** 10
- 9. Raising awareness activity:** In cooperation with the competent national authorities the DPA launched awareness raising programs and updated the

SIS II and VIS related information (via brochures as well as on its website) during the preparation for the Schengen evaluation of Hungary.

10. Link for Schengen information in the DPA website:

In Hungarian: <http://www.naih.hu/schengeni-informacios-rendszer.html>

In English: <http://www.naih.hu/schengen-information-system.html>

11. Any relevant case-law: -

12. Any other relevant activity:

In 2019 the DPA launched an inspection at the SIRENE Bureau [International Law Enforcement Cooperation Centre – ILECC (Police HQ)] based on its inspection plan for the period of 2018-2019. The DPA checked the conditions of data processing, its method and legal basis, as well as the physical security of the premises. An on-site inspection was conducted at the N.SIS II Office [Deputy State Secretariat for Data Registers (MoI) Department for Schengen Matters and Users Management] the national operator of the N.SIS II as well.

14. ICELAND

1. **Country:** Iceland
2. **Name of the DPA:** The Data Protection Authority (DPA) (Icelandic: Persónuvernd)
3. **Legal provisions implementing SIS II framework (short description):** Act No. 16/2000 on the Schengen Information System in Iceland with later amendments. Regulation No. 112/2001 on the Schengen Information System in Iceland with later amendments.
4. **Number of complaints from data subjects:** No complaints were received during the designated period.
5. **Main issues object of complaints:** N/A.
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** In Iceland the rights of access, correction and deletion are directly exercisable with the data controller, in this case the National Commissioner of the Icelandic Police
 - a. Among those, number of requests for deletion that resulted in deletion: N/A.
7. **Number of handled cases of cooperation between DPAs:** N/A.
 - a. Among those, number of cases which outcome was data deletion: N/A.
8. **Number of inspection actions performed:** A full inspection of the National SIS-II was concluded in June 2018.
9. **Raising awareness activity:** Access to information on the website of the DPA was improved with a new website.
10. **Link for Schengen information in the DPA website:** <https://www.personuvernd.is/information-in-english/greinar/nr/2202>

11. Any relevant case-law: None.

12. Any other relevant activity: IT-staff underwent training in order to gain an understanding of SIS-II.

15. ITALY

1. **Country:** ITALY
2. **Name of the DPA:** Garante per la protezione dei dati personali
3. **Legal provisions implementing SIS II framework (short description):**
Personal data protection code as amended by legislative decree No 101 of 10 August 2018 containing provisions to adapt the national legal system to Regulation (EU) 2016/679, and by legislative decree No 51 of 18 May 2018 containing provisions to adapt the national legal system to directive (EU) 2016/680. There are no specific provisions in place regarding processing of SISII data for police or migration purposes; accordingly, the provisions adopted to implement the Schengen Convention by way of Law No. 388/1993, ratifying and enforcing the protocols to the Schengen Convention, continue to apply insofar as they are not incompatible with SISII Regulation No. 1987/2006 and Decision 2007/533/JHA.
4. **Number of complaints from data subjects:** The Garante has received several complaints during the referred period. It has also received access requests sent as well to the competent national authority.
5. **Main issues object of complaints:** As for the above mentioned complaints, they were mainly related to the exercise of the rights referred to in Article 41 of the Regulation. As for the above mentioned, requests they were mainly dealing with the Article 24 of the Regulation
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** 2018 (39); 2019 (59)
 - a. Among those, number of requests for deletion that resulted in deletion: 2018 (39); 2019 (59)
7. **Number of handled cases of cooperation between DPAs:** 2018 (4); 2019 (9)
 - a. Among those, number of cases which outcome was data deletion: 2018 (1); 2019 (1)
8. **Number of inspection actions performed:** checks on issues have been carried out, the Garante sent the NSIS a specific questionnaire aimed at carrying out audit activities, partly within the framework of the actions to be implemented as part of the 'Follow up on the recommendations resulting from the 2016 evaluation of Italy on the application of the Schengen acquis in the field of data protection'. The replies to that questionnaire were assessed initially to highlight any areas that were found not to be fully in line

with the applicable legislation and the relevant principles. Following this initial assessment, a meeting took place at the premises of the NSIS which allowed identifying possible improvements in the audited procedures, also with regard to application of Directive (EU) 2016/680. Further in-depth evaluations of the replies obtained via the said questionnaire were carried out thereafter, partly in order to develop an annual workplan of the inspections to be performed at police offices. As part of the Garante's standard administrative activities, checks are regularly carried out following requests for access, verification, rectification and possibly erasure sent by the data subjects directly to the Garante's offices.

9. **Raising awareness activity:** The Garante prepared an information note on the SIS, including helpful guidance for data subjects (how to exercise data subjects' rights, national competent Schengen authority, addresses and links to the official websites). The guidance is available on the Garante's website both in Italian and in English. The same information is also available as a printed leaflet that can be obtained from the Garante's Front Desk or mailed upon request.
10. **Link for Schengen information in the DPA website:**
<https://www.gdpd.it/web/guest/schengen>
11. **Any relevant case-law:** None
12. **Any other relevant activity:** Activities performed for the Schengen evaluation of Italy in the field of data protection which took in place in March 2016.

