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NOTE

from: French and Finnish delegation
to: Working Group on Information Exchange and Data Protection (DAPIX)
Subject: IMS Action List No 3
EPRIS / ADEP: Automation of the data exchange process

The main activity of daily police information exchange between National Contact Points (NCPs) consists primarily of checking whether relevant data are available in the general police databases of the requested Member State(s). Subsequent to a positive reply, further efforts would be undertaken to gain the desired information. This note suggests to improve and/or automate this first checking process, which is currently done manually.

The proposal for ADEP, the automation of data exchange processes, aims to contribute to the discussion on the on the EPRIS study for possible ways to enhance efficiency in the exchange of police records between the Member States, on the basis of business needs of law enforcement authorities.

As such, the EPRIS/ADEP solution would be an important contribution to achieve the goals of Council Framework Decision 2006/960/JHA (Swedish Framework Decision) and, therefore, to the implementation and dissemination of the principle of availability. Delegations are invited to discuss the EPRIS/ADEP initiative, set out in Annex, at the DAPIX meeting of 17 October 2012, especially in view of the establishment of a 3rd IMS action list. This initiative is without prejudice to other ongoing initiatives in the framework of the IMS action list.

1. Past and ongoing initiatives

In 2007, the first discussions were held on the exchange of police records, on the basis of a document concerning what was then called the "Criminal Record Index System (CRIS)", presented in the framework of the Police Chiefs Task Force. A better exchange of data from the register of persons suspected of (concrete) crime was assessed as crucial for law enforcement matters.

At the 16-17 July 2008 "Conference on needs and instruments for the exchange of law enforcement information within the EU", a catalogue and prioritisation was made of information that Member States should be able to exchange. The ten main types of information that were found to be relevant included persons involved in police cases or "well known police persons".

Furthermore, the Stockholm Programme called for a study on the need and added value of what was meanwhile called the European Police Record Index System (EPRIS). The Commission expected the final report of this study by the end of August 2012 and would take it into account in its Communication on the European Information Exchange Model, which it intends to publish in December 2012.

The current paper extends and formalises the positions of the FR and FI delegations set out during the expert meeting on the state of play of the EPRIS study held at the Commission premises on 19 April 2012 and indicates the importance these delegations attach to this file, which they consider urgent.

Hungary and Spain showed their interest as well as other Members States during preliminary discussions of the initiative in the DAPIX meeting of 21 September 2012.

2. Business requirements / Functional needs

The need for expeditious exchange of law enforcement information across borders within the EU is rapidly growing. Investigating services in charge of the criminal case wish to know without delay whether there is information available on a certain person in one of the Member States in order to decide whether more information is needed before undertaking any measures.

The daily exchange process between the NCPs is thus mainly dedicated to basic requests to find out whether there are relevant data in the requested Member State, especially in the general police databases in the requested Member State(s).

It is estimated that currently 65% of the requests are not replied to at all and only 35 % get a positive or negative answer (France). In the case of a response, it is either a positive or negative answer based on a hit/no hit system. In view of the considerable amount of manual work involved, it seems plausible that a lot of possible requests are not sent at all in order to avoid unnecessary efforts in the requested Member States but thereby neglecting assumedly essential investigative approaches.

However, if it is proven that information on the person in question is available from a law enforcement authority in certain Member States, a well-directed request would be made. It is most likely that a positive answer would be given to these requests and that in this respect the activities in all Member States concerned would have been worthwhile.

The widest possible automation of time consuming manual activities would therefore help to allocate the limited resources (most notably personnel) in the NCPs to prioritised tasks, better address complex request and aid investigations.

This approach would correspond to the IMS recommendation to consolidate existing information exchange instruments instead of proposing new ones. Particularly in view of the economic situation within the EU, the automation and restructuring of the current manual or unstructured processes would have economic and financial advantages compared to the development of a completely new system for information exchange.

The required solution for EPRIS/ADEP must be pragmatic, fast, cost-effective and flexible, allowing national law enforcement authorities to choose which data they will share.

3. Form of the request / reply

The information exchange should be based on an automatically generated reply protocol (Hit/noHit) complemented by a minimum set of mandatory and optional data (Hit +++).

A : Requests¹

Search criteria should be (not all mandatory):

- name
- surname
- date of birth
- place of birth
- gender
- nationality

B : Reply

- known / unknown, if known:

1. Mandatory data (to the extent permitted by union and/or national law)

- name
- surname
- date of birth
- place of birth
- gender

¹ As regards aliases, police files specialists assess that the use of 5 different criteria to identify a person filters out 99% of possible confusions. The remaining 1% shall be dealt with like today, i.e. the confusion will be evinced from the comparison of the request result with other elements of the investigation.

2. Optional data

- nationality
- essential case data (type of crime[s], place and date of crime[s])

Member States should have the opportunity to filter the replies with regard to the indicated seriousness of the offence. This distinction would permit respect for national law and it would be easier to take into account the various national process systems and the diversity of legal bases:

- The recorded facts can be «multiple» or restricted to the most serious ones.
- The reply message would not contain any additional personal details or information about the status of the person, possible alerts or possible measures to be taken.

Subsequent to a positive hit, the requesting Member State would get into direct communication with the requested Member State(s) by using any existing police cooperation channel and the known NCP.

This automation could concern at least one database per Member State or more².

4. Architecture / Technical aspects

Using existing tools will be the first choice (including their possible extended use). In that case the given architecture would be predetermining. If a new system will be found necessary, an in-depth analysis would be required. As it is not considered to set up a new European database, the automated checks can be supported by several types of decentralised architecture. In any case, the UMF II technology should be taken into account.

5. Legal framework

² With regard to the expected EPRIS/ADEP workload and the risk it could generate for national police record systems, the setting up of EPRIS/ADEP will lead to a decrease and not to an increase of this workflow. Indeed, when a police investigator currently needs to know whether a person has some police record in some other Member States, there is no way to immediately identify which country might be concerned. As a result, requests are sent to Member States across the board. Most of these requests are found not pertinent afterwards. The national police record systems are, in principle, flooded with mostly non-pertinent requests. With EPRIS/ADEP, the police investigator will know which Member States are pertinent and the number of requests shall therefore be reduced to the strict necessary. This decrease of the requests will allow police cooperation units to use fewer staff members for this task.

This document aims at setting out the functional description of law enforcement business needs of Member States. Examining the legal framework, existing or future, will be a point of attention for the next step.

Enhanced cooperation among several Member States could also be envisaged by carrying out a pilot project.

6. Suggested approach

This paper does not wish to address the adequate legal framework nor the technical implementation but focuses on the “business needs” of the Member States.

In summary, it is recommended to automate the current requests for information by:

- consulting an « index » provided by each Member State,
- using a standard transliteration interface, such as the one used in the SIS or in the EIS,
- giving preference to the UMF II technology used by SIENA,
- taking into account the information exchange with Europol
- allowing MS to set up their connection to the system at their own pace.

Depending on the legal and architectural options/decisions, Europol and/or the Large IT Systems Agency could be tasked with this initiative.