Council of the European Union

NOTE

From:	Presidency
To:	Working Party on JHA Information Exchange (IXIM) / Mixed Committee (EU-Iceland/Norway and Switzerland/Liechtenstein)
No. prev. doc.:	10422/20
Subject:	European Data Quality Day
	– Summary of the replies

Effective and reliable cooperation between all police authorities is essential for ensuring freedom and security in the EU. The instruments provided for in the existing legal framework should be used as effectively as possible. The exchange of relevant information – all available information, and information of the highest quality possible – between law enforcement authorities is therefore a priority for Member States' authorities (the police in particular, but also justice authorities), Frontex and Europol.

The SIS – as the most widely used and largest information sharing system for security (and border management) in Europe – and the Europol Information System (EIS) are the most important systems for police searches, including cross-border police searches, in the Member States. The EIS contains information on serious international crimes, suspected and convicted persons, criminal structures, and offences and the means used to commit them.

It has, however, become apparent that the quality and coverage of the data collected needs to be improved. It seems that input into the EIS and the SIS varies considerably between Member States. Whilst legal restrictions on the issuing of European Arrest Warrants clearly play a role (i.e. the fact that the conditions and proportionality of issue are subject to an independent and objective review), it is nonetheless clear that the ratio of national to Europe-wide arrest warrants needs to be improved.

Having validated data is not only a key factor in investigations, but also a prerequisite for data protection, as it is essential in order to avoid false positive matches and thus to avoid further action being taken on the basis of false information.

The Presidency drew up a questionnaire[1], which was distributed to all delegations of the IXIM Community on 9 September, in order to identify deficits in data collection and develop potential measures to remedy them.

The annex to this document gives an overview of the answers received. Overall, 25 Member States responded to the questionnaire.

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[1]   10422/20

I. SIS

1) <u>General</u>

    i. How many alerts does your Member State enter into the SIS? Please provide the figures as of 1 January 2018 until 1 September 2020 for the categories listed below **and** the number of <u>new</u> inserted alerts for the categories listed below for the years 2017, 2018 and 2019.

       1. Article 26 of Regulation (EU) 2018/1861 (SIS Police Regulation)

       2. Article 32 of the SIS Police Regulation

       3. Article 34 of the SIS Police Regulation

       4. Article 36 of the SIS Police Regulation (persons)

       5. Article 24 of Regulation (EU) 2018/1861 (SIS Borders Regulation)

       6. Article 36 of the SIS Police Regulation (objects)

       7. Article 38 of the SIS Police Regulation (objects)

The number of alerts that Member States reported having entered in the SIS corresponds in essence to the data published by eu-LISA in its annual eu-LISA SIS II statistics reports. The latest report, SIS II – 2019 Statistics, was distributed by eu-LISA in March 2020.

    ii. How do these numbers relate to the number of corresponding national alerts?

The replies show that this depends very much on the category of alert. Only a small number of Member States provided exact ratios, as national procedures mean that many do not even know these ratios. There is often simply no reporting procedure in place that would allow this question to be answered.

Some Member States automatically transfer alerts, except those entered under Article 26 of Regulation (EU) 2018/1861 and Article 36 of the SIS Police Regulation, from the national information system to the SIS.

In general, however, the following statement holds true for most Member States that responded: 'when issuing an alert, the issuing authority always assesses whether the case is adequate, relevant and important enough to warrant an international alert. Because of the fact that this is not always the case, the amount of national alerts is always higher than the amount of SIS alerts.' All national alerts that meet the requirements set out in the legal instruments are transferred to the SIS unless necessary data are missing or the police / judicial authority decides otherwise.

iii. What measures have been taken in your Member State to improve the amount and quality of your national data sets in the SIS (e.g. changes in legislation, advertising, campaigns and training)? Have improvements in this respect been achieved at national level in recent years?