16. LATVIA

1. **Country:** Latvia
2. **Name of the DPA:** Data State Inspectorate
3. **Legal provisions implementing SIS II framework (short description):**
The national system and SIRENE Bureau is set up by the "Law on Operation of the Schengen Information System" and the following regulations adopted by the Cabinet of Ministers:
 - Cabinet Regulations No.639 "Procedures for the Entering, Correction and Deletion of Alerts in the Schengen Information System, as well as Ensuring Accessibility of Supplementary Information between the SIRENE Latvia Bureau and Procedures for the Exchange of Supplementary Information of Institutions and Authorities" adopted 18.09.2007;
 - Cabinet Regulations No.622 "Procedures for the Request and Issue of Information Regarding a Data Subject that is kept in the Schengen

Information System and the SIRENE Information System” adopted 11.09.2007.

4. **Number of complaints from data subjects:** none
5. **Main issues object of complaints:** none
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** none
 - a. Among those, number of requests for deletion that resulted in deletion
7. **Number of handled cases of cooperation between DPAs:** none
 - a. Among those, number of cases which outcome was data deletion:
8. **Number of inspection actions performed:**

Inspection of the data processing operations in N.SIS II was carried out in accordance with international auditing standards (Article 60:2 of the Council decision 2007/533/JHA) and Article 44:2 of the Regulation (EC) No 1987/2006). Inspection was finished on 02.08.2019. It was based on ISO 27000, standards by SIS II Supervision Coordination Group and national standards.

In addition on site inspections with the State Police and State Borderguard where carried out.
9. **Raising awareness activity:**

Data State Inspectorate concentrates the awareness rising by digital means. The Inspectorate keeps the relevant information and links in our website in two languages (Latvian and English).
10. **Link for Schengen information in the DPA website:**

<https://www.dvi.gov.lv/lv/datu-aizsardziba/privatpersonam/personas-dati-sengenaisformacijas-sistema/> in Latvian

<https://www.dvi.gov.lv/en/personal-data-protection-2/international-cooperation/personal-data-in-schengen-information-system-sis-ii/> in English
11. **Any relevant case-law:** N/A
12. **Any other relevant activity:**

National expert from the Latvian DPA was nominated to a Schengen evaluation mission in accordance with the Council Regulation (EU) no. 1053/2013 SIS II SCG - Activity Report 2016-2017 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen.

17. LIECHTENSTEIN

1. **Country:** Liechtenstein
2. **Name of the DPA:** Data Protection Authority (www.datenschutzstelle.li)
3. **Legal provisions implementing SIS II framework (short description):**
The Regulation (EC) No 1987/2006 (SIS II Regulation) and the Council Decision 2007/533/JHA (SIS II Decision) have been implemented in Liechtenstein in a separate Ordinance, the N-SIS-Ordinance. It is based on the Police Act and the Foreigner Act.
4. **Number of complaints from data subjects:** 0
5. **Main issues object of complaints:** N/A
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** 0, The rights of access, correction and deletion will be exercised directly at the national police.
 - a. Among those, number of requests for deletion that resulted in deletion N/A
7. **Number of handled cases of cooperation between DPAs:** 0
 - a. Among those, number of cases which outcome was data deletion: N/A
8. **Number of inspection actions performed:** full SIS II inspection initiated in 2019
9. **Raising awareness activity:** 0
10. **Link for Schengen information in the DPA website:**
<https://www.datenschutzstelle.li/internationales/schengendublin>
11. **Any relevant case-law:** -
12. **Any other relevant activity:** Participation in Schengen evaluation in Slovenia in 2018.

18. LITHUANIA

1. **Country:** Lithuania
2. **Name of the DPA:** State Data Protection Inspectorate of the Republic of Lithuania (SDPI)
3. **Legal provisions implementing SIS II framework (short description):**
Council Decision 2007/533/JHA and Regulation 1987/2006 are applicable. In addition, there are Lithuanian national Schengen Information System regulations, approved by the Order No 1V-324 of 17 September 2007 by the Minister of Interior (latest version 29/05/2018), Data security regulations of some registers and state information systems managed by the Ministry of the Interior of the Republic of Lithuania approved by the Order No 1V-883 of 22 December 2017 by the Minister of the Interior.
4. **Number of complaints from data subjects:** 0

5. Main issues object of complaints: N/A**6. Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):**

In Lithuania the rights of access, correction and deletion are directly exercisable with the data controller, in this case the Ministry of Interior. In 2018 and 2019 Ministry of Interior has received total of 47 (forty-seven) requests of the access to personal data. In 2018 — 8 (eight) requests of access to personal data, in 2019 — 39 (thirty-nine) requests of access to personal data.

a. Among those, number of requests for deletion that resulted in deletion: In 2018 and 2019 Ministry of Interior has received a total of 12 (twelve) requests from individuals for the correction and deletion of personal data processed in SIS II: In 2018 — 6 (six) requests; In 2019 — 6 (six) requests. Following the processing of requests from data subjects for the deletion of data processed in SIS II, the data were deleted: in 2018.

- according to 4 (four) requests; 2019 — according to 4 (four) requests. Personal data have been deleted by the competent authorities of other Member States who have entered the alerts in SIS II.

7. Number of handled cases of cooperation between DPAs: 0

a. Among those, number of cases which outcome was data deletion: N/A

8. Number of inspection actions performed: 1**9. Raising awareness activity:**

Information regarding Schengen is available on the SPDI website, General Information about personal data protection in the Schengen area, as well as A Guide for Exercising the Right of access, legal information, institutions responsible for the execution of functions according to the Schengen acquis, model forms of Request for access, correction and deletion and other relevant information is published.

