

SIS II SUPERVISION COORDINATION GROUP

THE SCHENGEN INFORMATION SYSTEM

A GUIDE FOR EXERCISING THE RIGHT OF ACCESS

**This guide has been compiled by
the SIS II Supervision Coordination Group**

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Persons whose personal data are collected, held or otherwise processed in the second generation Schengen Information System (hereinafter 'SIS II') are entitled to rights of access, correction of inaccurate data and deletion of unlawfully stored data¹.

This Guide describes the modalities for exercising those rights.

The Guide falls into three sections: a description of SIS II, of the rights granted to the individuals whose data is processed in SIS II and a description of the procedure for exercising the right of access in each of the countries concerned.

I. INTRODUCTION TO THE SECOND GENERATION SCHENGEN INFORMATION SYSTEM (SIS II)

The SIS II is a data file shared by all Member States in the Schengen area.

Categories of information processed

It centralises two broad categories of information taking the form of alerts on, firstly, wanted or missing persons, persons under surveillance by the police and persons, not nationals of a Member State of the Schengen area, who are banned from entry into the Schengen territory and, secondly, stolen or missing vehicles and objects such as, in particular, identity papers, vehicle registration certificates and vehicle number plates.

Legal basis

Depending on the type of alert, the SIS II is regulated either by 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 with respect to alert procedures falling under Title IV of the Treaty establishing the European Community (former first pillar)² or by Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System in what concerns procedures falling under Title VI

¹ These rights are granted under Articles 41 of Regulation (EC) n°1987/2006 of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) and Article 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).

² Hereinafter 'SIS II Regulation'

of the Treaty on European Union (former third pillar)³.

Categories of personal data processed

When the alert concerns a person, the information can include: (a) surname(s) and forename(s), name(s) at birth and previously used names and any aliases, which may be entered separately; (b) any specific, objective, physical characteristics not subject to change; (c) place and date of birth; (d) sex; (e) photographs; (f) fingerprints; (g) nationality(ies); (h) whether the person concerned is armed, violent or has escaped; (i) reason for the alert; (j) authority issuing the alert; (k) a reference to the decision giving rise to the alert; (l) action to be taken; (m) link(s) to other alerts issued in SIS II in accordance with Article 37 of the SIS II Regulation ⁴.

Architecture of the system

The SIS II is composed of:

- a central system ("Central SIS II");
- a national system (the "N.SIS II") in each Member State (the national data systems that will communicate with the Central SIS II);
- a communication infrastructure between the central system and the national systems providing an encrypted virtual network dedicated to SIS II data and the exchange of data between the authorities responsible for the exchange of all supplementary information * (SIRENE Bureaux)⁵.

II. RIGHTS RECOGNIZED TO INDIVIDUALS WHOSE DATA IS PROCESSED IN THE SIS II

In accordance with data protection principles, all individuals whose data is processed in the SIS II

³ Hereinafter 'SIS II Decision'

⁴ See Article 20 of the SIS II Regulation and Decision

⁵ SIS II data is entered, updated, deleted and searched via the various national systems. The central system, which performs technical supervision and administration functions, is located in Strasbourg (France). It provides the services for the entry and processing of SIS II data. A backup central system, capable of ensuring all functionalities of the principal central system in the event of failure of this system, is located near Salzburg (Austria). Each Member State is responsible for setting up, operating and maintaining its own national system and for connecting it to the central system. It designates an authority, the national SIS II office (N.SIS II office), which has central responsibility for its national SIS II project. This authority is responsible for the smooth operation and security of its national system.

are recognised specific rights⁶ by the aforementioned SIS II decision and regulation.

These are basically:

- the right of access to data relating to them stored in the SIS II;
- the right to correction of inaccurate data or deletion when data have been unlawfully stored;
- the right to bring proceedings before the courts or competent authorities to correct or delete data or to obtain compensation⁷.

Anyone exercising any of these rights can apply to the competent authorities in the Schengen⁸ country of his choice. This option is possible because all national databases (N.SIS II) are identical to the central system database (CS.SIS)⁹. Therefore these rights can be exercised in any Schengen country regardless of the State that issue the alert.

When an individual exercises his right of access, correction of inaccurate data and deletion of unlawfully stored data, replies by competent authorities are due within a strict deadline. Thus, without prejudice to shorter national deadlines, the individual shall be informed as soon as possible and in any event not later than 60 days from the date on which he applies for access or sooner, if national law so provides¹⁰.

Besides, and again without prejudice to shorter national deadlines, the individual shall be informed about the follow-up given to the exercise of his rights of correction and deletion as soon as possible and in any event not later than three months from the date on which he applies for correction or deletion or sooner, if national law so provides¹¹.

II.1. **Right of access**

The right of access is the possibility for anyone who so requests to consult the information relating to him stored in a data file as referred to in national law. This is a fundamental principle of data

⁶ See in particular Article 41 of SIS II Regulation and 58 of SIS II Decision

⁷ See Article 43 of SIS II Regulation and 59 of SIS II Decision

⁸ Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and Switzerland (situation at May 2014).

⁹ See Article 4(1)(b) of SIS II Regulation and Decision.

¹⁰ See Article 41(6) of SIS II Regulation and 58(6) of SIS II Decision.

¹¹ See Article 41(7) of SIS II Regulation and 58(7) of SIS II Decision

protection which enables data subjects to exercise control over personal data kept by third parties.

This right is expressly provided for in Article 41 of SIS II Regulation and in article 58 of SIS II Decision.¹²

The right of access must be refused if it could undermine the performance of the legal task specified in the alert, or in order to protect the rights and freedoms of others. It must be refused in any event during the period of validity of an alert for the purpose of discreet surveillance (Article 36 of SIS II Decision).

The right of access is exercised in accordance with the law of the State addressed. The rules of procedure differ from one country to another, as well as the rules for communicating data to the applicant. When a country receives a request for access to an alert which it did not itself issue, that State must give the issuing country the opportunity to state its position as to the possibility of disclosing the data to the applicant¹³.

Also there are currently two types of system governing the right of access to police data files – and thus the SIS. In some countries the right of access is direct, in others it is indirect.

Anyone who so wishes may obtain information about the system which is applicable to the right of access) from the national data protection authority in the respective Schengen State.

II.1.1. Direct access

In this case the person concerned applies directly to the authorities handling the data (police, *gendarmérie*, customs, etc.). If national law permits, the applicant may be sent the information relating to him.

II.1.2. Indirect access

¹² Both Articles state : 'The right of persons to have access to data relating to them entered in SIS II in accordance with this regulation shall be exercised in accordance with the law of the Member State before which they invoke that right.[...]'

¹³ See Articles 41(3) of SIS II Regulation and 58(3) of SIS II Decision

In this case the person sends his request for access to the national data protection authority of the State to which the request is addressed. The data protection authority conducts the necessary verifications to handle the request.

II.2. Right to correction and deletion of data

The right of access is accompanied by the right to obtain the correction of the data relating to them when they are factually inaccurate or incomplete or the right to ask for their deletion when they have been stored unlawfully (Article 41(5) of SIS II Regulation and 58(5) of SIS II Decision).

Under the Schengen legal framework only the State which issues an alert in the SIS may alter or delete it (See Article 34(2) of SIS II Regulation and 49(2) of SIS II Decision).

If the request is submitted in a country that did not issue the alert, the competent authorities of the Member States concerned cooperate to handle the case, by exchanging information and making the necessary verifications.

The applicant should provide the grounds for the request to correct or delete the data and gather any relevant information supporting it.

II.3. Remedies: the right to complain to the data protection authority or file a judicial proceeding

Articles 43 of SIS II Regulation and 59 of SIS II Decision present the remedies accessible to individuals when their request has not been satisfied. They recall that any person may bring an action before the courts or the authority competent under the law of any Member State to access, correct, delete or obtain information or to obtain compensation in connection with an alert relating to him.

In case they have to deal with a complaint with a cross-border element, DPAs should cooperate with each other to guarantee the rights of the data subjects.

III. DESCRIPTION OF THE PROCEDURE FOR RIGHT OF ACCESS IN EACH COUNTRY IN THE SCHENGEN AREA

The procedures specific to each country applying the Schengen acquis which are to be followed by persons wishing to exercise their right of access, correction or deletion are described in the national fact sheets in chapters IV-XXXI.

IV. AUSTRIA

1. Nature of right of access

In Austria, the right to information under data protection law is fundamentally direct, i.e. requests for information must be addressed to and answered by the party responsible for processing the data (known as the "*Auftraggeber*" ("controller") in Austria). This rule applies in general under Austrian data protection law and would also apply in particular to information in the SIS II concerning alerts pursuant to Articles 24 of SIS II Regulation and 26, 32, 34, 36 and 38 of SIS II Decision.

2. Contact details of the body to which requests for access should be addressed

Requests for information must be addressed to the police authority (as controller) from which the data subject wishes to know if it has processed data concerning him or her. Requests for access from the SIS can be addressed directly to the *Bundeskriminalamt* (Federal Crime Office) which hosts the SIRENE-Bureau. The Austrian Data Protection Authority provides for a form (in German and English) for requests for access to Schengen Data at its website (<http://www.dsb.gv.at/site/6226/default.aspx>).

3. Formalities for the request: information and documents to be supplied – possible costs

Pursuant to §26 of the *Datenschutzgesetz (DSG) 2000* (Data Protection Act 2000) the controller must provide the person concerned with information:

- where requested in writing by the data subject (and orally with the controller's consent), and
- if the data subject proves his or her identity in due form (i.e. a copy of an identity card).

The information must include:

- the data processed,
- available information on its source,
- all recipients or groups of recipients of data transmissions,
- the purpose of use of the data,
- the legal basis, in easily understandable terms,
- at the request of the data subject, the names and addresses of any service providers processing the data.

Information must not be given:

- if necessary to protect the data subject for special reasons,

- if overriding, legitimate interests of the controller or a third party constitute an impediment,
- if overriding public interests constitute an impediment to disclosure of the information given the necessity of:
 - protecting constitutional institutions of the Austrian Republic,
 - ensuring that the Federal armed forces are ready for action,
 - protecting the interests of comprehensive defence of the nation,
 - protecting important foreign-policy, economic or financial interests of the Austrian Republic or the European Union, or
 - anticipating, preventing or prosecuting crime.

If disclosure has to be refused in order to protect public interests in the field of law enforcement, the remark that "none of the data relating to the data subject which comes under the obligation to provide information has been used" (paragraph 5) must be indicated in all cases in which no information is given (including where no data has actually been used).

Refusals to provide information are subject to verification by the *Datenschutzbehörde* (Data Protection Authority) and to a special appeals procedure.

Information may not be provided if the data subject has failed to cooperate in the course of the information procedure or has failed to pay the legally requested fee.

The data subject must cooperate with reasonable questioning in the course of the information procedure.

Within eight weeks the controller must supply the information or give written reasons for not supplying it in part or in full.

Information is supplied free of charge when it concerns an up-to-date database and when the data subject has not already made the same request in the same year.

In all other cases a flat rate of EUR 18,89 may be charged, which may be varied if higher expenses are actually incurred. If disclosure of the information results in a correction, the fee must be reimbursed.

4. Contact details of the national data protection authority, and its possible role

Datenschutzbehörde
Hohenstaufengasse 3
A - 1010 Vienna
Tel.: +43 1 531 15/2525

Fax: +43 1 531 15/2690

E-mail:

dsb@dsb.gv.at

If the police authority fails to meet the eight week deadline, i.e. if no reply has been received, or if notification is given that none of the data relating to the data subject which comes under the obligation to provide information has been processed, the matter may be referred to the Data Protection Authority pursuant to §31(1) and § 31a of the Data Protection Act 2000.

If, in an appeal pursuant to § 31a of the Data Protection Act 2000, the controller pleads the necessity for secrecy in the overriding public interest, the Data Protection Authority must verify whether secrecy was necessary; if not it orders disclosure of the data if secrecy towards the data subject was not warranted.