All the answers generally indicated that Member States are taking steps to improve the amount and quality of data entered in the SIS from their national data sets. A number of initiatives have been introduced with the aim of improving data quality, and many of these are common to the majority of Member States that replied. These include:

- *setting up a validation office / clearing centre to improve data quality;*
- *using a national filter to detect incompatibilities and human errors in international alerts;*
- *only transferring alerts to SIS II once they have been entered in national search systems and passed the various quality checks contained therein;*
- *automating CUD (create, update and delete) procedures or applying a four-eyes principle;*
- *providing on-site and online training to operators and end users through:*
  - *newsletters,*
  - *e-learning systems, which train the national authorities' users on the correct procedures for completing national SIRENE forms;*
- *publishing newsletters on the intranet to give police officers a better understanding of the connection between the information entered into a police report and what is registered in the SIS;*
- *inviting SIRENE trainers to give training to the staff of law enforcement authorities on Schengen and the SIS, and highlighting during this training the importance of the quality and quantity of national data sets in the SIS;*
- *introducing web services (or other tools) which allow SIS alerts on missing persons to be automatically entered whenever a complaint is made in a local police or gendarmerie station; introducing similar procedures for alerts on stolen vehicles, firearms and stolen or lost travelling documents;*

- *introducing changes to national legislation setting out rules for issuing European Arrest Warrants (including, for example, the obligation to issue a European Arrest Warrant if the national search is not successful, and rules on direct cooperation between courts and SIRENE); and*
- *presenting success stories and also examples of bad practice.*

iv. Can you provide best practice recommendations?

The most frequently mentioned examples of best practice include:

- *avoiding manual entry when data can be extracted from 'source' systems;*
- *using automated CUD procedures where possible;*
- *using standardised and predefined tables;*
- *offering training to end users;*
- *implementing automatic control tools;*
- *providing training directly to end users on a systematic basis and, in particular, presenting practical examples and success stories from SIRENE;*
- *using computer systems to carry out an automatic check for plausibility (number of characters for IMEI or Vehicle Identification Number (VIN), invalid characters for VIN); and*
- *entrusting a central institution with the task of checking data records manually, as this can improve overall data quality.*

v. Which data quality tools are you using at technical level in your Member State (e.g. pre-defined code tables)? Which processes do you apply to improve data quality (e.g. instructions for end-users)?

The most common answers to this question were:

- *pre-defined code tables,*
- *established fields,*
- *centralised training on entering data,*
- *online help for end users working with the national search system,*
- *mandatory data input fields,*
- *mandatory training on the data entry system,*
- *eu-LISA data quality reports, and*
- *verification of warnings.*

vi.   When a database check is carried out, is the SIS automatically queried in addition to the national databases (e.g. default settings, instructions)?

All Member States that responded to this question carry out an SIS query automatically or have the option in place for the end user to carry out a SIS search once the national database has been queried. Most of the time this happens automatically, but sometimes the end user has to tick an extra SIS box. There are, however, a number of limitations: for example, in some Member States the system works differently depending on which law enforcement authority is entering the query.

vii.   Are there obligations or default settings so that (new) national alerts in certain national databases are automatically transferred to the SIS?

Automatic transfer from national alerts to SIS

Yes	Yes, for some alert categories	No	n/a
6	13	5	1
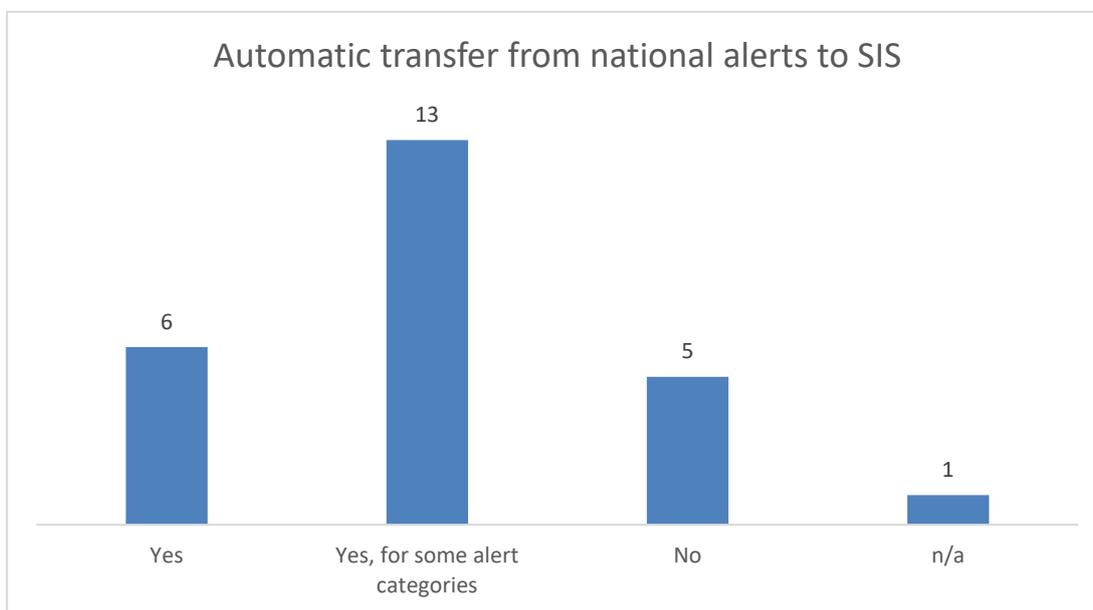
Most Member States that responded have some automated procedures in place for transferring national alerts to the SIS. This is particularly the case for alerts on objects. A number of Member States were of the view that automation is the best option, as they have seen a clear difference in the percentage of the national alerts going into the SIS for categories where this has to be done manually compared to categories where alerts are transferred to the SIS automatically.