10. Link for Schengen Information in the DPA website:

<https://vdai.lrv.lt/sengeno-prieziuros-koordinavimo-grupe> (In Lithuanian)

<https://vdai.lrv.lt/en/darbo-grupes-eng/schengen-supervision-coordination-group> (In English)

11. Any relevant case-law: none**12. Any other relevant activity: none****19. LUXEMBOURG****1. Country: LUXEMBOURG**

2. **Name of the DPA:** Commission Nationale pour la Protection des Données (CNPD)
3. **Legal provisions implementing SIS II framework (short description):**
There is no specific national legislation implementing SIS II framework. Council Decision 2007/533/JHA, Regulation 1987/2006 and the national Act of 1 August 2018 on the protection of individuals with regard to the processing of personal data in criminal and national security matters are applicable.
4. **Number of complaints from data subjects:** None
5. **Main issues object of complaints:** n/a
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** n/a
 - a. Among those, number of requests for deletion that resulted in deletion: n/a
7. **Number of handled cases of cooperation between DPAs:** None
 - a. Among those, number of cases which outcome was data deletion: n/a
8. **Number of inspection actions performed:** 1
 - The CNPD carried out a follow-up on its action plan to remedy the deficiencies identified during the Schengen Evaluation
9. **Raising awareness activity:** n/a
10. **Link for Schengen information in the DPA website:**
<https://cnpd.public.lu/fr/commission-nationale/activites-eur-inter/ACC/SIS-II-SCG.html>
11. **Any relevant case-law:** None
12. **Any other relevant activity:** n/a

20. MALTA

1. **Country:** Malta
2. **Name of the DPA:**
The Office of the Information and Data Protection Commissioner is the designated national supervisory authority responsible for supervising the law enforcement authorities and monitoring the lawfulness of the processing of personal data in SIS on the Maltese territory, its transmission from the Maltese territory and the exchange and further processing of supplementary information on the Maltese territory.
3. **Legal provisions implementing SIS II framework (short description):**
As from the 28th May 2018, the national applicable data protection legislation is the Data Protection (Processing of Personal Data by Competent Authorities for the Purposes of the Prevention, Investigation, Detection or Prosecution of Criminal Offences of the Execution of Criminal Penalties) Regulations, which transpose the provisions of Directive 2016/680.

- 4. Number of complaints from data subjects:**
No complaints were received during the period under review.
- 5. Main issues object of complaints:** Not applicable.
- 6. Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** -
- 7. Number of handled cases of cooperation between DPAs:**
There were no specific cases involving cooperation with other DPAs during the period under review.
 - a. Among those, number of cases which outcome was data deletion: none
- 8. Number of inspection actions performed:**
No inspections were carried out during the period under review.
- 9. Raising awareness activity:**
The DPA has a specific page on its website, which provides information on the SIS.
- 10. Link for Schengen information in the DPA website:**
The IDPC's website may be accessed: <https://idpc.org.mt/for-individuals/exercise-your-rights-for-sis-ii/>
- 11. Any relevant case-law:**
Not applicable.
- 12. Any other relevant activity:** Not applicable.

21. NORWAY

- 1. Country:** Norway
- 2. Name of the DPA:** Datatilsynet/ The Norwegian Data Protection Authority
- 3. Legal provisions implementing SIS II framework (short description):**
The Act relating to the Schengen Information System of 16 July 1999 no. 66 (as amended by the Act of 22 June 2018 that entered into force on 1 November 2018).
- 4. Number of complaints from data subjects:** N/A
- 5. Main issues object of complaints:** N/A
- 6. Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** In 2018-2019, the Norwegian DPA has received 54 requests for access, correction or deletion. Requests are forwarded to the Norwegian NCIS (Kripos).
 - a. Among those, number of requests for deletion that resulted in deletion
- 7. Number of handled cases of cooperation between DPAs:** 0
 - a. Among those, number of cases which outcome was data deletion:
- 8. Number of inspection actions performed:** N/A
- 9. Raising awareness activity:** Information on DPA website

10. Link for Schengen information in the DPA website:

<https://www.datatilsynet.no/en/regulations-and-tools/internasjonalt/schengen-information-system/>

11. Any relevant case-law: N/A**12. Any other relevant activity:** N/A

22. THE NETHERLANDS

1. Country: The Netherlands**2. Name of the DPA:** The Dutch Data Protection Authority (Autoriteit Persoonsgegevens)**3. Legal provisions implementing SIS II framework (short description):**

In the Netherlands the N.SIS II is considered a police data processing to which the Police Data Act (Wet politiegegevens) and the Police Data Decree (Besluit politiegegevens) are applicable. To the national data leading to a SIS alert the Police Data Act is applicable in case of law enforcement related alerts and the GDPR and the Implementing Act of the GDPR in case of migration related alerts.

Procedural law applicable to filing requests to the competent or supervisory authority, and submitting cases to the court are the General Administrative Law Act and the Police Data Act. The controller of the NSIS is the Chief of the Police of the Dutch police. The right of access to one's data in N.SIS II is exercised directly. The right of access is provided for in Article 25 Police Data Act. Remedies available are: appeal (objection procedure) at the data controller, appeal at the district court, the right to file a complaint or a request for mediation at the Data Protection Authority before taking it to a district court.