The authority may, however, appeal to the *Bundesverwaltungsgericht* (Federal Administrative Court). Otherwise the Data Protection Authority's order must be followed within eight weeks, failing which the Data Protection Authority itself may disclose the data to the data subject.

5. References of the main national laws that apply

§26 of the Data Protection Act 2000 (DSG 2000), *BGBl.* (Federal Law Gazette) I, No 165/1999.

§26 (1) The controller must supply the data subject with information on data processed in respect of him or her when the data subject so demands in writing and proves his or her identity in due form. With the consent of the controller, requests for information may also be made orally. The information supplied must include the data processed, available information regarding its source, any recipients or groups of recipients of data transmissions, the purpose of use of the data and the legal bases therefore in easily understandable terms. At the request of the data subject, he or she must be supplied with the names and addresses of service providers processing his or her data. With the consent of the data subject, information may be supplied orally instead of in writing, with the option of inspection and a copy or photocopy.

(2) Information must not be supplied where necessary for special reasons in order to protect the data subject or where overriding, legitimate interests of the controller or a third party, in particular overriding public interests, constitute an impediment to the disclosure of information. Such overriding public interests may arise from the necessity of:

1. protecting constitutional institutions of the Austrian Republic, or
2. ensuring that the Federal armed forces are ready for action, or
3. protecting the interests of comprehensive defence of the nation, or
4. protecting important foreign-policy, economic or financial interests of the Austrian Republic or of the European Union, or
5. anticipating, preventing or prosecuting crime.

The admissibility of any refusal to provide information on the grounds in Nos 1 to 5 is subject to verification by the Data Protection Authority pursuant to §30(3) and to the special appeals procedure before the Data Protection Authority pursuant to §31(4). (nota bene: it should actually read “pursuant to § 31a”).

(3) The data subject must cooperate with reasonable questioning in the course of the information procedure in order to avoid unwarranted and disproportionate work for the controller.

(4) Within eight weeks of receipt of the request either the information must be supplied or the reasons for not supplying it in part or in full must be given in writing. Information may also not be provided because the data subject has failed to cooperate with the procedure pursuant to paragraph 3 or to pay the fee.

(5) In areas of law enforcement responsible for the performance of the tasks referred to in paragraph 2, Nos 1 to 5, the following procedure must be followed if necessary to protect public interests which require a refusal to provide information: in all cases in which no information is provided – also if no data is actually being used – instead of substantive grounds it must be indicated that none of the data relating to the data subject which comes under the obligation to provide information has been used. The admissibility of this procedure shall be subject to verification by the Data Protection Authority pursuant to §30(3) and to the special appeals procedure before the Data Protection Authority pursuant to §31(4).

(6) Information must be supplied free of charge if it concerns the up-to-date content of a data file and if the data subject has not previously requested information from the controller in the current year in the same sphere. In all other cases a flat rate of EUR 18,89 may be charged, which may be varied if higher expenses are actually incurred. Any fee paid must be reimbursed notwithstanding any claims for damages if data was illegally used or if the information resulted in a correction.

(7) Once he is aware that a request for information has been made the controller may not destroy

data relating to the data subject for a period of four months and, if an appeal is lodged with the Data Protection Authority pursuant to §31, not until the final conclusion of the proceedings.

(8) Where data files are open to inspection by the public by law, the data subject shall have the right to information to the extent to which there is a right to inspect. The procedure for inspection is governed by the more detailed provisions of the laws establishing the public register.

(9) The special provisions of the Criminal Record Act 1968 governing criminal record certificates shall apply to information from the criminal records.

(10) Should a contractor decide autonomously, on the basis of legal provisions, professional ethics, or codes of conduct pursuant to §6(4) to use a data application pursuant to the third sentence of §4, No 4, the data subject may initially address his request for information to the party which ordered establishment of the application. The latter must immediately inform the data subject of the name and address of the autonomous contractor free of charge, if not already known, to enable the data subject to assert his right to information pursuant to paragraph 1 vis-à-vis the latter.

6. Language regime

According to Austrian legislation, the data subject may start the procedure for the right of access in German.

V. BELGIUM

1. Nature of right of access

Anyone has the right to indirect access to any personal data concerning them which has been processed by police authorities. In order to exercise that right a request must be sent to the Privacy Protection Commission.

2. Contact details of the body to which requests for access should be addressed

Commissie voor de bescherming van de persoonlijke levenssfeer
Drukpersstraat 35, 1000 Brussel

Commission de la protection de la vie privée
Rue de la Presse, 35, 1000 Bruxelles

+32 (0)2 274 48 00

+32 (0)2 274 48 35

commission@privacycommission.be

Website: <http://www.privacycommission.be>

3. Formalities for the request: information and documents to be supplied

Requests should be submitted to the Commission by dated and signed letter. The letter should contain the surname and first name, date of birth and nationality of the person concerned plus a photocopy of their identity card.

The name of the authority or service concerned and all relevant information relating to the challenged data – nature, circumstances and source of discovery of data and any corrections desired – should be indicated *if known*.

The procedure is free of charge.

4. Expected outcome of requests for access. Content of the information supplied

When it receives a request for indirect access to personal data processed by a police authority the Commission makes the necessary checks with the authority concerned.

Once the checks have been completed the Commission informs the person concerned that they have been carried out. Where appropriate, when data has been processed by a police authority with a view to identity checks, and following consultation of the authority concerned, the Commission sends the person concerned any other information it considers appropriate.

5. References of the main national laws that apply

- The Act of 8 December 1992 relating to the protection of privacy with regard to the processing of personal data, as amended by the Act of 11 December 1998 transposing Directive 95/46/EC of 24 October 1995, in particular Article 13 thereof;
- The Royal Decree of 13 February 2001 implementing the Act of 8 December 1992 on the protection of privacy with regard to the processing of personal data, in particular Articles 36 to 46 thereof.

VI. BULGARIA

1. Nature of the right (direct, indirect, mixed)

Every individual has the right of access to his/her personal data, collected without his/her knowledge and processed in Ministry of Interior's (MoI) information funds or SIS and should submit access request to the national SIRENE Bureau, established as a unit in the International Operative Cooperation Directorate of the MoI.

2. Contact details of the body to which requests for access should be addressed

Ministry of Interior of the Republic of Bulgaria

Sofia, 1000

29 "6-th September" str.

Tel.: + 359 2/9825000 – MoI's main office

Web site: <http://www.mvr.bg/contactus.htm>

3. Formalities for the request: information and documents to be supplied – possible costs (when the exercise of the rights are free of charge, this should be clearly stated)

The individuals can exercise their right via the submission of written request (personally or by explicitly authorized individuals with notarial certified letter of attorney) to the personal data controller (in this case- the Minister of Interior).

The request can be submitted also via e-mail under the procedure set in the Electronic Document and Electronic Signature Act.

The Minister of Interior is obliged to take a decision within 14 days from the receipt of the access request. A copy of the individual's processed personal data can be provided on paper upon request.

The submission of request for access to SIS data is free of charge.

4. Contact details of the national data protection authority and its possible role

Commission for Personal Data Protection
Sofia 1592, 2 “Prof. Tsvetan Lazarov” blvd.
Call centre - Tel.: + 3592/91-53-518

Registry:

Tel.: + 3592/91-53-515, 02/91-53-519

Fax: +3592/91-53-525

E-mail: kzld@cpdp.bg

Web site: www.cpdp.bg

Every individual has right to request from the CPDP to inspect the data referred to him/her, entered in the Schengen Information System, as well as, to receive information about their usage. If the data are entered by other Member State, CPDP will carry out the inspection in close cooperation with the supervisory authority of this Member State.

- In case that the personal data controller (Minister of Interior) doesn't respect the individual's access request and he/she thinks that there is a violation of LPPD by the processing of his/her personal data (e.g. hindering the exercise of the individual's rights), he/she can submit complaint to CPDP (for starting proceedings under the administrative procedure). If the individual doesn't submit a complaint before the CPDP, he/she could appeal the decision (the refusal of access or submission of information or hindering the exercising of the right of deletion, correction or blocking) before the court. The Commission for Personal Data Protection handles the complaint and adopts decision which after entering into force is binding for the personal data controller. If the complaint's subject was the refusal of access with its decision the CPDP can oblige the controller to exercise the required access and give instructions on the matter.

- When violation by the personal data processing is found, CPDP can impose administrative penalty- fine or property sanction to the personal data controller.

5. Expected outcome of the requests for access. Content of the information (any specific national deadlines for reply should be inserted here)

In the Ministry of Interior Act (MIA) is foreseen that every individual has right to request access to his/her personal data, collected without his/her knowledge and processed in the MoI information funds. The personal data controller issues a decision within 14 days from the receipt of the access

request. By expressed wish, to the individual is submitted copy of his/her processed personal data on paper. The bodies of MoI refuse wholly and partially the submission of data:

- when this could endanger the national security or public order; - for protection of information, classified as state or official secret; - when the information sources or implied methods and means for its collection can be disclosed; - if the submission of these individual's data can derogate the exercising of the MoI's tasks determined by law; - or if the information is entered into SIS by another state, which has not allowed its provision. The individuals are notified in writing about the legal ground for the refusal. If the notification is not sent in the legally foreseen deadlines, this is also considered as refusal. Under Art. 161 of the MIA, the refusal is subject to appeal under the procedure set in the Administrative Penal Code.

6. References of the main national laws that apply

- Ministry of Interior Act- prom.SG 17/24.02.2006, last amend. and supplemented SG 70/09.08.2013, in force as from 09.08.2013.

- Regulations on the implementation of the Ministry of Interior Act- adopted with Council of Ministers Decree 126/02.06.2006, prom.SG 47/09.06.2006, last amend. and supplemented SG 10/04.02.2014.

- Ordinance 2727 of 16 November 2010 on the organization and functioning of the National Schengen Information System of the Republic of Bulgaria- issued by MoI- in force as from 30.11.2010, last amend. and supplemented SG 28/19.03.2013.

- Ordinance for the amendment and supplement of the Ordinance 2727 of 16 November 2010 on the organization and functioning of the National Schengen Information System of the Republic of Bulgaria- issued by MoI- in force as from 19.03.2013, prom. SG 28/19.03.2013.

- Law for Protection of Personal Data- prom.SG 1/04.01.2002, last amend. and suppl. SG 15/15.02.2013.

7. Language regime

The requests for access to data, processed in the Schengen Information System are submitted in Bulgarian.

VII. CZECH REPUBLIC

1. Nature of right of access

The data subject has a right of direct access. The data subject should primarily exercise his rights in respect of the SIS vis-a-vis the data controller, i.e. the Police of the Czech Republic.

2. Contact details of the body to which requests for access should be addressed

Police Presidium of the Czech Republic
P. O. Box 62/K-SOU
Strojnická 27
170 89 Prague 7

3. Formalities for the request: information and documents to be supplied – possible costs

Information on how to apply for information on or correction/deletion of the data is available on the web sites of the DPA (www.uoou.cz), including forms that the data subject may use. The web sites of the Police (www.policie.cz) and the Ministry of Interior (<http://www.mvcr.cz/eu-schengen.aspx>) provide some information, as does the general "European" web site of the Czech republic (www.euroskop.cz).

Any data subject is entitled to send a written request to the Police of the Czech Republic (address given above) asserting his/her right to information on and deletion or correction of his/her data processed in the SIS. Information about the processing of personal data in the SIS is to be revealed only to the data subject concerned (or his/her attorney). The request must contain identification of the applicant – all first name/s, surname, date and place of birth, address, gender and citizenship. In order to ensure unambiguous identification of the applicant and thus reliable processing of request it is recommended to enclose a copy of identification document, which serves as a proof of applicant's identity as well as helps to avoid the risk of disclosure of personal information to unauthorized person. The Police is obliged to answer within 60 days. Exercise of the right of access is free of charge.

4. Contact details of the national data protection authority and its possible role

The Office for Personal Data Protection

Pplk. Sochora 27

170 00 Praha 7

Czech Republic

The Office for Personal Data Protection is competent to review personal data processing within the national part of the SIS at the request of data subjects 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.

