



Council of the
European Union

**Brussels, 3 August 2018
(OR. en)**

11527/18

LIMITE

**SIRIS 100
ENFOPOL 415
FRONT 250
VISA 208
DAPIX 254
CT 138
COMIX 438**

NOTE

From: Presidency

To: Working Party for Schengen Matters (SIS/SIRENE)/Mixed Committee (EU-Iceland/Norway/Switzerland/Liechtenstein)

No. prev. doc.: 10645/1/18 REV 1

Subject: Automated Fingerprint Identification System (AFIS) component of the Schengen Information System (SIS)
- Procedure for matches on fingerprints

Introduction

At its meeting on 10 July 2018, the Working Party for Schengen Matters (SIS/SIRENE) discussed document 10645/1/18 REV 1 ('Automated Fingerprint Identification System (AFIS) component of the Schengen Information System (SIS) - Procedure for matches on fingerprints'), submitted by the Presidency. During the debates, the following topics were raised for further discussion:

- a) The interpretation of the current implementing provisions in the SIRENE Manual¹ concerning the treatment of SIS AFIS matches in the case of suspected matches on fingerprints between alerts.
- b) The possibility of communicating matches to the SIS end-users so as to make the information concerning a suspected match on fingerprints between two or more alerts visible to them in the national search result even before the respective fingerprint matches have been verified.

The aim of the Austrian Presidency is to establish, in conjunction with the Member States, common guidelines on the assessment of those issues and subsequently to adopt a common approach to the implementation of further measures in the field of SIS AFIS notifications.

In order to obtain a corresponding overview of Member States' current procedures and to establish a basis for the way forward, in particular on the questions contained in point C below, it was suggested during discussions in the Working Party for Schengen Matters on 10 July 2018 that the Presidency should send out a questionnaire.

The Austrian Presidency therefore hereby submits the questions to the Member States, divided into three subject areas:

A - Procedures used by the Member States with regard to the verification of SIS AFIS hits:

- (1) If an automated comparison in the SIS AFIS produces a match, what are Member States' procedures as regards the verification of the fingerprints which is then required?
- (2) Are fingerprint experts available to carry out such verification 24/7?
- (3) If verification is carried out by fingerprint experts, in what time period following notification of the match is verification performed by the fingerprint experts, and in what time period is the result of such verification communicated to the SIRENE Bureau?

¹ Commission Implementing Decision (EU) 2017/1528 replacing the Annex to Implementing Decision 2013/115/EU on the SIRENE Manual and other implementing measures for the second generation Schengen Information System (SIS II), OJ L 231, 7.9.2017, p. 6.

- (4) If verification is not carried out on the basis of a fingerprint comparison:
- (a) How is verification performed (photo comparison, alphanumeric data)? This question relates in particular to Article 22 of the GDPR² and the corresponding provision in the Directive on data protection for law enforcement authorities³, which would permit several types of verification.
 - (b) Which organisational entity carries out the verification required in accordance with the SIRENE Manual prior to the other affected Member State(s) being informed, and in what time period?

B - National procedures following a verification of SIS AFIS hits:

- (1) Are the alias identities which the provisions of the SIRENE Manual require to be added to the respective data set marked accordingly in that data set following verification of the fingerprints in such a way that their origins (in the data concerning the alert issued by another Member State) can be traced at a later stage?
- (2) If, in accordance with the provisions of the SIRENE Manual, it is necessary to update alias identities:
 - (a) Who updates the alias identities?
 - (b) If it is not the SIRENE Bureau which carries out such updates:
 - (i) Who updates those alias identities, and in what time period?

² Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1.

³ Directive (EU) 2016/680 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, OJ L 119, 4.5.2016, p. 89.

- (ii) Does the organisational entity responsible for carrying out such updates notify the SIRENE Bureau that the alias identities have been updated?
 - (iii) Does the SIRENE Bureau subsequently carry out further checks on the information received from that organisational entity concerning the updating of the data set of the alert?
 - (iv) What national rules apply in cases where, following verification of a fingerprint, it is found to be a 'false' hit?
- (c) How are such updates of the alias identities performed (automatically/manually)?

C - Making the notification of a possible SIS AFIS hit visible to the end-users:

- (1) Do Member States find the implementing provisions currently contained in the SIRENE Manual to be sufficient for the purposes of dealing with SIS AFIS matches and the ensuing verification procedures?
- (2) Do Member States see any added value in making a SIS AFIS match visible to the end-users, as referred to in 10645/1/18 REV 1?
- (3) Should an automated process be developed to enable the Central System to automatically supplement the alias identities in the event of a verified hit so as to reduce the workload involved in manually adding the alias identities, as provided for in the SIRENE Manual?

The Austrian Presidency would ask Member States to forward their replies to the enclosed questions regarding points A to C to the General Secretariat of the Council, **by 3 September 2018, via e-mail to: sis-sirene@consilium.europa.eu**

The replies received will then be processed, and will subsequently be made available to the Member States.

With reference to the questions contained in point C, if Member States support the idea, the Presidency will take further steps to formulate a possible approach, and will present that approach to the Member States as a further basis for discussion.