4. Number of complaints from data subjects: 0 complaints. In December 2018 the DPA has only received a request for mediation.**5. Main issues object of complaints:** The mediation concerned a misused identity within SIS, as the victim appeared to have the same name and date of birth as the alerted person in SIS. In cooperation with the privacy officer of the Dutch Police the case was analysed. It was concluded that the victim's fingerprints and photo were not attached to the alert, according to Article 51 SIS II Decision. As a consequence the victim was detained longer than necessary at the borders of France and UK. The case was solved by attaching the victim's photo and fingerprints to the alert. Delay at the border, although not completely vanished, should be minimized for the victim by this action. A meeting to discuss the DPA's findings with the victim and his attorney, together with the privacy officer of the Dutch Police has taken place.

6. Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):

As stated in point 3, the right of access to one's data in N.SIS II is exercised directly at the data controller, which is the Dutch Police. The Dutch DPA only forwards requests for access or deletion, when received, to the competent authority, the Dutch Police. This happened occasionally in both 2018 and 2019. In 2018 the competent authority for handling data subject's requests, the privacy officer of the Central Unit of the Dutch Police, received a total of 1150 requests. In 2019 the total amount was: 1937 requests. Due to a change of IT systems the requests could not be specified.

- a. Among those, number of requests for deletion that resulted in deletion: no information available, see also under point 6

7. Number of handled cases of cooperation between DPAs: 1

May 2018 the French DPA, in response to the reception of a data subject's request for access to SIS information, contacted the Dutch DPA to verify the validity of a SIS alert.

- a. Among those, number of cases which outcome was data deletion: 0

8. Number of inspection actions performed:

In 2016-2017 the Dutch DPA started enforcement actions following an inspection of data processing by the Dutch National Police in N.SIS II, performed in 2015. A number of issues regarding security and training were addressed by the National Police by taking measures of compliance. However, one issue concerning logging obligations remained and finally the DPA imposed an order backed by a periodic penalty payment in order to achieve compliance. November 2018, the DPA concluded that the measures taken by the Dutch Police were not sufficient yet and therefore imposed a second order, backed by a periodic penalty payment. Finally, in February 2019 the DPA concluded that the measures taken by the Dutch Police, after the second order, were sufficient.

In its work program 2016-2018, the SIS II SCG decided to carry out a study on logging to the SIS II at national level. The study aimed at providing an overview of the retention period for logs, on whether the competent authorities perform log analysis and, if so, how the analysis is performed. The objective was to ensure that logs are kept and used in accordance with Article 12 as well as other data protection principles in the SIS II Decision¹ and Regulation, the SIRENE Manual and the applicable national legislation. A questionnaire was developed to collect information at national level on the content, management, retention period and users of logs as well as on auditing and monitoring policy. In 2018, the Dutch DPA carried out this questionnaire "Logging at national level", and submitted the answers to the SIS II SCG.

9. Raising awareness activity: Activities related to awareness are given in continuity, thus also during the reporting period. In this light the Dutch Police provides information and guidelines on the use of information to all employees, including the SIRENE Bureau, on a regular basis. At the Police Academy and during technical training courses, further explanation (about Police Data Act and on information security in general) is given to employees. The CISO actively participates in awareness campaigns to increase awareness about information security in general. In these campaigns different instruments are used, a.o. e-learning.

Moreover, all work instructions, legislation and information, including on privacy, are electronically available for all personnel and is kept up to date. The NL DPA is not involved in the setting up of information or training as this is the responsibility of the authorities involved.

10. Link for Schengen information in the DPA website:

<https://autoriteitpersoonsgegevens.nl/en/contact-dutch-dpa/exercising-your-rights-sis-ii-vis>

11. Any relevant case-law: N/A

12. Any other relevant activity: The Dutch DPA participated in the Schengen Evaluations of Finland (June 2018), Ireland (November 2018) and Cyprus (November 2019).

23. POLAND

1. **Country:** Poland
2. **Name of the DPA:** Personal Data Protection Office (Urząd Ochrony Danych Osobowych)
3. **Legal provisions implementing SIS II framework (short description):**
The Act on the participation of the Republic of Poland in the Schengen Information System and the Visa Information System sets out the rules and implementing measures for the participation of the Republic of Poland, including public authorities' obligations and rights which concern making entries and access to data in the SIS and VIS via the National Information System. Moreover, the processing of personal data under SIS II by PL authorities is governed by the Act on the protection of Personal Data processing with regard of prevention and combating criminal offences.
4. **Number of complaints from data subjects:** 1
5. **Main issues object of complaints:** The Polish SA has mainly received incorrectly addressed requests for access, correction and deletion which were forwarded to the competent authority in accordance with art. 65 of the Code of Administrative Procedure.

6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** n/a (see above)
 - a. Among those, number of requests for deletion that resulted in deletion
7. **Number of handled cases of cooperation between DPAs:** 5
 - a. Among those, number of cases which outcome was data deletion: 1
8. **Number of inspection actions performed:** 7
9. **Raising awareness activity:** -
10. **Link for Schengen information in the DPA website:**
<https://uodo.gov.pl/en/577>
11. **Any relevant case-law:** -
12. **Any other relevant activity:** One of the most important activity in Poland related to SIS was the Schengen evaluation in the field of data protection which was carried out in March 2019. Furthermore, experts designated by UODO have also participated in missions that were carried out in other Member States.