5. Expected outcome of requests for access. Content of the information supplied

The Police should answer whether any personal data concerning the data subject is contained in the SIS, what it is, why it has been entered (for what purpose) and by which authority.

According to Art. 83/4 of the Police Act the Police must not grant the request if this would jeopardize the accomplishment of police tasks in connection with criminal proceedings or national security or endanger legitimate interests of a third person.

6. References of the main national laws that apply

Act No 101/2000 Coll., on the Protection of Personal Data and on Amendment to Some Acts (Art. 12 and 21)

Act No 273/2008 Coll., on the Police of the Czech Republic (Art. 83 and 84)

7. Language regime

The Czech language is the only official language for communication with the Czech authorities. However, the Czech DPA communicates in English as well. The basic information on how to apply for the right of the access on the web site of the Czech DPA is also available in English.

VIII. DENMARK

1. Nature of right of access

The data subject has a right of direct access.

2. Contact details of the body to which requests for access should be addressed

Requests for access should be addressed to the Police Service, which is the data controller:

Rigspolitiet
Polititorvet 14
DK-1780 København V
Tel.: +45 33 14 88 88

3. Formalities for the request: information and documents to be supplied – possible costs

There are no particular formal requirements for the dispatch of requests.

Requests for access must be answered as soon as possible, and where in exceptional cases an answer cannot be given within 4 weeks, the data controller must inform the applicant accordingly. Such communication must state the reasons why a decision cannot be taken within 4 weeks and when it can be expected to be taken.

Access should in principle be given in writing if the applicant so requests. Where the data subject goes in person to the data controller, it should be established whether the former wants a written reply or an oral explanation of the contents of the data.

Requests for access are free.

4. Contact details of the national data protection authority and its possible role

Datatilsynet
Borgergade 28, 5. sal
DK-1300 København K
Tel.: +45 3319 3200
Fax: +45 3319 3218
E-mail: dt@datatilsynet.dk
www.datatilsynet.dk

Complaints about the Police Service's decision on access may be made to the Data Protection Authority as the last administrative instance for complaints. In processing complaints, the Data Protection Authority examines the case itself to ensure that no data have been entered in a way which conflicts with the rules of the Schengen Convention.

5. Expected outcome of requests for access. Content of the information supplied

Under Section 31(1) of the Act on Processing of Personal Data, the controller (in this case the Police Service) has to inform a person who has submitted a request whether or not data relating to him are being processed. Where such data are being processed, communication must be made to him in an intelligible form about the data that are being processed, the purposes of the processing, the categories of recipients of the data and any available information as to the source of such data.

Under Section 32(1) in conjunction with Section 30(2) of the Act, this does not apply if the data subject's interest in obtaining this information is found to be overridden by vital public interests, including

- (1) national security
- (2)
- (3) public security
- (4) the prevention, investigation, detection and prosecution of criminal offences or of breaches of ethics for regulated professions
- (5)
- (6)

Under Article 95 and Articles 98 to 100 of the Schengen Convention, the aim of entering information in the Schengen Information System is: the arrest of wanted persons, the appearance of persons summoned, the service of a criminal judgment or a summons, discreet surveillance or specific checks on persons and vehicles and the location of objects sought for the purposes of seizure or use as evidence in criminal proceedings.

In relation to these aims, there will be situations where the data subject may not be told whether information has been entered about him under Articles 95 and 98 to 100 of the Convention. The data subject might otherwise be able to take steps which could seriously jeopardise the measures to be implemented as a result of the alert, see also Article 109(2) of the Schengen Convention.

6. References of the main national laws that apply

Act No 429 of 31 May 2000 on Processing of Personal Data.

7. Language regime

Danish is the official language for communication with the Danish authorities. However it is also possible to communicate with Danish authorities in English.

IX. ESTONIA

1. Nature of the right

Direct, but in case person asks for access through DPA we do not send him/her to the processor, but we request the information and forward it to person.

2. Contact details of the body to which requests for access should be addressed

Police and Border Guard Board

Pärnu mnt 139

15060 TALLINN

telephone 612 3300

fax +372 612 3009

ppa@politsei.ee

www.politsei.ee

3. Formalities for the request: information and documents to be supplied – possible costs

Application/request signed digitally or on paper, copy of ID card or passport. This exercise is free of charge.

4. Contact details of the national data protection authority and its possible role

Data Protection Inspectorate

Väike-Ameerika 19, 10129

Tallinn, Estonia

info@aki.ee

www.aki.ee

DPA have all the rights to supervise alerts and ground documents, demand access, deletion or correction of personal data by percept and institute misdemeanour proceedings. DPA officials have the right to enter, without hindrance, the premises or territory of a processor of personal data for the

purposes of inspection, to access the documents and equipment of a processor of personal data as well as the recorded data and the software used for data processing.

5. Expected outcome of the requests for access. Content of the information

Expected outcome is to grant access as far as it is prescribed by law. In case of protection of any criminal proceedings etc. access is limited to such data. DPA can supervise the validity of such limitation. The national deadline is 30 days.

6. References of the main national laws that apply

[Personal Data Protection Act](#)

[Police and Border Guard Act](#)

[The statutes on the maintenance of the national register of the Schengen information system](#)

7. Language regime

We accept requests in Estonian, English and Russian which are the main languages used. We reply in Estonian and English.

X. FINLAND

1. Nature of right of access

The data subject has a right of direct access.

2. Contact details of the body to which requests for access should be addressed

The request must be made in person to the local district police.

3. Formalities for the request: information and documents to be supplied – possible costs

Applications must be made to the police in person and applicants must at the same time produce proof of identity.

Exercise of the right of inspection is subject to payment only if less than one year has elapsed since the person concerned last exercised that right.

The keeper of the register must, without undue delay, give registered persons an opportunity to consult the information in the register and must provide information when requested in writing.

4. Contact details of the national data protection authority and its possible role

Ratapihantie 9
PL 800,
FIN - 00521 Helsinki
Tel.: ++358 (0)29 56 66700
Fax: ++358 (0)29 56 66735
E-mail: tietosuoja@om.fi
Internet: www.tietosuoja.fi

If the police refuses the right to inspect SIS II data on the basis of Section 27 of the Law on personal data, a certificate must be produced to that effect and the registered person must be directed to contact the data protection authority. The registered person can thereafter submit the

matter for the authority's consideration.

The data protection authority takes binding decisions on matters concerning right of inspection. Appeals against decisions taken by the authority may be lodged with the relevant administrative court and thereafter with the Supreme Administrative Court (Sections 28 and 29 of the Law on personal data).

5. References of the main national laws that apply

Data Protection Act (523/1999)

Police Data Protection Act (761/2003)

XI. FRANCE

1. Nature of the right of indirect access

In France, the right of access the Schengen Information System (SIS) is mixed. The right of access is direct for missing persons (*Article 32 of the Council Decision n°2007/533*) or for the persons mentioned or identified in an alert concerning objects (*Article 38 of the same Decision*).

In all other cases, the SIS is considered to be a file that involves State security, the defence or public safety, and therefore the right of access can only be exercised indirectly through the Commission Nationale de l'Informatique et des Libertés (CNIL).

2- Contact details of the agency to which the right of access request should be made

If the request relates to one of the cases where the right of access is direct, it should be made to the :

Direction Centrale de la Police Judiciaire

Ministère de l'intérieur

Place Beauvau

F-75008 Paris

Tél.: +33(0)1.49.27.49.27

Internet: www.interieur.gouv.fr

In all other cases, the request should be made to the :

Commission nationale de l'informatique et des libertés

8, rue Vivienne - CS 30223

F-75083 Paris Cedex 02

Tél.: ++33 1 53 73 22 22

Fax: ++33 1 53 73 22 00

E-mail: mabiven@cnil.fr

Internet: www.cnil.fr

3- How to formulate the request : information and requested documents – potential cost

The right of access is strictly personal. The request for access should be submitted and signed by the applicant (it cannot, under any circumstances, be submitted by a family member or a relative). The applicant can however mandate a lawyer to introduce the request in his or her name, on the condition that the mandate is clearly stated in the request.

There is no particular formal requirement for the request, but the applicant must attach to his letter a legible copy of an official document certifying his or her identity (name, surname, date and place of birth) such as an identity card, a passport, a residence permit, a birth certificate...

The applicant is also welcome to join any other documents that could be useful to carry out the verifications (notification of a visa refusal based on a SIS alert, any favorable decision such as the repealing of an expulsion order).

The right of access proceedings are entirely free.

4- Contact details for the national data protection agency and its role

Commission nationale de l'informatique et des libertés

8, rue Vivienne - CS 30223

F-75083 Paris Cedex 02

Tél.: ++33 1 53 73 22 22

Fax: ++33 1 53 73 22 00

E-mail: mabiven@cnil.fr

Internet: www.cnil.fr

Once the request is received, the CNIL appoints one of its members, who is or has been a magistrate of the “Conseil d’Etat”, the “Cour de Cassation” or the “Cour des Comptes”, to carry out the necessary investigations and have the necessary modifications made. In order to do so, the appointed magistrate goes directly to the SIRENE France offices and verifies in person the reason why the applicant is potentially registered in the file.

5- Expected outcome of the requests for access

After the verifications have been made, the results can only be communicated to the applicant subjected to a national alert if the member of the Commission establishes, with the agreement of the data controller, that the disclosure of the data does not undermine its purposes, State security, the

defence or public safety.

When the data controller objects to the disclosure of the information (eg. the person is the subject of discreet or specific checks, the person has an arrest warrant issued against him or her, the person is forbidden from entering the country on grounds of public policy...), the Commission informs the applicant that the necessary verifications have been carried out but that no further information can be given to the applicant (*Article 88 of the Decree No 2005-1309 of 20 October 2005 enacted for the application of Act No 78-17 of 6 January 1978 on Information Technology, Data Files and Civil Liberties*). The Commission also informs the applicant of the means and period of time at his or her disposal in order to contest this objection.

If the applicant is the subject of an alert introduced by another Member State, the CNIL will seek the cooperation of the data protection agency of said State.

If the verifications give way to the suppression of the alert to which the applicant was subjected, this will be communicated to him/her providing that the data controller doesn't object to it.

The average processing time varies between one and four months, depending whether or not the applicant is the subject of an alert and whether or not there is a need to undergo further proceedings, such as the cooperation between data protection agencies, in order to verify the validity of the alert.

6- References

Article 41 of the Act No 78-17 of 6 January 1978 modified on Information Technology, Data Files and Civil Liberties.

Article 86 and following of the Decree No 2005-1309 of 20 October 2005 enacted for the application of Act No 78-17 aforementioned.

7- Language regime

The applicant can submit his or her request either in French or in English.

XII. GERMANY

1. Nature of right of access

The right of access in Germany is direct. It is exercised directly by application to the authority responsible for recording the data. If he so wishes, the person concerned may exercise his or her right of access through the data protection authority.

2. Contact details of the body to which requests for access should be addressed

Bundeskriminalamt

– SIRENE Büro –

D – 65173 Wiesbaden

Tel.: ++611 551 65 11

Fax: ++611 551 65 31

E-mail: sirenedeu@bka.bund.de

3. Formalities for the request: information and documents to be supplied – possible costs

The person concerned should state his or her surname (maiden name where applicable), first name and date of birth so as to avoid any confusion. Apart from that, there are no particular formal requirements, and the procedure is free of charge.

It is within the competence of the responsible authority – the Bundeskriminalamt – to determine details of the further procedure.

If the right of access is exercised through the data protection authority, the requesting citizen is required to provide a signed copy of his or her passport in order to verify his or her identity.

4. Contact details of the national data protection authority and its possible role

The national data protection authority may support the person concerned in exercising his or her rights by forwarding the request for information to the body responsible for recording the data, e.g. the *Bundeskriminalamt* (Federal Bureau of Criminal Investigation), or by initiating a data protection inspection of that body on request. The authority's address is:

Die Bundesbeauftragte für den Datenschutz und die Informationsfreiheit

Husarenstraße 30

D - 53117 Bonn

Tel.: ++49-228-997799-0

Fax: ++49-228-997799-550

E-mail: poststelle@bfdi.bund.de

Internet: www.bfdi.bund.de

If the request concerns an alert pursuant to Article 24 of SIS II Regulation the information is usually disclosed.