viii. Are there automations to ensure that supplementary information (such as photographs and fingerprints or person-related remarks) are uploaded to the SIS (if available in national databases)?

Automation for uploading supplementary information
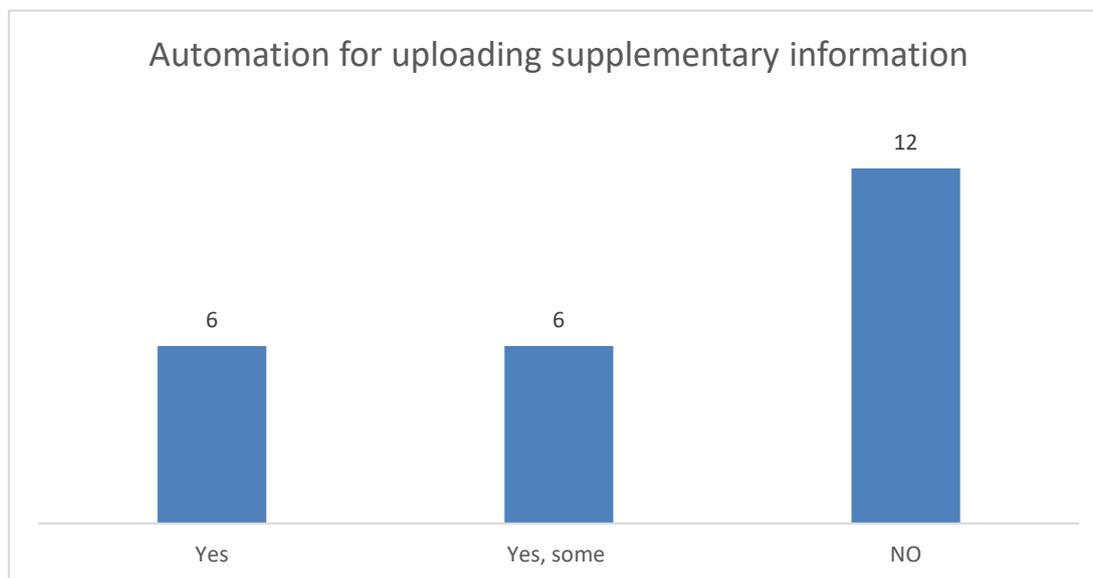
A quarter of the Member States that answered this question have implemented systems to automatically upload supplementary information (fingerprints and photographs) to the SIS, if they are available in the national databases. Another quarter can automatically upload one of the two types of supplementary information (fingerprints __or__ photographs) while half of the Member States that answered are currently not able to upload supplementary information automatically.

ix. Which improvements could still be made at national or EU level to ensure that more national data sets are entered into the SIS? How? Please explain.

Overall, most of the Member States that responded agree that better communication, additional training and increased awareness raising about the possibilities the system offers might ensure that more data sets are entered into the SIS. It was also pointed out, however, that the police remain dependent on other authorities to share available data. In addition, several Member States reported that better knowledge among all types of law enforcement officials (police, customs, the coast guard, prosecutors and the courts) would make the use of the SIS more cohesive.