24. PORTUGAL

1. **Country:** PORTUGAL
2. **Name of the DPA:** Comissão Nacional de Proteção de Dados (CNPD)
3. **Legal provisions implementing SIS II framework (short description):**
 The timeframe 2018/2019 was a period of transition from the 1998 Data Protection Act (Law 67/98, of 26 October), which was applicable to the SIS data processing and covered all competent authorities with access to the SIS, to the General Data Protection Regulation (GDPR), applicable as from 25th of May 2018 for certain purposes covered by the SIS II Regulation, and the national law transposing Directive 2016/680 (Law 59/2019, of 8 August), applicable as from 9 August 2019 for the data processing covered by SIS II Decision.
 Additionally, there is Law 2/94 establishing the control and verification mechanisms for the SIS, which is still applicable to the SIS II legal framework with the necessary adjustments. This law sets the DPA as the national control authority entrusted with the supervision of the national part of the SIS; it provides for an indirect right of access, rectification and deletion via the DPA and it lays down (shorter) deadlines to reply to the requests of the individuals.
4. **Number of complaints from data subjects:** 0
5. **Main issues object of complaints:** not applicable
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** total of 212 requests (2018 - 123; 2019 - 89), among which 2 requests for rectification (1 each year) and 15

requests for deletion (8 in 2018 and 7 in 2019, among those in 1 case the data was deleted).

7. Number of handled cases of cooperation between DPAs:

a. Cooperation in 1 case;

8. Number of inspection actions performed: 1

9. Raising awareness activity: standing communication with NGO's providing assistance to immigrants, to refer them to our Front Office where information is given and assistance provided to submit requests for exercising the rights.

10. Link for Schengen information in the DPA website:

In Portuguese: <https://www.cnpd.pt/bin/direitos/schengen.htm>

In English: <https://www.cnpd.pt/english/bin/schengen/schengen.htm>

In French: <https://www.cnpd.pt/francais/bin/Droit/droit.htm>

11. Any relevant case-law: none of our knowledge

12. Any other relevant activity: nothing to report

25. ROMANIA

1. Country: Romania

2. Name of the DPA: Autoritatea Națională de Supraveghere a Prelucrării Datelor cu Caracter Personal (National Supervisory Authority for Personal Data Processing)

3. Legal provisions implementing SIS II framework (short description):

The legal provisions implementing SIS II framework is formed of Law no. 141 of 12th of July 2010 on the setting up, organisation and functioning of the National Information System for Alerts (NISA) and participation of Romania to the Schengen Information System, republished.

Law no. 141/2010 regulates the organization and operation of the National Information System for Alerts compatible with the SIS II. The above-mentioned law establishes also the authorities responsible for the technical management and ensuring the optimal conditions for the exploitation of NISA and of the national copy of SIS, the categories of data being processed, the principles and areas covered by the security measures required for the proper functioning of the system.

Law no. 141/2010 also provides for general rules for processing, storing and accessing data on alerts, including aspects specific to the personal data protection field.

The rights of the data subject in the context of the processing of personal data in this system are exercised according to the legal provisions regulating the personal data protection field, with some exceptions expressly provided by the Law no. 141/2010.

4. Number of complaints from data subjects: 2 complaints

5. Main issues object of complaints:

The first petitioner addressed the Romanian Supervisory Authority with the request for the deletion of an alert introduced in SIS II by the competent authority of another Member State. In this context, the petitioner was informed that it is necessary to exercise his rights by submitting a request to the SIRENE Bureau, thus providing the contact details of this institution.

The second complaint was referring to the introduction of an alert in SIS II by the competent authority of another Member State concerning an alleged forgery of identity documents, in the context of the rewriting of driving licenses. The petitioner was informed that, since the petitioner did not provide any evidence of his allegations and of the steps taken to resolve the claims, the supervisory authority established that no reasons were given for the institution to start an investigation. At the same time, the petitioner was informed that he can address the competent authority from the other Member State, by providing its contact details.

6. Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):

- a. Among those, number of requests for deletion that resulted in deletion

The right of access in Romania is direct. However, the Romanian Data Protection Authority received 1 access request in 2018 and 5 access requests in 2019. In all the cases, the data subject was advised to address the SIRENE Bureau.

7. Number of handled cases of cooperation between DPAs:

- a. Among those, number of cases which outcome was data deletion:
There were no cases.

8. Number of inspection actions performed:

No inspections related to SIS II were performed.

9. Raising awareness activity:

Information and other relevant documents such as the "Guide for exercising the right of access" are posted on the data protection authority's website.

10. Link for Schengen information in the DPA website:

<https://www.dataprotection.ro/?page=schengen&lang=ro>

<https://www.dataprotection.ro/index.jsp?page=schengen&lang=en>

11. Any relevant case-law:**12. Any other relevant activity:****26. SLOVAKIA**

1. **Country:** Slovak Republic

2. **Name of the DPA:** Office for Personal Data Protection of the Slovak Republic

3. Legal provisions implementing SIS II framework (short description):

Following legal acts govern competencies of law enforcement authorities, courts and authorities responsible for issuing visas:

- Act No. 171/1993 Coll. on the Police Force
- Act No 301/2005 Coll. on Criminal Procedure
- Act No. 154/2010 Coll. on the European Arrest Warrant
- Act No. 404/2011 Coll. on Stay of the Foreigners

4. Number of complaints from data subjects: None.**5. Main issues object of complaints:** None.**6. Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):**

- a. Among those, number of requests for deletion that resulted in deletion: None.

7. Number of handled cases of cooperation between DPAs:

- a. Among those, number of cases which outcome was data deletion: None.