If the request concerns an alert pursuant to Article 26 or Article 36 of SIS II Decision, it may be refused if at least one of the generally valid reasons for denying disclosure of information, which are laid down in § 19(4) of the Federal Data Protection Law, is applicable to the request; i.e. if disclosure of the information would jeopardise the proper performance of the tasks incumbent upon the recording body or pose a threat to public security or law and order, or if the data or the fact that they have been recorded must be kept secret by law or by definition, in particular in the overriding interests of a third party, and the interests of the person concerned in obtaining the information must consequently give way.

If the alert was issued by a foreign authority pursuant to Article 26 of SIS II Decision the position of the foreign issuing authority pursuant to the third sentence Article 41(3) of SIS II Regulation or 58(3) of SIS II Decision must be taken into account. The information is usually provided by the *Bundeskriminalamt* – SIRENE Bureau. If the person concerned has applied to the national data protection authority the information is supplied by the Federal Data Protection Commissioner. The information usually includes the legal basis for the alert, the date it was issued and the probable length of time for which it will be kept, as well as the issuing authority.

5. References of the main national laws that apply

The main national texts to be applied are Article 41(3) of SIS II Regulation and 58(3) of SIS II Decision in conjunction with Article 19 of the Federal Data Protection Law or the relevant regulations on the right to information in the laws on data protection at *Länder* level.

6. Language regime

According to the national legislation "(§23 of the Federal Law on administration procedures - "Verwaltungsverfahrensgesetz") the official language is German, but with regard to European Union citizenship, as mentioned in Article 17 ff. EEC Treaty, applications or requests in EU languages other than German are accepted, too.

XIII. GREECE

1. Nature of right of access

Under Article 12 of Law 2472/1997 the right of access is direct (applicants submit their requests directly to the SIRENE Bureau). If applicants send their requests to the Personal Data Protection Authority, they are advised to submit them directly to the SIRENE Bureau.

2. Contact details of the body to which requests for access should be addressed

The law stipulates that requests be sent to the SIRENE Bureau, whose full address is:

Ministry of Public Order and Citizen Protection
Hellenic Police Headquarter
International Police Cooperation Division
3d Department - SIRENE
P. Kanellopoulou 4
PC: 101 77 Athens
Tel.: ++301 69 81 957
Fax: ++301 69 98 264/5
E-mail: sirene@police.gr
Internet: ---

3. Formalities for the request: information and documents to be supplied – possible costs

Requests must state the applicant's name and forename, father's forename, applicant's full date of birth and nationality. Other particulars, e.g. the applicant's identity number, passport number, address and telephone number and mother's forename are optional. Applicants must provide a photocopy of their passports.

To exercise their right of access under Article 12 of Law 2472/1997 applicants must pay EUR 5 to the data controller (SIRENE Bureau), and they must pay EUR 60 in order to exercise their right to object under Article 13 of that Law and Decision 122 adopted by the Personal Data Protection Authority on 9 October 2001. We should add that, in order to exercise the right of access to SIS, the essentially paltry sum of EUR 5 is never levied.

4. Contact details of the national data protection authority and its possible role

Contact details of Greece's national personal data protection authority are:

Hellenic Data Protection Authority

Kifisias 1-3, 1st floor

GR – 115 23 Athens

Tel.: ++30 210 6475600

Fax: ++ 301 210 6475628

E-mail: contact@dpa.gr

Internet: www.dpa.gr

The national Personal Data Protection Authority checks that the SIS alert concerning the applicant is lawful and legitimate.

5. Expected outcome of requests for access. Content of the information supplied

If the alert was issued under Article 24 of SIS II Regulation , the applicant will be informed of the data relating to him.

If the alert was issued under Article 26 or Article 36 of SIS II Decision, the applicant is likely to be refused disclosure of the data. Moreover, in accordance with Article 12(5) of Law 2472/1997, the data will not be disclosed if the processing has been carried out on national security grounds or in the investigation of particularly serious offences. Where an alert under Article 26 of SIS II Decision has been issued by a foreign authority, the latter's opinion is taken into account when deciding whether to release the data to the applicant.

The information released to the applicant comprises the legal basis for the alert, the date on which it was entered in the SIS II, the department which entered the data, and the length of time it is to be stored.

6. References to the main national laws that apply

The applicable provisions are Article 41 of SIS II Regulation and 58 of SIS II Decision and

Article 12 (exercise of the right of access) and Article 13 (exercise of the right to object) of Law 2472/1997.

Comment

Where applicants' particulars have been entered in the SIS by the Greek Police, requests to exercise the right of access and the right to object under Articles 12 and 13 of Law 2472/1997 are made directly to the data controller.

As for the language regime, the official language is Greek, however, requests in English are also considered.

XIV. HUNGARY

1. Nature of right of access

The right of access can be exercised both directly and indirectly.

2. Contact details of the body to which requests for access should be addressed

The SIRENE Office of the National Police Headquarters

H-1139 Budapest, Teve utca 4-6.

Tel: +36 1 443 5861

e-mail: sirene@nebek.police.hu

Nemzeti Adatvédelmi és Információszabadság Hatóság

Postal address: 1530 Budapest, Pf.: 5.

Office address: 1125 Budapest, Szilágyi Erzsébet fasor 22/C.

Tel: +36 1 391-1400

Fax: +36 1 391-1410

Email: ugyfelszolgalat@naih.hu

Web: <http://naih.hu>

In Hungary, anyone who is interested in knowing whether or not their data has been recorded in the SIS, or wishes to correct or have inaccurate data deleted should contact any government office (<http://www.kormanyhivatal.hu/hu>), police station (<http://www.police.hu/magyarendorseg/szervezetif>) or any Hungarian Embassy or Consulate (<http://www.kormany.hu/hu/kovetsegek-konzulatusok>) and fill in a request for information form which is transferred to the SIRENE Bureau of the Hungarian National Police Headquarters.

3. Formalities for the request: information and documents to be supplied – possible costs

The person concerned must provide credible proof of his/her identity and/or his/her authorisation. Requests can be submitted in Hungarian, English, German or French. The information must be given in writing within the shortest possible time, but not later than within 30 days counting from the lodging of the request. The request can be made free of charge. If the data subject repeats within

unreasonable frequency his/her request during a given calendar year, the costs of providing the information will be charged.

4. Contact details of the national data protection authority and its possible role

The Hungarian National Authority for Data Protection and Freedom of Information has the authority to conduct an investigation or an administrative proceedings for data protection following requests submitted to him according to the relevant provisions (52-61.§) of [Act CXII of 2011 on Informational Self-Determination and Freedom of Information \("Privacy Act"\)](#) . Furthermore, if the data subject has doubts concerning the answer received from the SIRENE Bureau, or if no answer is received from the SIRENE Bureau, he may apply to the Hungarian National Authority for Data Protection and Freedom of Information.

5. References to the main national laws that apply

[Act CXII of 2011 on Informational Self-Determination and Freedom of Information \("Privacy Act"\)](#)

Act CLXXXI of 2012 on the exchange of information in the framework of the second-generation Schengen Information System

Government Decree No. 15/2013. (28/I) on the detailed procedures of the exchange of information in the framework of the second-generation Schengen Information System.

XV. ICELAND

1. Nature of right of access

The right of access is direct, which means that data subjects have to address a request for information, correction or deletion to the SIRENE bureau, which decides whether to grant access.

2. Contact details of the body to which requests for access should be addressed

Applications should be addressed to the Sirene Bureau in Iceland, which is run by the Commissioner of the Icelandic National Police (CINP).

The CINP's address is:

Ríkislögreglustjórinn

SIRENE-skrifstofa

Skúlagata 21

101 Reykjavík

ICELAND

Tel.: ++354 444 2500

Fax: ++354 444 2501

E-mail: rls@rls.is

Internet: www.rls.is

Special application forms can be filled in at local police stations or at the CINP's premises. Decisions on the release of information are taken by the Sirene Bureau.

3. Formalities for the request: information and documents to be supplied – possible costs

The applicant must provide some proof of identity and the application form must be filled in in the presence of a police officer. The applicant may only request access to information regarding himself. However, a legal guardian may request access to information on his ward. Exercise of the right of inspection is free of charge, but each individual will only be granted access once a year, unless special circumstances for more frequent access apply. The Sirene Bureau will consult the DPA (Data Protection Authority) in such cases.

Request must be made by the data subject in person. Proof of identification is required. Information should be given free of charge.

4. Contact details of the national data protection authority and its possible role

In cases where an applicant has received a standard reply: "No information is registered/it is not permitted to disclose registered information" (see point 5), the Sirene Bureau must instruct the applicant that he may appeal against this decision to the Ministry of Justice and Human Rights. The Ministry may seek the DPA's opinion on the Sirene Bureau's decision.

The Ministry of Justice and Human Rights:

Dómsmála- og mannréttindaráduneytið

Skuggasund

IS - 150 Reykjavík

Tel.: ++354 545 9000.

Fax: ++354.552.7340

E-mail: postur@dmr.stjr.is

Internet: www.domsmalaraduneyti.is

The DPA's address is:

Persónuvernd

Rauðarárstígur 10

IS - 105 Reykjavík

Tel.: ++354 510 9600.

Fax: ++354 510.9606

E-mail: postur@personuvernd.is

Internet: www.personuvernd.is

If access were not granted, the DPA could give an opinion on the data subject's rights. As of yet, however, the DPA does not have binding powers with regard to SIS II.

5. Expected outcome of requests for access. Content of the information supplied

The Sirene Bureau must answer all applications without undue delay and no later than a month from receipt of the request. If an applicant is registered, he will be informed of the purpose of and reasons

for the registration. In cases where it is necessary to keep the information secret in order to achieve the intended aim of the entry into the information system, or in view of the interests of other persons, or when discreet surveillance is in progress, the data subject does not have the right to be informed of the recorded data. The applicant will be given the same standard reply as an applicant who is not registered, namely "No information is registered/it is not permitted to disclose registered information."

Articles 13 and 15 of the Act on the Schengen Information System in Iceland

(<http://www.personuvernd.is/information-in-english/greinar/nr/440>):

Article 13

Any person on whom data is entered in the information system (data subject) shall have the right to be informed of the data recorded on him in the system.

The right of a data subject to information under paragraph 1 shall not apply if it is necessary to keep the information secret in order to achieve the intended aim of the entry, or in view of the interests of other persons. When discreet surveillance under Article 7 is in progress, the data subject shall not have the right to be informed of the recorded data.

If a person requests to be informed of data on him that has been entered in the system by another state, that state shall be given an opportunity to express its position before the request is granted.

Article 15

When the Commissioner of the Icelandic National Police receives a request under Article 13 or 14, he shall adopt a position on it without unreasonable delay. Reasons for the commissioner's decision shall be given to the extent possible without revealing any information that should be kept secret.

6. References of the main national laws that apply

The main national laws applying are: Act No 16/2000 on the Schengen Information System in Iceland and Regulation No. 110/2000 on the Schengen Information System in Iceland..

7. Language regime

Although not stated in law, Icelandic is the language of administration in Iceland. However, if a request in another language is received by an Icelandic authority, it will be answered. If the request is from an individual who is not in a position to understand an answer in Icelandic (e.g. a foreign

national who does not have an Icelandic party guarding his interests, e.g. a solicitor), he will be answered in a language that he understands.

Information brochures in both English and Icelandic have been printed and issued in the international airport of Keflavik. The data subject is entitled to receive information in a language which he or she understands.

XVI. ITALY

1. Nature of right of access

Access may only be exercised directly, by application to the controller, the Public Security Department of the Ministry of the Interior.