The Member States that responded indicated a number of areas where they have identified shortcomings at national level. The improvements they envisage to address these shortcomings include:

- *setting up additional databases to allow more data to be stored;*

- *creating the capacity to automatically transform alerts on objects, and – where applicable – alerts on persons into SIS alerts; and*

- *introducing prefilled links to the SIS.*

At European level, some Member States are of the opinion that there could be:

- *clearer rules in certain areas on what can be entered into the SIS, in order to avoid doubts about what is possible and legal; and*

- *better coordination as regards the question of training for end users at national level.*

2) Ratio of arrest warrants/alerts entered into the SIS to arrest warrants/alerts not entered into the SIS

  i. How many national arrest warrants are currently active in your Member State? How many of these national arrest warrants concern murder, grievous bodily harm, organised or armed robbery, rape, sexual exploitation of children and child pornography?

 ii. How many of those arrest warrants have been turned into European Arrest Warrants pursuant to Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the surrender procedures between Member States?

iii. Can you give reasons for the differences in the figures (ratio of national to European-wide arrest warrants)? Differences might result e.g. from legal restrictions, judicial workflows, etc. Please explain.

 iv. How many of those European Arrest Warrants are entered into the SIS?

The majority of the Member States that replied to the questionnaire were not able to provide the numbers asked for in part (ii), on the ratio of arrest warrants entered and not entered into the SIS. About one quarter were able to answer part (i) and provided information on the number of arrest warrants currently active in the country. In most Member States, however, it was not possible to carry out further evaluation of the different offences. A national database for arrest warrants often does not exist.

Many Member States cited legal reasons as the cause of the differences in the figures provided (between national and European Arrest Warrants). For example, many national arrest warrants do not meet the criteria for issuing a European Arrest Warrant. Furthermore, almost all Member States pointed out that issuing a European Arrest Warrant is the sole competency of the respective competent judicial authority.

Another reason for the differences in the figures is the practice common to all Member States of strictly following the principle of proportionality and individually evaluating every case.

In accordance with Article 2(1) of Framework Decision 2002/584/JHA, only acts punishable under the law of the issuing Member State by a custodial sentence or a detention order for a maximum period of at least 12 months may give rise to the issuance of a European Arrest Warrant for the purpose of prosecution. Likewise, only sentences of at least 4 months may give rise to the issuance of a European Arrest Warrant for the purpose of execution of a sentence.

Almost all Member States pointed out that, once a European Arrest Warrant has been issued, its entry in the SIS is mandatory.

3) <u>Additional alert categories</u>

i. How does the use of other alerts (alerts inserted into the SIS by the police authorities) under Articles 32 or 36 of the SIS Police Regulation (discreet and specific checks) relate to the use of national alerts on missing persons, travelling sex offenders and foreign terrorist fighters? Can you give reasons for the differences in the figures related to the different phenomenological areas (even ratio of national to SIS alerts)?

The majority of the Member States reported that most of their alerts on missing persons are also entered in the SIS.

With regard to alerts under Article 36 (discreet and specific checks), several Member States referred to the fact that the competent authority ultimately decides whether it wants to use the SIS or not. In some Member States it is the sole responsibility of the judicial authorities or the intelligence services to issue these alerts. It was pointed out in a number of responses that competent authorities might, on some occasions, be reluctant to share certain pieces of information via the SIS. This is also why some Member States emphasise the importance of 'awareness training' in their answers to this question.

Between 40 % and 100 % of national alerts entered under Article 32 are also entered in the SIS. Many Member States do not, however, keep statistics on the usage of national alerts for the SIS.

Overall, it was recognised that better knowledge among users would reduce the number of SIS alerts that ought to be, but are not, entered.

ii. In which areas of serious and organised crime do you also use alerts issued nationally by police authorities, e.g. alerts under Articles 32 or 36 of the SIS Police Regulation (i.e. alerts other than arrest warrants)?