8. Number of inspection actions performed: 2018- 2 inspections (SIRENE, Ministry of Interior of the Slovak Republic), 2019- 1 inspection (SIRENE)**9. Raising awareness activity:** Publication of new bulletins for the public available on various places (DPA, police stations, airports...) in various languages (Slovak, French, English, Hungarian)**10. Link for Schengen information in the DPA website:**

<https://dataprotection.gov.sk/uouu/en/content/data-subjects-rights-schengen-information-system>

11. Any relevant case-law: With regard to Slovak Republic there is no relevant case-law.**12. Any other relevant activity:** None.**27. SLOVENIA****1. Country:** Slovenia**2. Name of the DPA:** Information Commissioner**3. Legal provisions implementing SIS II framework (short description):** Regulation (EC) 1987/2006 – "SIS II Regulation", Council Decision 2007/533/JHA-"SIS II Decision".

The process of exercising the right to consult one's own personal data in Slovenia is regulated in accordance with the Personal Data Protection Act (Articles 30 and 31) and the Information Commissioner Act. In the conformity with Article 32 of the Personal Data Protection Act, the controller (the Police) must on the request of an individual to whom personal data

relate, supplement, correct, block or erase personal data contained in the SIS which the individual proves as being incomplete, inaccurate or not up to date, or that they were collected or processed contrary to statute.

4. **Number of complaints from data subjects:** In period 2018-2019 we received two complaints.
5. **Main issues object of complaints:** Denied access to SIS II data.
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** / (Police jurisdiction)
 - a. Among those, number of requests for deletion that resulted in deletion:
7. **Number of handled cases of cooperation between DPAs:** /
 - a. Among those, number of cases which outcome was data deletion:
8. **Number of inspection actions performed:** 3
9. **Raising awareness activity:** All information about SIS II is published on the Information Commissioner and the Police websites.
10. **Link for Schengen information in the DPA website:** <https://www.ip-rs.si/en/data-protection/schengen-information-system/>
11. **Any relevant case-law:** /
12. **Any other relevant activity:** Schengen evaluation in the field of data protection was carried out in Slovenia in May 2019.

28. SPAIN

1. **Country:** SPAIN
2. **Name of the DPA:** AGENCIA ESPAÑOLA DE PROTECCIÓN DE DATOS (SPANISH DATA PROTECTION AGENCY)
3. **Legal provisions implementing SIS II framework (short description):**
The fundamental legal framework supported by SIS II consists of four rules:
 - Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large Computer Systems in the Freedom Area, Security and Justice (eu-LISA), amending Council Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011 (OJ L 295, 21.11.2018, pp. 99-137).
 - Regulation (EU) 2018/1861 of the European Parliament and of the Council, 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border facilities amending the Convention implementing the Schengen

Agreement and amending and repealing Regulation (EC) No 1987/2006 (OJ L 312, 7.12.2018, pp. 14-55).

- Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of irregularly located third countries (OJ L 312, 7.12.2018, pp. 1-13).
- Regulation (EU) 1986/2006 of the European Parliament and of the Council of 20 December 2006 on access to the second generation Schengen Information System (SIS II) by the services of the Member States competent for the issuance of vehicle registration certificates.

4. Number of complaints from data subjects:

There is a complaint regarding an entry in SIS II, that only has the name and year of birth. It does not contain additional information so it may not meet the legal requirements for insertion.

There is another complaint regarding the exercises of rights, requesting the cancellation of a sign of a ban on entry into the Schengen area introduced by a Spanish authority.

5. Main issues object of complaints:

Request for cancellation related to Article 24.

6. Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):

One request for cancellation has been received at the Agency concerning the data of Article 24 (foreigners with entry ban).

7. Number of handled cases of cooperation between DPAs:

There is a case in which the Portuguese Authority requested the agency to collaborate.

8. Number of inspection actions performed:

Four inspections actions have been carried out in:

- Foral Police of Navarra,
- Basque Government. Security department. Ertzainza.
- Deputy Directorate of Customs Surveillance.
- Directorate-General for Traffic.

With regard to other actions, information has been requested from the SIRENE Office in order to process the requirements.

9. Raising awareness activity:

No relevant activities

10. Link for Schengen information in the DPA website:

<https://www.aepd.es/es/internacional/supervision-de-grandes-sistemas/sistema-de-informacion-schengen-sis>

11. Any relevant case-law:

No evidence of relevant case-law.

12. Any other relevant activity:

No particular activity has been reported

29. SWEDEN

1. **Country:** Sweden
2. **Name of the DPA:** Datainspektionen (the Swedish Data Protection Authority) (will change as of 1 January 2021 to Integritetsskyddsmyndigheten)
3. **Legal provisions implementing SIS II framework (short description):**
The Act (2000:344) on the Schengen Information System and a related Government Ordinance (2000:836) on the Schengen Information System. They implement the Council Decision 2007/533/JHA and include provisions on alerts, right of access and more regarding the Schengen Information System in those parts that are not regulated by the directly applicable EU Regulation 1987/2006 on SIS II.
4. **Number of complaints from data subjects:** 9 complaints, out which 6 should have been addressed to the Police in line with the scheme of direct exercise of rights that apply in Sweden.
5. **Main issues object of complaints:** request for access and deletion
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):**
 - a. Among those, number of requests for deletion that resulted in deletion N/A
7. **Number of handled cases of cooperation between DPAs:** ---
 - a. Among those, number of cases which outcome was data deletion: ---
8. **Number of inspection actions performed:** No inspections were carried out.
9. **Raising awareness activity:** Information on DPA website with relevant links in English and Swedish
10. **Link for Schengen information in the DPA website:**
<https://www.datainspektionen.se/om-oss/internationellt-arbete/eus-informationssystem/schengens-informationssystem--sis-ii/>
11. **Any relevant case-law:** A decision from the Administrative Court of Appeal in Stockholm in September 2019 regarding a lifetime ban on entry into Sweden from 1979 which had resulted in an alert in the SIS when Sweden joined the Schengen cooperation in 2001. The alert still remained and the Police refused to delete it. The Administrative Court of Appeal however decided that the alert should be deleted due to the fact that a long time had