2. Contact details of the body to which requests for access should be addressed

Based on the guidance provided by the above Public Security Department, all access and verification requests should be sent to the following address:

Ministero dell'interno
Dipartimento della pubblica sicurezza
Ufficio coordinamento e pianificazione delle forze di polizia
Divisione N.SIS
Via di Torre di Mezza Via 9/121 - 00173 Roma

3. Formalities for the request: information and documents to be supplied – possible costs

No special requirements are to be met in order to lodge the application (which may be sent either by post or by fax) nor is there any fee or tax to be paid. The exercise of the right of access is free of charge.

Although there are no express requirements for establishing the applicant's identity in respect of access to the N-SIS in the applicable legislation, in order to expedite the processing of such a complaint, it should be drawn up, if possible, in Italian, English, French or German and **signed by the data subject concerned**, contain a summary description of the grounds on which it is lodged, and be accompanied by a **photocopy of a suitable valid ID pertaining to the data subject**.

4. Contact details of the national data protection authority and its possible role

If the answer to a request is considered to be unsatisfactory, data subjects may lodge a complaint with the Garante per la protezione dei dati personali at the address given below:

Garante per la protezione dei dati personali
Piazza di Monte Citorio, 121
00186 Roma

Complaints should be sent preferably by post rather than by facsimile, in order to ensure that all the documents are fully readable. They must contain appropriate contact details for the complainant; if possible the latter's postal address, in order to facilitate correspondence.

5. Expected outcome of requests for access. Content of the information supplied

In general an answer (not necessarily a final one) has to be provided within 30 days.

6. References to the main national laws that apply

The main national laws applicable are as follows:

- (a) Law No 388 of 30 September 1993, concerning ratification and implementation of the Schengen Agreement and the relevant implementing Convention (see, in particular, Articles 9, 10, 11 and 12);
- (b) Legislative Decree No 196 of 2003.

7. Language regime

The application should be drawn up, if possible, in Italian, English, French or German

XVII. LATVIA

1. Nature of right of access

Anyone (both nationals and non-nationals of the Member States in the Schengen area) has the right to direct access to personal data held on them in SIS. (This is determined by the Cabinet of Ministers' Regulations No.622 "*Order on how the data subject is to request information and how the data subject is to receive information regarding data stored in the Schengen Information System and the SIRENE information system*"). The data subject should be given an answer to his request within one month.

The body competent to rule on any appeal submitted by an individual whose request to view personal data pertaining to him/her has either been refused or unanswered is the Data State Inspectorate, which is also competent to carry out supervision of implementation of the right to correct incorrect data or delete illegal personal data.

2. Contact details of the body to which requests for access should be addressed

The (written) request for direct access should be addressed to the State Police or diplomatic and consular representations of the Republic of Latvia.

State Police
Čiekurkalna 1.linija 1, k-4
Riga, LV-1026
Ph: +371 67075212; fax +371 67371227
e-mail: kanc@vp.gov.lv

Contact information on the diplomatic and consular representations of the Republic of Latvia is available on the website of the Ministry of Foreign Affairs (the link to this information: <http://www.mfa.gov.lv/en/mission/>).

3. Formalities for the request: information and documents to be supplied

Requests should be submitted to the State Police or to the diplomatic and consular representations of Latvia in person or electronically, by handing in a dated and signed letter. When submitting a request in person, the data subject must to prove his/her identity by presenting an identity document. If the request is submitted electronically, it should be signed with a secure electronic signature.

The request should contain the surname and first name of the data subject; date of birth; personal code (if the person has one); place of birth; state of origin; type (if there is one) and number of the identity document; title of the institution that issued the document; date when the ID document was issued and its expiry date; amount of information requested (information on data subject, information on recipients of data subject information); the way the individual wants to receive the reply (in person at the State Police office or the diplomatic and consular representations of Latvia or indicate the address where the reply should be sent).

The procedure is free of charge.

4. Expected outcome of requests for access. Content of the information supplied

The representatives of the State Police or the diplomatic and consular representations of Latvia, on receiving a request for information from a data subject, verify the identity of the data subject submitting the request and send the request to the sub-unit of the State Police – SIRENE Bureau of Latvia.

The SIRENE Bureau carries out the necessary checks on the request submitted and, within one month, provides the data subject with an answer or a refusal to provide information by sending a reply to the address or the institution indicated by the data subject - the address where the letter should be sent or to the State Police or the diplomatic and consular representations of Latvia.

5. References of the main national laws that apply

- Personal Data Protection Law;
- Law on the Operation of the Schengen Information System;
- Cabinet of Ministers' Regulations No.622 (11.09.2007.) “Order on how the data subject is to request information and how the data subject is to receive information regarding data stored in the Schengen Information System and the SIRENE information system”.

6. Language regime

As for the language regime, all proceedings before Latvian authorities should be in Latvian, according to the Official Language Law of the Republic of Latvia, which also applies to rights of access to the SIS. However, the Law on Petitions (Article 7 section 1 paragraph 4) states that a petition or complaint may be unanswered if the text of the petition cannot be objectively read or understood. The SIRENE Bureau of Latvia has stated that requests in English or Russian are also considered.

XVIII. LUXEMBOURG

1. Nature of right of access

Access is indirect, in that the right of access can only be exercised through the supervisory authority.

2. Contact details of the body to which the request for access should be addressed

The Supervisory Authority established under Article 17 of the Law of 2 August 2002 on the Protection of Persons with regard to the Processing of Personal Data modified by the Law of 31 July 2006, the Law of 22 December 2006 and the Law of 27 July 2007.

Parquet Général du Grand-Duché de Luxembourg
(Principal State Prosecutor's Office)

BP 15

L-2010 Luxembourg

Tel.: ++352 47 59 81-331

Fax: ++352 47 05 50

E-mail: parquet.general@mj.etat.lu

3. Formalities for the request: information and documents to be supplied – possible costs

The Law of 2002 lays down no particular requirements for requests.

The procedure is free of charge.

Under Article 17 of the Law of 2002 the supervisory authority will carry out the appropriate verification and investigations and arrange for any necessary rectifications.

4. Expected outcome of requests for access. Content of the information supplied

The supervisory authority will inform the data subject that the processing in question does not contain any data contrary to the treaties, laws and implementing regulations.

Nothing is disclosed with regard to the content of the applicant's data.

5. References to the main national laws that apply

Law of 2 August 2002, as amended, on the Protection of Persons with regard to the Processing of Personal Data.

Regulation of the Grand-Duchy of Luxembourg of 9 August 1993 authorising the establishment and use of a data-bank as the national section of the Schengen Information System (N.SIS) (the Regulation does not cover right of access).

6. Language regime

The data subject may start the procedure for the right of access in one of the following languages:

- Luxembourgish;
- French;
- German;
- English.

XIX. LIECHTENSTEIN

1. Nature of the right

The data subject has a right of direct access.

2. Contact details of the body to which requests for access should be addressed

Landespolizei des Fürstentums Liechtenstein (National police)

Kommando

Gewerbeweg 4

Postfach 684

9490 Vaduz

FÜRSTENTUM LIECHTENSTEIN

3. Formalities for the request: information and documents to be supplied – possible costs

The application for access must be addressed to the National Police in writing. The applicant must provide proof of their identity. If the application is not filed in person at the National Police Force, the applicant must provide a certified copy of his/her passport.

4. Contact details of the national data protection authority and its possible role

Data Protection Office

Kirchstrasse 8

Postfach 684

9490 Vaduz

Liechtenstein

Tel. +423 / 236 60 90

info.dss@llv.li

5. Expected outcome of the requests for access. Content of the information

Generally, a reply is given within 30 days. In case a reply cannot be given within this period the applicant has to be informed. However, an answer has to be provided no later than 60 days after filing the application.

6. References of the main national laws that apply

Art. 11 und 12 Data Protection Act;

Art. 34g Act concerning the National Police Force (LGBl. 1989 Nr. 48);

Art. 47-49 Ordinance on the Schengen Information System (SIS) and the SIRENE Office (LGBl. 2011 Nr. 140).

7. Language regime

The application should be filed in German.

XX. LITHUANIA

1. Nature of right of access

The data subject has a right of direct access.

2. Contact details of the body to which requests for access should be addressed

Requests for access, correction or deletion should be addressed to the Ministry of the Interior of the Republic of Lithuania, which is the data controller:

Ministry of the Interior of the Republic of Lithuania

Šventaragio str. 2, LT-01510 Vilnius

Lithuania

Phone +370 5 271 7130, fax +370 5 271 8551

Email bendrasisd@vrm.lt

3. Formalities for the request: information and documents to be supplied - possible costs

Requests have to be submitted in writing and signed. They have to include the identity of the person wishing to have access to data concerning him or her, or to have data concerning him or her corrected/deleted (surname(s) and first name(s), personal identification number (if he does not have a personal identification number, date of birth), place of residence, contact details (phone or email address)). The applicant must provide the data controller with a document certifying his or her identity. Exercise of the rights is free of charge.

4. Expected outcome of requests for access. Content of the information supplied

The data subject has the right to obtain information on the sources and the type of personal data that has been collected on him, the purpose of their processing and the data recipients to whom the data are or have been disclosed at least during the past year.

On receiving an enquiry from a data subject concerning the processing of his personal data, the data controller must inform the data subject whether personal data relating to him have been processed,

and disclose the requested data no later than within thirty calendar days of the date of the data subject's enquiry (Article 25 of the Law on Legal Protection of Personal Data).

Where the data subject, after inspecting his personal data, finds that they are incorrect, incomplete and inaccurate and applies to the data controller, the data controller must check the personal data concerned without delay and at a written request of the data subject submitted in person, by post or by means of electronic communications, rectify the incorrect, incomplete and inaccurate personal data and (or) suspend processing of such personal data, except storage, without delay. If he finds that personal data are being processed unlawfully and unfairly and applies to the data controller, the data controller must check without delay and free of charge the lawfulness and fairness of the processing of personal data and, at a written request of the data subject, destroy the personal data collected unlawfully and unfairly or suspend processing of such personal data, except storage, without delay.

The data controller must inform the data subject and the data recipients of the rectification, destruction of personal data or suspension of processing of personal data at the request of the data subject, without delay (Article 26 of the Law on Legal Protection of Personal Data).

According to paragraph 2 of Article 23 of the Law on Legal Protection of Personal Data the data controller must provide conditions for the data subject to exercise his rights, with the exception of cases provided by law when necessary to ensure:

- 1) state security or defense;
- 2) public order, the prevention, investigation, detection and prosecution of criminal offences;
- 3) important economic or financial interests of the state;
- 4) prevention, investigation and detection of breaches of official or professional ethics;
- 5) protection of the rights and freedoms of the data subject or any other persons.

The data subject must be refused information about his personal data where necessary to perform actions regarding the alert or to defend the rights and liberties of third parties. Information concerning personal data must not be disclosed to the data subject within the timeframe valid for alerts on discreet surveillance.

Proper reasons must be given for the data controller's refusal to fulfil the data subject's request. The data controller must inform the data subject of his refusal to provide the requested data within no more than 30 calendar days of receipt of the data subject's request.

Regulations on the Lithuanian National Schengen Information System approved by Order of 17 September 2007 of the Minister of the Interior of the Republic of Lithuania No. 1V-324 provide that in cases where alerts on a data subject have been issued by another Contracting Party, the N.SIS data controller must not disclose information to the data subject concerning personal data on him in the national SIS, until authorization to provide such data has been received from the Contracting Party which issued the alert.

The N.SIS data controller, in response to the data subject's written application for rectification of incorrect, incomplete or inaccurate personal data, destruction of unlawfully processed personal data or suspension of processing operations on personal data, must immediately forward it to the competent institution of the Contracting Party, notifying the data subject accordingly. When the competent institution of the Contracting Party has corrected any incorrect or inaccurate data, updated any incomplete data, destroyed any unlawfully stored data or suspended processing operations on such data, the N.SIS data controller must immediately notify the data subject and the N.SIS data recipients to whom incorrect, inaccurate or incomplete data have been provided.

