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European Union

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CRIMORG 132
ENFOPOL 418
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NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	12511/19
Subject:	"Prüm Decisions" - Overall evaluation report on dactyloscopic data exchange for the United Kingdom

The Presidency hereby submits the draft overall evaluation report on the Prüm dactyloscopic data exchange for the **United Kingdom** for approval by the Working Party on Information Exchange and Data Protection (DAPIX) and subsequent transmission to the Council.

1. Introduction

Chapter 2 of Council Decision 2008/615/JHA provides for the automated transfer of DNA profiles, dactyloscopic data and certain national vehicle registration data (VRD) for the purpose of prevention and investigation of criminal offences and subject to certain conditions and procedures. However, pursuant to Article 25(2) of that Decision, the supply of personal data for a specific Member State is subject to a decision of the Council.

Article 20 and chapter 4 of the Annex of Council Decision 2008/616/JHA set out the evaluation procedure for the preparation of such decisions, and in particular point 1.4 specifies that "an overall evaluation report, summarising the results of the questionnaires concerning each of the automated data exchanges, the evaluation visit and the pilot run will be presented to the Council for its decision pursuant Article 25(2) of Decision 2008/615/JHA".

The current document is the overall report regarding **dactyloscopic data** exchange with the **United Kingdom**. It is without prejudice to other data categories provided for by the above-mentioned Council Decisions.

2. Evaluation procedure according to Article 20 of Council Decision 2008/616/JHA (preparation of decisions according to Article 25(2) of Council Decision 2008/615/JHA)

The **United Kingdom** has satisfactorily replied to the questionnaire on data protection (14950/2/16 REV 2) and on dactyloscopic data exchange (10649/19). With a view to evaluating the results of the questionnaire on dactyloscopic data exchange,

- an evaluation visit was carried out by experts from **Germany** from 10 to 11 September 2019. The evaluation team submitted its report to the Working Party on Information Exchange and Data Protection (DAPIX);
- a pilot run was successfully carried out, as specified in the evaluation report.

The **dactyloscopic evaluation visit report** concluded that the implementation of the Prüm dactyloscopic data information flow, both on a legal and on a technical level, has been satisfactorily concluded in the **United Kingdom** (12511/19 DAPIX 273 CRIMORG 131 ENFOPOL 417 ENFOCUSTOM 159 JAI 986).

3. Conclusions

On this basis, it was acknowledged at the Working Party on Information Exchange and Data Protection (DAPIX) that each Member State bound by Decision 2008/615/JHA agrees that all conditions are met for the **United Kingdom** to start the exchange of dactyloscopic data pursuant to Council Decision 2008/615/JHA.

Therefore, the Working Party on Information Exchange and Data Protection (DAPIX) suggests to the Council

- to conclude that the **United Kingdom** has fully implemented the general provisions on data protection of Chapter 6 of Decision 2008/615/JHA,
- to adopt the Council Implementing Decision on the launch of automated data exchange with regard to dactyloscopic data in the **United Kingdom**, pursuant to Article 33 of Council Decision 2008/615/JHA and after consultation of the European Parliament,
- to request that, by 15 June 2020, the **United Kingdom** review its policy of excluding suspects' profiles from automated dactyloscopic data exchange, in the light of operational experience with Prüm dactyloscopic data exchange and, *mutatis mutandis* of the explanations in the evaluation visit report relating to DNA data exchange (11545/18), and
- to decide that if, by 15 June 2020, the **United Kingdom** has not notified the Council that it makes available suspects' DNA and dactyloscopic data files, the Council will, within three months, re-evaluate the continuation or termination of the automated DNA and dactyloscopic data exchange with the United Kingdom.