passed since the crime, that was the reason for the entry ban, was committed and also based on the far reaching consequences that the alert had. The Swedish DPA was consulted in the case and pointed at the obligation to review every three years whether there is reason to keep an alert in the SIS.

12. Any other relevant activity: ---

30. SWITZERLAND

1. **Country:** Switzerland
2. **Name of the DPA:** Federal Data Protection and Information Commissioner FDPIC
3. **Legal provisions implementing SIS II framework (short description):**
Federal level: The federal authorities that process personal data in the SIS must comply with the following rules:
 - The directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA
 - The directly applicable provisions of the Schengen Convention (Title IV, particularly Chapter 3), the relevant EU legislation part of the Schengen acquis⁸ of which Switzerland has been notified, the relevant acts of the Council of Europe, especially the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, CETS No. 108 (28.I.1981) and its Additional Protocol regarding Supervisory Authorities and Transborder Data Flows CETS No. 181 (8.XI.2001);
 - The Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second-generation Schengen Information System (SIS II) and the Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II, SIS II Decision)

⁸ According to Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (See <https://www.admin.ch/opc/fr/classifiedcompilation/20042363/index.html>).

- Art. 13 of the Federal Constitution of the Swiss Confederation of 18 April 1999;
- The Federal Act on Data Protection of 19 June 1992 (FADP) and of the Ordinance of 14 June 1993 to the Federal Act on Data Protection (OFADP)⁹;
- Federal law on data protection in the context of the application the Schengen acquis in criminal matters (Schengen Data Protection Act, SDPA)¹⁰;
- Art. 16 of the Federal Act on the Information Systems of the Federal Police of 13 June 2008 (FPISA) and Art. 355e of the Swiss Criminal Code of 21 December 1937 (CC);
- Federal Act of 12 June 2009 on Information Exchange between the Criminal Prosecution Authorities of the Confederation and those of Other Schengen States (Schengen Information Exchange Act, SIEA);
- The Ordinance on the National Part of the Schengen Information System and on the SIRENE Bureau of 8 March 2013 (N-SIS Ordinance).

Cantonal level: With the exception of the Federal Act on Data Protection (FADP) and the Schengen Data Protection Act (SDPA) and the corresponding Ordinance (OFADP), the cantonal and local Authorities that process personal data in the SIS must comply with the same rules as the federal authorities. Instead of the FADP, the SDPA and OFADP, the cantons apply their own cantonal data protection legislation.

4. **Number of complaints from data subjects:** The FDPIC did not receive any complaint but different questions and or requests of access and/or deletion. The FDPIC forwarded the requests of access and deletion to the competent federal office and answered directly to the questions asked.
5. **Main issues object of complaints:** cf. answer 4.
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** in Switzerland, the federal office of police (fedpol) is the competent office for the requests.
 - a. Among those, number of requests for deletion that resulted in deletion
7. **Number of handled cases of cooperation between DPAs:**
 - a. Among those, number of cases which outcome was data deletion: none.
8. **Number of inspection actions performed:**
On **federal level**, the FDPIC performed the following inspections:

⁹ This law is currently being revised.

¹⁰ This law entered into force on 1st March 2019 and implements the directive (EU) 2016/680. It will be replaced by the revised data protection law with its entering into force.

- The FDPIC finished two controls at the state secretariat for migration (SEM), one concerning the VIS and one concerning the SIS.
- The FDPIC made an inspection of the SIRENE-Bureau Switzerland.

The **cantonal** data protection authorities also performed several inspections, mostly concerning the control of log files at end users of the SIS.

Raising awareness activity: Keeping the website of the FDPIC up-dated including a factsheet on “Schengen and your personal data”, model letters, a document offering an overview of the legal basis for the supervisory authorities. Information in the annual activity report of the FDPIC. Mutual links are provided between the FDPIC and the federal office of police, State Secretariat for migration and federal Department of foreign affairs.

Most of the cantonal authorities have a direct link to SIS II related information.