5. Contact details of the national data protection authority and its possible role

State Data Protection Inspectorate
A.Juozapavičiaus str. 6 , LT-09310 Vilnius
Lithuania
Phone +370 5 279 1445, fax +370 5 261 9494
E-mail: ada@ada.lt
Internet: www.ada.lt

If the data subject is not satisfied with the reply received from the data controller, or the data controller refuses to grant the data subject's request to exercise his/her right to have access to his/her personal data, to request rectification or destruction of his personal data or suspension of further processing of his personal data, or the data controller does not reply to the data subject within 30 calendar days of the date of his application, the data subject may appeal against acts (omissions) by the data controller to the State Data Protection Inspectorate within three months of receipt of the reply from the data controller or within three months of the date when the deadline for replying expires. The data subject can attach documents (the data controller's answer to the data subject's

request, etc.), where they exist, substantiating the facts mentioned in the data subject's complaint, in order to ensure that the complaint is investigated efficiently.

After receiving the data subject's complaint, the State Data Protection Inspectorate checks the lawfulness of the personal data processing and takes a decision on the facts described in the complaint.

6. References of the main national laws that apply

The Law on Legal Protection of Personal Data

Regulations on the Lithuanian National Schengen Information System approved by Order of 17 September 2007 of the Minister of the Interior of the Republic of Lithuania No. 1V-324

7. Language regime

Requests for access, correction or deletion must be submitted in the official language of the state (Lithuanian). Requests received in any other language will be investigated according to a general procedure. If the data subject's request is in a language other than the official language of the state, it must be translated into Lithuanian. The reply will be given to the applicant in the official language of the state (Lithuanian).

The language of the complaint investigation procedure is Lithuanian. Where a complaint by a data subject is lodged with the State Data Protection Inspectorate in any other language, it has to be translated into Lithuanian. The decision on the complaint is to be adopted and the reply to the complainant given in the official language of the state (Lithuanian).

XXI. MALTA

1. Nature of right of access

The data subject has a right of direct access.

2. Contact details of the body to which requests for access should be addressed

Requests for access, correction or deletion should be addressed to the competent national authority through the following contact:

Data Protection Officer Insp. Sandro Camilleri

Legal Unit

Police Headquarters

Floriana

Tel: 21224001

Email: sandro.camilleri@gov.mt

3. Formalities for the request

In accordance with Maltese law, the request must be submitted in writing and signed by the data subject. The request must be made in Maltese or English, which are the two official languages recognised by the Maltese Constitution. The reply should be provided in the same language as used by the individual submitting the request. The information should be provided without expense and without excessive delay.

4. Procedure

The SIS II Regulation and Decision establish that the right of individuals to request access to their personal data entered in the second generation Schengen Information System (SIS II), is to be exercised in accordance with the domestic law of the competent national authority where the request is submitted.

Having submitted a request, an individual is entitled to receive written information in line with the general data protection provisions contained in the Maltese Data Protection Act (Cap 440). Information should be provided in intelligible form about the actual personal data being processed, the source from where information was collected, the purpose of processing, and the possible recipients of information. Refusal or restriction to the right of access may only occur when this is justified for the suppression of criminal offences, or where necessary for the protection of the data subjects or the freedoms of other individuals.

In the eventuality of a restriction or refusal, the individual is to be informed in writing of such a decision, including reasons for the decision unless such communication could impinge on a legal task of the Police or the rights and freedoms of other individuals.

5. Contact details of the national data protection authority and its possible role

Office of the Information and Data Protection Commissioner

2, Airways House,

High Street

Sliema.

Malta

Tel: +35623287100, fax: +35623287198

Email: idpc.info@gov.mt

Website: www.idpc.gov.mt

In the case of a restriction or refusal, the individual has a right to file an appeal with the Information and Data Protection Commissioner within thirty days from when the decision is communicated to the individual or when the individual may reasonably be deemed to know about such a decision.

In considering the appeal the Information and Data Protection Commissioner must review the decision and must be satisfied that a refusal or restriction is reasonable and well founded.

6. References to the applicable national legal framework

The applicable legal instruments are the Data Protection Act (Cap 440), and regulation S.L. 440.05 applicable to the processing of personal data in the Police sector.

XXII. NETHERLANDS

1. Nature of the right of access

The nature of the right of access in the Netherlands is direct. The Police Data Act (Wet politiegegevens) is applicable to the national section of Schengen Information System II (N.SIS). A right of access is provided for by Article 25 of the Police Data Act. Any individual can submit a written request for access to his personal data in SIS II by sending a request to the Data Protection Officer of the Dutch National Police. Within 6 weeks of the request for access a reply should be communicated to the applicant. The reply will contain a communication on the content of the data, unless grounds for refusal of the communication lead to the application of Article 27 of the Police Data Act. Communication may be refused if necessary in the interests of:

- a. the proper exercise of policing duties;
- b. the protection of the rights of the person concerned or of the rights and liberties of third parties;
- c. national security.

2. Contact details of the body to which requests for access should be addressed

Requests for access to information should be submitted to:

Dutch National Police
Central Unit, Intelligence division
Attention of the Data Protection Officer
PO Box 3016
NL – 2700 KX Zoetermeer
Tel.: ++31-79-345 9911
Fax: ++31-79-345 90 10
E-mail: mailboxipoljz@klpd.politie.nl

3. Formalities for the request: information and documents to be supplied – possible costs

On receiving a request for information the Data Protection Officer contacts the person concerned regarding arrangements for dealing with the request. A copy of the identity document must be provided and – where applicable – a copy of the legal authorisation to represent the applicant. A fee of EUR 4.50 may be charged for dealing with requests, but in practice requests are free of charge.

Requests concerning alerts based on the SIS II Regulation will be forwarded to the authority responsible for this category of alerts, the Immigration and Naturalisation Service (Immigratie en Naturalisatiedienst, IND) of the Ministry of Security and Justice.

Requests concerning all other alerts will be dealt with by the competent (police) authorities.

Once information has been obtained a request may be made for the data to be completed, corrected or deleted.

4. Contact details of the national data protection agency and its possible role

In case of a dispute regarding the processing of the request an application for mediation may be sent to:

College Bescherming Persoonsgegevens
PO Box 93374
NL – 2509 AJ Den Haag
Tel.: ++31-70-8888500
Fax: ++31-70-8888501
E-mail: info@cbpweb.nl
Internet: www.cbpweb.nl

The application should be submitted within 6 weeks of receipt of the information.

Cases in which a request has been refused will be examined free of charge by the Dutch Data Protection Authority (College Bescherming Persoonsgegevens, CBP). As an alternative, or if mediation by the CBP has failed, an application may be submitted to the District Court (administrative section) to consider the case and decide as it finds appropriate.

5. Language regime

Requests for access may be written – preferably – in Dutch or English, but will be accepted in French, German or Spanish as well. Applicants using another language should take additional time for translation into account.

XXIII. NORWAY

1. Nature of right of access

The right of access is direct.

2. Contact details of the body to which requests for access should be addressed

Kriminalpolitisen
(National Criminal Investigation Service NCIS)

PO Box 8163 Dep.

NO-0034 OSLO

Tel.: ++47 23 20 80 00

E-mail:

Fax: + +47 23 20 88 80

Internet: www.kripos.no

3. Formalities for the request: information and documents to be supplied – provide costs

Applications for access must be made in writing and signed. A written reply must be given without undue delay and no later than 30 days from receipt of the request.

4. Contact details of the data protection authority and its possible role

Datatilsynet

PO Box 8177 Dep.

NO-0034 OSLO

Tel.: +47 22 39 69 00

Fax: + 47 22 42 23 50

E-mail: postkasse@datatilsynet.no

Internet: www.datatilsynet.no

5. Expected outcome of requests for access. Content of the information supplied

Applications for access are decided in the first instance by the registration administrator (NSIS). If

the application has been made to the registration administrator, it is referred to the authority that ordered the registration with a request for an opinion. If the application has been made to the authority that ordered the registration, this authority forwards it to the registration administrator, accompanied by an opinion.

If access is not granted because the applicant is not registered or because the exclusionary provision of the SIS Act applies (Section 15), alternative grounds must always be given, so that the grounds provided do not indicate that data which cannot be disclosed have been recorded.

6. References of the main national laws that apply

Act relating to the Schengen Information System (LOV 1999-07-16-66)

Regulations to Act No 66 of 16 July 1999 relating to the Schengen Information System (SIS regulations).

XXIV. POLAND

1. Nature of right of access

The right of access to information is direct.

2. Contact details of the body to which requests for access should be addressed

According to the Act of 24 August 2007 on the participation of the Republic of Poland in the Schengen Information System and the Visa Information System, Poland's controller of data processed within the Schengen Information System is the Commander-in-Chief of the Police. Requests for access or modification of data should be sent to him.

Address for correspondence:
General Headquarters of the Polish Police (KGP)
Central Technical Authority KSI
02-514 Warsaw
148/150 Puławska Street
Poland

If there is a need for consultation regarding the contents of a request for access to personal data, contact with us is possible by phone or via e-mail:

tel.: +48 (22) 601-53-29
tel.: +48 (22) 601-53-15
e-mail: cot.admin.ksi@policja.gov.pl

3. Formalities for the request: information and documents to be supplied – possible costs

Everyone has the right to obtain comprehensive information regarding personal data concerning them which are processed in data filing systems.

In accordance with Article 32 (5) of the Act of 29 August 1997 on the Protection of Personal Data

(Journal of Laws of 2002, No. 101, item 926, with subsequent amendments), the person concerned may exercise his/her right to obtain information once every six months.

An application for access is free of charge.

Pursuant to Article 32 (1-5a) of the Act on the Protection of Personal Data the data subject may request the following information regarding the processing of his/her personal data:

- whether the data exist in the system,
- for how long the data have been processed,
- the source of data acquisition,
- how data is made available,
- the purpose and scope of data processing,
- to what extent and to whom the data were made available.

The controller will reply regarding the requested information within 30 days. In order to obtain such information a written request must be submitted in Polish.

The request for information should include:

1. name and surname of the applicant,
2. Polish national identification number - PESEL (where applicable),
3. nationality,
4. date and place of birth,
5. photocopy of an identity document containing a clear image,
6. place of residence (country, city, street and house number/apartment),
7. subject matter of the request,
8. signature of person making the request.

In accordance with Article 32 of the Act of 14 June 1960 on the Code of Administrative Procedure (Journal of Laws of 2000, No. 98, Item 1071, with subsequent amendments), a party may be represented in administrative proceedings by a plenipotentiary, unless the nature of the activities requires action in person. Article 33 of the Code establishes the procedural rules for power of attorney, i.e.:

- the plenipotentiary may be a natural person having legal capacity;
- power of attorney should be notified in writing;

- the plenipotentiary files an original or officially certified copy of the power of attorney.

A lawyer, legal counsel or patent agent may themselves authenticate a copy of the power of attorney granted to him/her.

Refusal to provide information on processed personal data

According to Article 30 of the Act on the Protection of Personal Data the controller may refuse to provide access where this would:

1. result in the disclosure of information constituting a state secret,
2. pose a threat to state security or defence, life and human health or safety and public order,
3. pose a threat to the basic economic or financial interest of the State,
4. result in a substantial breach of personal interests of data subjects or third persons.

The right to correct the data, request the suspension of their processing or removal

The data subject may ask the controller to supplement, update, correct, remove, and temporarily or permanently suspend processing of his/her data. However, the data subject must demonstrate that the data are incomplete, outdated, inaccurate, have been collected in violation of the law or that their processing is no longer necessary to achieve the purpose for which they were collected.

Application proceedings are conducted in accordance with the provisions of the Code of Administrative Procedure.

4. Contact details of the national data protection authority and its possible role

In order to provide an adequate level of legal protection for persons whose data is stored in the Schengen Information System, the General Inspector for Personal Data Protection supervises whether the use of data violates the rights of data subjects. This supervision is exercised in accordance with the laws on personal data protection.