Alerts under Articles 32 and 36 of the SIS Police Regulation are used for the following areas of serious and organised crime:

- *terrorism,*
- *human trafficking,*
- *drugs offences,*
- *property crime,*
- *skimming,*
- *facilitation of illegal entry,*
- *aggravated narcotics offences,*
- *motor vehicle trafficking, and*
- *trafficking of firearms.*

The majority of the Member States reported, in response to this question, that alerts can be introduced for almost all categories of serious and organised crime.

iii. How many alerts issued nationally by police authorities did you enter in 2019 in these areas of offending?

iv. How many of these alerts issued nationally by police authorities have been transferred to the SIS at European level?

Member States do not keep statistics on these questions and the information was therefore mostly not available. Only a very small number of respondents were able to deliver exact numbers.

v. Why, if applicable, have national alerts issued nationally by police authorities not been transferred to the SIS?

The reasons for this can be summarised as relating to either legal constraints or operational needs. In some Member States, the use of national alerts is broader than allowed by the SIS legal basis. Furthermore, several Member States reported that this decision is taken by the judicial authorities, police authorities or intelligence services, depending on the specific elements of the investigation. When issuing an alert, the issuing authority always assesses whether the case is important enough to warrant an international alert being issued, and whether doing so would be appropriate for that specific case.

In the area of search for persons, the decision on a possible SIS alert is taken for each case individually. If there are no indicators of movement abroad, the SIS procedure might not be initiated.
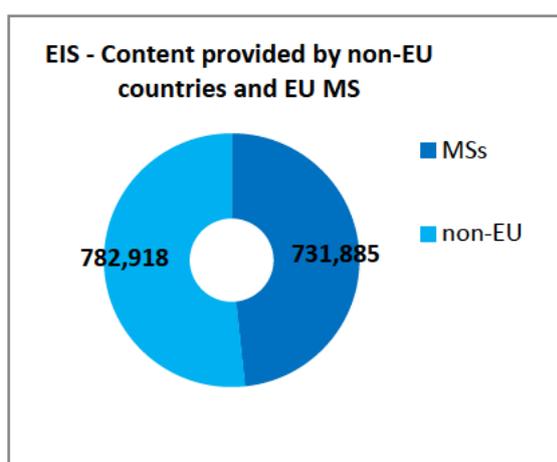
II. EIS – ratio of national data sets to data sets contributed to the EIS
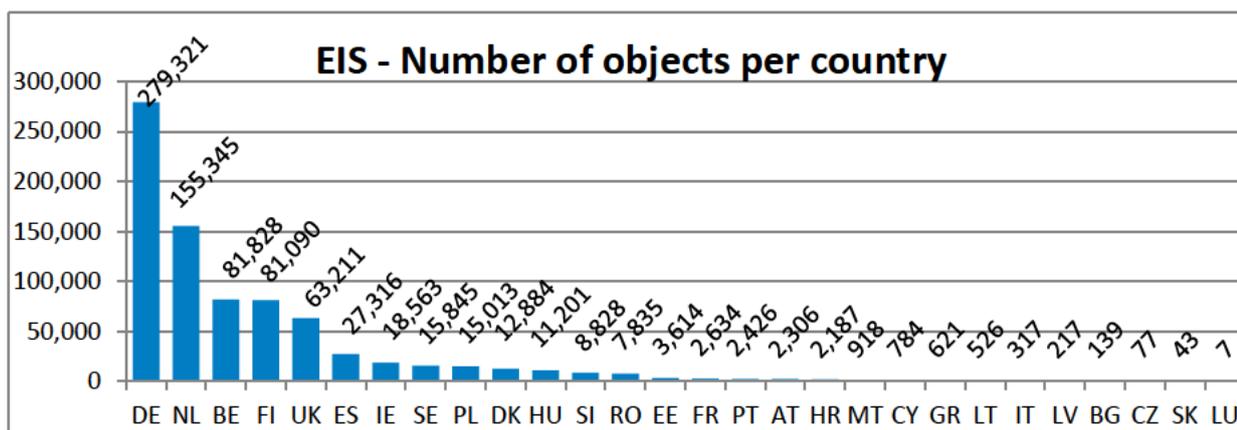
1) How many data sets does your Member State contribute to the EIS? What is the ratio of national data sets to data sets contributed to the EIS?

The EIS inventory data communicated by the Member States correspond in essence to the data published by Europol in the respective EIS quarterly reports.