Link for Schengen information in the DPA website:

<https://www.edoeb.admin.ch/edoeb/en/home/data-protection/police--defence-and-migration/the-schengen-agreement-and-the-dublin-regulation.html>

or: www.edoeb.admin.ch → en → Schengen/Dublin

Link to the different cantonal websites:

<https://www.privatim.ch/de/privatim/>

9. Any relevant case-law: none

10. Any other relevant activity: none

PART III - The Management authority (eu-LISA)

1. **Management authority:** As the management authority for SIS II, eu-LISA is in charge of ensuring that at all times the best available technology, subject to a cost-benefit analysis, is used for Central SIS. Operational management of Central SIS II consists of all the tasks necessary to keep Central SIS II functioning 24 hours a day, seven days a week in accordance with the SIS II legal framework, in particular the maintenance work and technical developments necessary for the smooth running of the system.
2. **Name of the DPA:** European Data Protection Supervisor
3. **Legal provisions implementing SIS II framework (short description):** The SIS II Regulation and Decision describe the role of eu-LISA as management authority for the central unit of SIS II; the same texts also provide for the EDPS' role regarding the SIS II. The general tasks and powers of the EDPS are set out in Regulation (EU) 2018/1725, which replaced Regulation (EC) 45/2001 in late 2018.
4. **Number of complaints from data subjects:** 7 – NB: these complaints were all about issues falling into the responsibilities on the national level (e.g. alleging unlawful entry bans or unsatisfactory replies to access requests) and thus were outside our competence to investigate. We referred complainants to the national competent authorities and/or DPAs as appropriate.
5. **Main issues object of complaints:** The EDPS has received a number of complaints concerning different kinds of alerts in the SIS. Mostly these were entry bans under Article 24 of the SIS Regulation, which applicants found out about when visa were refused because of the alerts. Alerts are introduced by national competent authorities, complaints against specific alerts should be lodged with national DPAs (similar to the rules on challenging the underlying national decision leading to the alert). We normally referred complainants to the SIS SCG guide on access for contact details of national DPAs; where the information provided by the complainant already included information on which Member State introduced the alert, we also directly referred complainants to that Member State's DPA.
6. **Number of requests for access, correction and deletion (when these rights are exercised indirectly via DPA):** n/a
 - a. Among those, number of requests for deletion that resulted in deletion n/a
7. **Number of handled cases of cooperation between DPAs:** 0
 - a. Among those, number of cases which outcome was data deletion: 0
8. **Number of inspection actions performed:** During the reporting period, the EDPS conducted an inspection of the SIS II central unit, focusing on several areas of information security management and on the retention periods of data processing. The final inspection report was sent to eu-LISA, the European Parliament, the Council, the European Commission and the national DPA shortly after the reporting period.
9. **Raising awareness activity:** Not specifically on the operational management of SIS II; however, the EDPS drew the co-legislators attention to issues in the legislative proposals for the framework for interoperability between EU large-scale information systems. For further information, please see [Opinion 4/2018 on the Proposals for](#)

[two Regulations establishing a framework for interoperability between EU large-scale information systems.](#)

10. Link for Schengen information in the DPA website: For general information on the EDPS as a supervisory authority, see <https://edps.europa.eu/data-protection/our-role-supervisor-en>. For its role in providing the SIS II SCG secretariat, see <https://edps.europa.eu/data-protection/european-it-systems/schengen-information-system-en>.

11. Any relevant case-law: n/a

12. Any other relevant activity: The EDPS and eu-LISA stay in contact regarding questions of the agency's mandate as management authority for SIS II; the SIS II SCG is kept informed via its Chair and the secretariat. Apart from its role as supervisory authority for eu-LISA and member of the SIS II SCG in that capacity, the EDPS also provides the secretariat for the SIS II SCG.

Annexes

Annex A: List of documents adopted

1. Letter on interoperability
2. Report on log

Annex B: List of members and observers

Members:

1. AUSTRIA

Matthias Wildpanner-Gugatschka
Andreas Zavadil

2. BELGIUM

Gert Vermeulen (Vice-Chair of the SIS II SCG)
Frédéric Claeys
Koen Gorissen
Frank Schuermans
Laurine Vierendeels

3. BULGARIA

Hristo Alaminov
Tsvetelin Sofroniev

4. CROATIA

Igor Vulje

5. CZECH REPUBLIC

Jan Oscipovsky

6. DENMARK

Lea Bruun
Neda Marica
Susanne Richter

7. EDPS

Owe Langfeldt

8. ESTONIA

Raavo Palu
Kristjan Küti

9. FINLAND

Heikki Huhtiniemi
Juhani Kuparinen

10. FRANCE

François Pellegrini
Marion De Gasquet
Étienne MAURY

11. GERMANY

Ines Walburg
Iris Gnedler

12. GREECE

Eleni Maragkou
Ioannis Lykotrafitis

13. HUNGARY

Horváth Eszter

14. ICELAND

Páll Heiðar Halldórsson

15. ITALY

Alfredo Marino
Luigi Cannada Bartoli

16. LATVIA

Lāsma Dilba

17. LIECHTENSTEIN

Peter Bär
Michael Valersi

18. LITHUANIA

Aurelija Prichodko
Barbara Jurgelevičienė

19. LUXEMBOURG

Thierry Lallemand

20. MALTA

Pierre Minuti
David Cauchi

21. NETHERLANDS

Evelyne Schuurmans
Evelien van Beek
Erica Bool-Houwen
Tess Priester

22. NORWAY

Kathrine Ekeberg

23. POLAND

Piotr Piwowarczyk
Błażej Cierieszko

24. PORTUGAL

Clara Guerra

25. ROMANIA

Luisa Dumitru

26. SLOVAKIA

Andrej Horsky
Petra Lasova

27. SLOVENIA

Matej Sironic

28. SPAIN

Pablo Manuel Mateos Gasguena

29. SWEDEN

Elisabeth Wallin Jideryd
Frida Orring

30. SWITZERLAND

Caroline Gloor Scheidegger
Veronica Blattmann

Observers:

1. CYPRUS

Constantinos Georgiades

2. IRELAND

Eunice T. Delaney