Address for correspondence:

Bureau of the Inspector General for Personal Data Protection (GIODO)

2 Stawki Street

00-193 Warsaw

Poland

tel. +48 (22) 860-73-93

fax +48 (22) 860-70-86

<http://www.giodo.gov.pl>

kancelaria@giodo.gov.pl

Any person whose data are processed in the Schengen Information System, is entitled to submit a complaint to the Inspector General for Personal Data Protection in relation to the implementation of the provisions on the protection of personal data.

5. References of the main national laws that apply

- Act of 24 August 2007 on the participation of the Republic of Poland in the Schengen Information System and the Visa Information System,
- Act of 29 August 1997 on the Protection of Personal Data,
- Act of 14 June 1960, Code of Administrative Procedure,
- Act of 7 October 1999 on the Polish Language.

XXV. PORTUGAL

1. Nature of the right

The right of access, correction and deletion of personal data processed in the SIS II is exercised indirectly, via the national data protection authority – CNPD.

2. Contact details of the body to which requests for access should be addressed

Comissão Nacional de Protecção de Dados – CNPD

Rua de S. Bento, 148, 3º

1200-821 Lisboa

www.cnpd.pt

Front Office - Privacy Line: (00.351) 393 00 39 (Mondays to Fridays, from 10-13h GMT)

Personal attendance: Mondays to Fridays, from 14.30 – 16.30h (GMT)

3. Formalities for the request: information and documents to be supplied – possible costs

Requests must be submitted in writing, using one of the specific three forms, either for the right of access, the right of correction or the right of deletion. These forms are available on the DPA website in Portuguese, English and French versions. The requests may be submitted in person in the DPA Front Office or sent by post mail. Applicants must present an identification document (passport or ID card for Portuguese citizens). If requests are sent by post mail, it must be enclosed to the form an intelligible and certified copy of the passport or ID card.

Requests are free of charge.

4. Contact details of the national data protection authority and its possible role

Contact details of the CNPD are given in item 2.

All information on the rights of the persons concerning the Schengen Information System is available in PT, EN and FR in the DPA website.

5. Expected outcome of the requests for access. Content of the information

The DPA makes all due diligences before the Schengen competent authorities and provide an answer to the requester as soon as possible and, in any case, no longer than 30 days for the access

requests. For the correction and deletion requests, the DPA, if unable to provide a final answer, will inform the requester within 90 days of the follow-up of the request.

6. References of the main national laws that apply

Law 67/98 of 26 October (article 11) – Data Protection Law

7. Language regime

The requests must be submitted in Portuguese, as well as any documents enclosed shall be translated into Portuguese. The Front Office will assist you in fulfilling the request, if necessary.

XXVI. ROMANIA

1. Nature of right of access

The right of access in Romania is direct.

2. Contact detail of the body to which requests for access should be addressed

According to Article 62 (3) of Law no. 141/2010 on the setting up, organisation and functioning of the National Information System for Alerts (NISA) and participation of Romania to the Schengen Information System, the requests may be submitted to the national SIRENE Bureau or to any data controller within the Minister of Administration and Interior or its structures, which sends the request to the national SIRENE Bureau within 5 days from its submission.

Address for correspondence:

Centre for International Police Cooperation

SIRENE Bureau

1-5 Calea 13 Septembrie, Bucharest, 5th District

Romania

Tel.: +40 21 315 96 26

Tel.: +40 21 314 05 40

Fax: +40 21 314 12 66

Fax: +40 21 312 36 00

E-mail: ccpi@mai.gov.ro

3. Formalities for the request: information and documents to be supplied/possible costs

The rights of the person as regards the personal data processing in the NISA or SIS II are used according to the provisions of Law no. 677/2001 on the protection of individuals with regard to the personal data processing and the free movement of such data, with the subsequent modifications and amendments, with the exceptions mentioned by this law.

According to Article 13 (1) of Law no. 677/2001, *an application for access is free of charge.*

The data subject shall not be communicated information regarding personal data processed in NISA or SIS II as long it is necessary for performing the activities on the basis of the alert or the objective of the alert or for protecting the rights and freedom of other persons.

4. Contact details of the national data protection authority and its possible role

The legality of the personal data processing in the N.SIS on the territory of Romania and transmitting this data abroad, as well as subsequent exchanging and processing of supplementary information are subject to monitoring and control by the National Supervisory Authority for Personal Data Processing.

The auditing of the personal data processing is performed by the National Supervisory Authority for Personal Data Processing according to audit international standards at least once every four years.

Address for correspondence:

National Supervisory Authority For Personal Data Processing

28-30 G-ral Gheorghe Magheru Bld.

Bucharest, 1st district 1

Romania

Tel.: +40 31 805 92 11

Fax: +40 31 805 96 02

E-mail: anspdcp@dataprotection.ro

5. Expected outcome of the requests for access. Content of the information supplied

The requests of the data subjects in the context of personal data processed in the NISA or the SIS II can be submitted only to the national SIRENE Bureau which will communicate the answer to the applicant as soon as possible but no later than 60 days after the receipt of the request, in the case of using the right of access to the personal data and as soon as possible but no later than 90 days after the receipt of the request in the case of using the right of rectification and deletion of the personal data, by exception from the provisions of Law no. 677/2001, with the subsequent modifications and amendments.

6. References of the main national laws that apply

- 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,
- Law no. 677 of 21st of November 2001 on the Protection of Individuals with Regard to the Processing of Personal Data and the Free Movement of Such Data, amended and completed.

7. Language regime

If the data subject is Romanian, he/she can submit his/her request in Romanian and if the data subject is foreigner, he/she can submit his/her request in English.

1. Nature of right of access

Under Article 41 of SIS II Regulation and 58 of SIS II Decision, anyone has the right to have access to data entered in the second generation Schengen Information System (SIS) which relate to him. This right is to be exercised in accordance with national law of the contracting party. In the case of the Slovak Republic, the data subject has a right of direct access.

2. Contact details of the body to which requests for access should be addressed

Requests for access should be addressed to the Ministry of Interior, which is the data controller:

MINISTERSTVO VNÚTRA SLOVENSKEJ REPUBLIKY

Pribinova 2, 812 72 Bratislava

Slovenská republika

Phone: 02/5094 1111

Fax: 02/5094 4397

 [send](#) the mail

Internet :<http://www.minv.sk>

3. Formalities for the request: information and documents to be supplied

Under Article 69c of Act No. 171/1993 Coll. on the Police Force everyone has right to request, in writing, that the Ministry of Interior provide information on what personal data is being processed on them. At the same time the controller of the Schengen Information System is obliged to provide the information free of charge within 30 days from the date of receiving such **written request**.

The standard application form for the above request is available on the web site of the Ministry of Interior. The data subject is obliged to provide his/ her personal data (name, surname, permanent address, place and full date of birth and nationality) as well as a copy of his/her ID card or passport for the purpose of proving his/her identity.

4. Expected outcome of requests for access. Content of the information supplied

Provision of personal data to the applicant from the information systems operated by police is executed under Article 69c of the Act No. 171/1993 Coll. on the Police Force.

In the case of the Schengen Information System II, if the alert was issued under Articles 26 - 34 and Article 38 of the SIS II Decision, the applicant will be informed of the data relating to him/ her (at least the following personal data: name, surname, date and place of birth, sex, nationality and reason for the alert i.e. the purpose of the processing of his/her personal data).

Where the right of access to information concerns an alert which was not issued by the Slovak Republic, the issuing country must be given an opportunity to state its position as to the possibility of disclosing the data to the applicant.

If the alert was issued under Article 36 of the SIS II Decision, the applicant is likely to be refused disclosure of the data (the processing has been carried out on national security grounds or in the investigation of particularly serious offences).

In other words, communication of information to the data subject is to be refused if essential for the performance of a lawful task in connection with the alert or for the protection of the rights and freedoms of third parties. In any event, it must be refused throughout the period of validity of an alert for the purpose of discreet surveillance.

Under Art. 69c of Act No. 171/1993 Coll. on the Police Force the data subject also has a right to **apply in writing** to the Ministry of Interior for correction or deletion of his/ her personal data processed in the Schengen Information System (a standard form concerning the request for deletion/correction of data is available on web site of the Ministry of the Interior).

If the data subject suspects that his/her personal data are being processed without authorization, under Article 20 par. 6 of the Data Protection Act he/she may lodge a **complaint** directly with the Office for Personal Data Protection of the Slovak Republic, who consequently check if there is any violation of data subject rights in the course of processing and use of personal data on the data subject held in the Schengen Information System II.

Bringing complaints is regulated by the provisions of Section 63 of Act No. 122/2013 Coll. on Personal Data Protection...(The standard form for lodging complaints is available on the website of the Ministry of the Interior too).

5. Contact details of the national data protection authority and its possible role

Úrad na ochranu osobných údajov Slovenskej republiky
(Office for Personal Data Protection of the Slovak Republic)

Hraničná 12

827 07 Bratislava 27

Slovenská republika

Tel: +421 2 32 31 32 14

Fax: 421 2 32 31 32 34

e-mail:statny.dozor@pdp.gov.sk

Internet:[http:// www.dataprotection.gov.sk](http://www.dataprotection.gov.sk)

6. References of the main national laws that apply

Act No. 122/2013 Coll. on Personal Data Protection and on Changing and Amending of other acts,
as amended by Act No. 84/2014 Coll.

1. Nature of right of access

There is a right of direct access.

2. Contact details of the body to which requests for access should be addressed

Applications can be filed in written form or also orally, for the record, with the Police (Ministry of the Interior). The address is the following:

Policija, Ministrstvo za notranje zadeve

Štefanova 2

1501 Ljubljana

Slovenia

Fax: + 386 1 428 47 33

E-mail: [gp.mnz\(at\)gov.si](mailto:gp.mnz(at)gov.si)

Applications may also be filed at all border crossing points, administrative units and Slovenian diplomatic and consular authorities abroad. They are submitted to the Police immediately.

Link to the form for Request for Information on Data in the National Schengen Information System in Slovenia (N.SIS), which can be downloaded in English:

<http://www.ip-rs.si/index.php?id=346>

3. Formalities for the request: information and documents to be supplied – possible costs

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.

Article 30 of the Personal data protection act requires the Police, which is subordinate to the Ministry of the Interior and a data controller, to:

1. enable consultation of the SIS filing system catalogue;

2. certify whether data relating to the data subject are being processed or not, and enable him to consult personal data contained in the national SIS filing system that relate to him, and to transcribe or copy them;
3. supply him with an extract of personal data contained in the national SIS filing system that relate to him;
4. provide a list of data recipients to whom personal data were supplied, stating when, on what basis and for what purpose;
5. provide information on the sources on which records about the individual in the SIS are based, and on the method of processing;
6. provide information on the purpose of processing and the type of personal data being processed in the SIS, and all necessary explanations in this connection;
7. explain the technical and logical-technical procedures of decision-making.

The processing of applications is at present free of charge. The requesting individual may be charged only material costs for photocopying as stipulated in the Rules on the charging of costs related to the exercise of the right of an individual to access his own personal data.

4. Contact details of the national data protection authority and its possible role

Informacijski pooblaščenec
(Information Commissioner)

Zaloska 59
1000 Ljubljana
Slovenia

Tel.: ++ 386 1 230 97 30

Fax: ++ 386 1 230 97 78

E-mail: gp.ip@ip-rs.si

Internet: www.ip-rs.si

The Information Commissioner is competent for deciding on an appeal by an individual when a request to consult his personal data has been refused or the competent authority has refused to answer his application.

Applicants who consider that any of their rights have been violated in relation to an application for access may lodge a claim with the Information Commissioner. The Information Commissioner,

having received the complaint, forwards it to the controller of the file, so that he can draw up any statements he regards as relevant. Finally, the Information Commissioner takes a decision on the complaint and forwards it to those concerned, after receiving the statements and the reports, evidence and other investigation documents, as well as inspection of the files where necessary and interviews with the person concerned and the controller of the file.

The processing of this appeal is at present free of charge.