Given the vagueness of the term 'data set' and the presumed inconsistency in the way it is counted in the Member States, it would seem advisable to refer in documents exclusively to the above-mentioned Europol statistics.

As of 31 March 2020 (a more recent quarterly report is not yet available), the EIS database showed the following:

EIS - Content provided by non-EU countries and EU MS

- MSs
- non-EU

782,918   731,885

EIS - Number of objects per country

300,000 — 279,321 (DE)
250,000
200,000
150,000 — 155,345 (NL)
100,000 — 81,828 (BE), 81,090 (FI)
50,000 — 63,211 (UK)
0

DE 279,321 | NL 155,345 | BE 81,828 | FI 81,090 | UK 63,211 | ES 27,316 | IE 18,563 | SE 15,845 | PL 15,013 | DK 12,884 | HU 11,201 | SI 8,828 | RO 7,835 | EE 3,614 | FR 2,634 | PT 2,426 | AT 2,306 | HR 2,187 | MT 918 | CY 784 | GR 621 | LT 526 | IT 317 | LV 217 | BG 139 | CZ 77 | SK 43 | LU 7

Only two Member States answered the sub-question on the ratio of national data and data sent to the EIS, so no further evaluation is possible here.

2) What measures have been taken in your Member State to improve the amount and quality of your national data sets in the EIS (e.g. advertising, campaigns, technical solutions and training)? Have improvements in this respect been achieved at national level in recent years?

In a large proportion of the EU Member States, measures have already been taken to increase the level of awareness/knowledge about the EIS. Furthermore, some EU Member States which have not as yet been connected to the EIS via a data loader have now introduced measures that will allow them to deliver their data to the EIS via this interface in the future.

3) Can you provide best practice recommendations?

An improvement in EIS usage is considered possible only if there are no more significant obstacles to usage in the sub-areas awareness and general, workflow/organisational, education and training, and technology.

*The removal of obstacles in the areas **awareness and general** and **technical issues** (a data loader is still missing) was, by a small margin, most often mentioned in responses.*

4) When a database check is carried out, is the EIS automatically queried in addition to the national databases (e.g. default settings, instructions)?

In the majority of the Member States the EIS is <u>not</u> connected to automatic file round trips (or similar).

5) Are there obligations or default settings so that (new) alerts in certain national databases are automatically transferred to the EIS?

Only NL and (in certain areas of crime) SK have implemented an 'automatic EIS forwarding function'.

A function of this type is not allowed in some Member States for legal reasons.

6) Is there further potential for improvement in the use of the EIS related to quantity (national/international)? If yes, please explain.

Almost all EU Member States consider there to be potential for increasing the use of the EIS.

The main reasons given for not using the EIS more are inadequate technical capacity (no data loader) and insufficiently developed training programmes in the Member States.

It can, however, be noted that all the measures needed to increase usage can be implemented either by the Member States themselves (e.g. in the area of training) or through cooperation between the Member States and Europol (setting up a data loader).

III. EDQD

1) Do you have preferences for media that could be taken onboard with a view to a EDQD action day (e.g. like information sites in police intranets, pop-up windows on personal work stations or the national SIS interface when logging in, etc.)? Do you have any other ideas for the planned EDQD?

In addition to the very positive feedback on the idea of a European Data Quality Day, most of the answers included suggestions for media that could be used or further ideas for the initiative. Two answers, however, emphasised the need to consider the limited amount of resources available. The types of media mentioned were, in addition to improved general top-down information:

- *police journals,*
- *police intranet/extrapol,*
- *daily updated emails between police authorities,*
- *pop-up windows on personal workstations or the national SIS interface when logging in, and*
- *face-to-face training based on a case study analysis.*

2) As the EDQD is not supposed to be a one-time event, but aims at sustainable improvements in data quality and might show the need for legal adaptions (on national levels): What long-term measures would you propose to achieve a more efficient use of SIS and EIS?

Some replies to this question referred to improvements to the legal frameworks at national and EU level – as the minimum data quality is determined by EU legal acts and the need to provide comparable statistics – whilst others focused on the development of efficient end-user friendly tools and workflows (including the further automation of processes) and the integration of EU systems and databases into national systems. As another field of necessary action, some Member States again mentioned education, training and guidance for end users in their answers. It was also felt that support at high level would have positive impact.

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