5. Expected outcome of requests for access. Content of the information supplied

If the data relating to the person concerned are contained in the SIS file and if the request is granted, the controller of the file will provide the person concerned with the data relating to him in the form requested. The Police must enable the individual to consult, transcribe, copy and obtain a certificate no later than 15 days from the date of receipt of the request, or within the same interval, inform the individual in writing of the reasons for refusal. The Police is obliged to supply the extract mentioned above in point 3, the list in point 4, the information in points 5 and 6 and the explanation in point 7 to the individual within 30 days from the date the request was received, or, within the same interval, to inform him in writing of the reasons for refusal.

Likewise, the individual's right to consult personal data that relate to him may also be exceptionally restricted in accordance with the Article 36 of the Personal Data Protection Act, by statute, for reasons of protection of national sovereignty and national defence, protection of national security and the constitutional order of the state, security, political and economic interests of the state, the exercise of the responsibilities of the police, the prevention, discovery, detection, proving and prosecution of criminal offences and minor offences, the discovery and punishment of violations of ethical norms for certain professions, for monetary, budgetary or tax reasons, supervision of the police, and protection of the individual to whom the personal data relate, or the rights and freedoms of others. These restrictions may only be imposed to the extent necessary to achieve the purpose for which the restriction was provided.

6. References of the main national laws that apply

- Personal Data Protection Act (Official Gazette of the Republic of Slovenia, no. 94/2007, official consolidated text), unofficial English translation of the Act available at: <http://www.ip-rs.si/index.php?id=339>;

- Information Commissioner Act (Official Gazette of the Republic of Slovenia, no. 113/2005), unofficial English translation of the Act available at: <http://www.ip-rs.si/index.php?id=325>;
- Rules on the charging of costs related to the exercise of the right of the individual to access own personal data (Official Gazette of the Republic of Slovenia, no. 85/2007), only Slovene text of the Rules available at: <http://www.ip-rs.si/zakonodaja/zakon-o-varstvu-osebnihpodatkov/pravilnik-o-zaracunavanju-stroskov-pri-izvrsevanju-pravice-posameznika-doseznanitve-z-lastnimi-osebniimi-podatki/>.

XXIX. SPAIN

1. Nature of right of access

Data subjects have the right of direct access, but, when the data controller fails to respond to a request for access or when the answer provided is unsatisfactory they also have the right to indirect access through the Spanish Data Protection Authority.

2. Contact details of the body to which requests for access should be addressed

Requests for access to information should be submitted to:

Secretaría de Estado de Seguridad
Subdirección General de Sistemas de Información y Comunicaciones para la Seguridad,
C/ López Santos, 6,
28230 Las Rozas (Madrid)
Spain

3. Formalities for the request: information and documents to be supplied – possible costs

Any request for access must be submitted in writing to the data controller. To this end, data subjects must send an application to the data controller by any means that provides evidence of the dispatch and receipt of the application.

There is no an official standard application form or any formal requirements. Nevertheless, following the general administrative procedure, the application should provide a full description of the request and must be accompanied by a photocopy of a document proving the identity of the data subject – i.e. a national identity card or passport. In addition, data subjects can attach to the request copies of any relevant documents they consider important in support of the request described in the application.

The procedure is free of charge.

4. Contact details of the national data protection authority and its possible role

Agencia Española de Protección de Datos (Data Protection Authority)

C/ Jorge Juan, 6

E - 28001 – Madrid

Tel.: + 34 901 100 099

Fax: + 34 91 445 56 99

E-mail: ciudadano@agpd.es

Internet: www.agpd.es

As already mentioned, data subjects have the right of direct access. Nevertheless, they also have indirect access through the Spanish Data Protection Authority (hereinafter referred to as the Spanish DPA) when a data controller fails to respond to a request for access made by a data subject or when the answer provided is unsatisfactory. In both cases, data subjects can lodge a claim with the Spanish Data Protection Authority. Under section 117 of Royal Decree 1720/2007, that approves the regulation implementing the Organic Act 15/1999, on the Protection of Personal Data, the procedure is to be initiated at the request of the data subject, clearly expressing the content of his/her claim and the provisions of the aforementioned Spanish Data Protection Act that he/she considers breached.

Once the Spanish Data Protection Authority has received the claim, a procedure to protect rights of individuals is initiated. According to this procedure, the Spanish DPA forwards the claim to the data controller in order to give the administrative body the opportunity to lodge any defence it deems appropriate to support the denial of access or the answer provided to the applicant.

These comments, if any, are forwarded to the applicant, who can make further statements and comments. These comments are forwarded to the data controller, which has the opportunity to provide explanations of its decision and respond to the comments and statements made by the applicant.

Having received the statement of defence and the other statements and documents, the Director of the Spanish DPA delivers a decision resolving the claim received.

It is important to stress that the time-limit for issuing and notifying the decision is six months following the date of receipt of the claim at the Spanish Data Protection Authority.

If the decision is in favour of the request, the Spanish DPA communicates it to the data controller, who must grant the data subject exercise of the right of access within ten days following the notification. Moreover, the data controller is obliged to provide written evidence of compliance with the decision of the Spanish Data Protection Authority to this supervisory authority within the same period of time.

5. Expected outcome of requests for access. Content of the information supplied

If the alert was issued by the Spanish authorities, it is for the controller to decide on the content of the information supplied to applicants. Usually, the data subject receives copies of administrative documents containing personal data stored in the filing system.

However, if the alert was issued by the authorities of another Schengen country, the controller must inform its counterpart in that country of the claim received, in accordance with the principle of cooperation between national authorities with regard to the protection of personal data. It is for the authorities of the other Schengen country to decide what information can be supplied to the data subject.

6. Language regime

A data subject who wants to start the procedure for the right of access in Spain should address the public bodies in Spanish.

7. Forms

The Spanish DPA offers through its website an unofficial standard form (in Spanish) for the right of access that can be used at the convenience of the data subject. The form can be found on the following link:

http://www.agpd.es/portalwebAGPD/CanalDelCiudadano/denunciasciudadano/derecho_schengen_den/common/DERECHO_DE_ACCESO_Schengen_Es.pdf.

Data subjects wishing to lodge a claim related to the right of access with the Spanish Data Protection Authority can use the following link (in Spanish only): <https://sedeagpd.gob.es/sede-electronica-web/vistas/formReclamacionDerechos/tipoSolicitud/solicitudPresencial.jsf>

XXX. SWEDEN

1. Nature of right of access

There is a right of direct access.

2. Contact details of the body to which requests for access should be addressed

Requests for access must be made to the National Police Board (Rikspolisstyrelsen), which is the authority responsible for the Swedish unit of the Schengen Information System.

Rikspolisstyrelsen
Box 12256
Polhemsgatan 30
S - 102 26 Stockholm
Tel: ++46 77-114 14 00
E-mail: rikspolisstyrelsen@polisen.se
Internet: www.polisen.se

3. Formalities for the request: information and documents to be supplied – possible costs

Requests must be made in writing to the National Police Board and signed personally by the applicant. A copy of national identity card or passport must be attached to the request. In general, a request for access must be answered within one month. Applicants are entitled to free access to information once every calendar year.

4. Contact details of the national data protection authority and its possible role

Datainspektionen
Box 8114
Drottninggatan 29, 5th floor
S - 104 20 Stockholm
Tel.: ++46 (0)8-657 61 00

Fax: ++46 (0)8-652 86 52

E-mail.: datainspektionen@datainspektionen.se

Internet: www.datainspektionen.se

The Data Inspection Board makes sure that personal data processing in Sweden complies with the rules in the Personal Data Act and other data protection legislation. The Board may initiate supervision either based on a complaint or on its own initiative. A person who is not satisfied with how his/her request for access to information in the SIS has been dealt with may submit a complaint to the Data Inspection Board. The complaint may result in an investigation of whether the rules on right of access have been complied with. The National Police Board's decision regarding the right of access may however also be appealed to administrative court.

5. Expected outcome of requests for access. Content of the information supplied

Whether or not the information is disclosed depends on the provisions of the Official documents and Secrecy Act (2009:400), which may prohibit the disclosure of certain data. Where disclosure of the data is permitted, the National Police Board is responsible for forwarding it.

6. References to the main national laws that apply

Law applicable: Sections 26 and 27 of the Personal Data Act (1998:204), Section 8 of the Schengen Information System Act (2000:344) and section 21 of the Schengen Information System regulation (2000:836).

7. Language regime

There are no specific rules concerning this subject in Sweden. An application in English would be accepted.

XXXI. SWITZERLAND

1. Nature of right of access

There is a right of direct access. The competent authority processing individuals' requests regarding the right of access to personal data in the SIS is the Data Protection Officer of the Federal Office of Police in Switzerland.

2. Contact details of the body to which requests for access should be addressed

Federal Office of Police (fedpol)
Legal department/ Data protection
Data Protection adviser
Nussbaumstrasse 29
CH-3003 Berne
www.fedpol.ch

3. Formalities for the request: information and documents to be supplied – possible costs

Individuals' requests concerning their personal data processed in the SIS have to be directly addressed to the Federal Office of Police, controller of the SIS data file in Switzerland. The requests must usually be sent in writing with a copy of a valid identity card or passport and a power of attorney if the person is represented. If a request is sent by email, the person must mention his postal address and annex a copy of a valid identity card or passport.

4. Contact details of the national data protection authority and its possible role

Federal Data Protection and Information Commissioner (FDPIC)
Feldeggweg 1,
CH-3003 Berne
Phone: +41(0)31 322 43 95, Fax +41-(0)31 325 99 96
<http://www.edoeb.admin.ch/index.html?lang=en>

5. Expected outcome of requests for access. Content of the information supplied

According to Article 50 paragraph 4 of the Ordinance on the National Part of the Schengen Information System (N-SIS) and on the SIRENE Bureau (N-SIS Ordinance), the individual concerned shall be informed within 30 days of receipt of his request for access. If it can't be informed in this time limit, the person must be informed of this delay. The person must be informed not later than 60 days of receipt of the request. If there is no ground for refusal, the individual is fully informed.

According to Article 50 paragraph 5 of the N-SIS Ordinance, the individual concerned shall be informed not later than 3 months from the date on which he applies for his request of correction or deletion.

The right to be informed in case of a decision of non-admission is governed by Article 51 of the N-SIS Ordinance.

6. References to the main national laws that apply

- [Federal Act of 19 June 1992 on Data Protection](#) (FADP; RS. 235.1)
- [Ordinance of 14 June 1993 to the Federal Act On Data Protection](#) (OFADP; RS. 235.1)
- [Ordinance on the National Part of the Schengen Information System \(N-SIS\) and on the SIRENE Bureau](#) (N-SIS Ordinance; RS. 362.0)

7. Language regime

Request can be transmitted in French, German, Italian or English.

ANNEXES (MODEL LETTERS)

The following model letters can be used to file your request unless the national competent authority to which you address your request asks you to use a specific standard form.

Annex 1

Model letter for requesting access

To: Title and address of the competent authority

DD-MM-XXXX,

Place

Dear Sir / Madam,

Pursuant to Article 41 of 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 and 58 of Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System ,

I _____(name, surname), _____(nationality),
_____ (date and place of birth), _____(address), would like to request access to my personal data entered in the Schengen Information System.

Please find enclosed:

1. Copy of a valid identity document under the national law of the Schengen State (passport/identity card/driving licence (other valid identity document);
2. Copy of the legal authorisation to represent the applicant;
3. Other.

The Applicant / The Legal Representative

(Signature)

Annex 2

Model letter for requesting correction or deletion of the data processed

To: **Title and address of the competent authority**

DD-MM-XXXX,

Place

Dear Sir / Madam,

Pursuant to Article 41(5) of 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 or 58 (5) of Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System,

I _____(name, _____ surname), _____(nationality),
_____ (date and place of birth), _____(address),

would like to request correction of factually inaccurate data relating to me or deletion of data relating to me which have been unlawfully stored in the Schengen Information System. My personal data should be corrected/deleted because:

Please find enclosed:

1. Copy of a valid identity document under the national law of the Schengen State (passport/identity card/driving licence (other valid identity document);
2. Copy of the legal authorisation to represent the applicant;
3. Other.

The Applicant/The Legal Representative

(Signature)