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From:	Presidency
To:	Working Party on Information Exchange and Data Protection (DAPIX)
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Subject:	Automation of information exchange in a strategic context - Discussion paper

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**1. INTRODUCTION**

It is of prime importance for law enforcement authorities (LEAs) to be able to collect, combine, analyse and share data efficiently with modern tools while taking into account the latest changes in the EU legal framework. The usability and timeliness of data will become increasingly important. Cross-border serious and organised crime can only be successfully prevented and investigated if LEAs in different Member States can exchange information in real time, smoothly and without unnecessary formalities. Interoperability of databases is achieved through automation. The Romanian Presidency launched a discussion on automation in DAPIX (information exchange). At the DAPIX meeting of 8 May 2019, the discussion on moving forward the automation of information exchange of data available at national level established a basis for future presidencies to develop the concept further.

The answers to a questionnaire circulated by the Romanian Presidency showed that the majority of Member States consider automation as a solution to relieve, to a greater or lesser extent, the increasing stress on human, financial and technical resources.

The intention of the Romanian Presidency regarding the debate on automation of data exchange was to put the topic into perspective, in relation to an ever-growing and complex information exchange landscape, which has seen a political shift towards increased automation, as manifested in recent legislative developments. The Finnish Presidency intends to continue the discussion and take the discussion to a strategic context. One of the aims of the Finnish Presidency is to achieve or strengthen a common understanding among Member States of the terminology to be used regarding information exchange and information management, automation and interoperability, another one is to discuss the avenues which are available for increased automation and interoperability.

The Presidency suggests finding consensus on the following terminology in order to find a common ground to facilitate the future discussions on automation of law enforcement information exchange.

This paper incorporates the main outcome of the discussion within DAPIX so far and has been drafted on the basis of the discussion paper (10581/19) of the then incoming Presidency. In order to increase the readability of this paper, text which has been added to the basic paper is set out in **bold**.

## **2. INFORMATION EXCHANGE AND INFORMATION MANAGEMENT**

In technical and political terms, law enforcement information management takes place at EU level within the scope of the large scale information systems such as SIS, VIS, Europol information systems, and within the Member States. **Law enforcement information management at EU level pertains to everything that is done with and all processes concerning information relating to the prevention and investigation of cross-border criminal activities. The management of these information-related processes can focus either on dealing with an individual case (operational information management) or on establishing and developing the framework for executing these processes efficiently and effectively (strategic information management).**

**Both dimensions (operational and strategic information management) need to consider core business requirements, respective national and international structures such as IT-systems and organisational elements, which all have to comply with the applicable legal framework.**

**Information management enables a continuous improvement of law enforcement efficiency and plays a growing role in the multilevel system (region, country, Union) in the area of freedom, security and justice.**

Information exchange equals the transfer of information from one entity to another. **Information exchange describes sending and receiving information via any medium. This exchange is conducted by various methods of interaction and can follow different technical approaches, for example query-answer correspondence through available channels or direct queries to available databases.**

**In the international law enforcement context, information exchange is performed with different means of communication, on various communication channels that must fulfill specific requirements regarding security, confidentiality and standardisation. This definition covers also the sharing of information, which means the spontaneous release of information considered relevant to another party without this party requesting this piece of information.**

For the sake of clarity, these terms should be kept separate and used consistently. **The Presidency is of the opinion that in the context of DAPIX, discussion focusing on information exchange is the most fruitful approach.**

### **3. THE EU LAW ENFORCEMENT INFORMATION LANDSCAPE**

**The term 'information landscape' refers to the technical and legal instruments in use. Depicting their different purposes and their relations to each other would increase transparency and facilitate information management with a view to enabling consistent and coherent decision making.**

The EU law enforcement information landscape concerning personal data **and other law enforcement relevant data** consists in general terms of centralised large scale EU information systems that will be interoperable in the foreseeable future and the EU decentralised databases of the Member States. In addition to this, there are the data managed by Europol and other relevant JHA agencies, **for example the European Border and Coast Guard Agency (FRONTEX)**. It should also be remembered that all EU Member States are members of Interpol and users of relevant databases such as SLTD and TDAWN. Regulations (EU) 2019/817 and 2019/818 already provide for the possibility to include Interpol databases in the EU interoperability framework, which would give added operational value to the end-users. However, this possibility will only be implemented when an agreement is reached between the EU and Interpol on how to arrange it.

#### **4. AUTOMATION AND INTEROPERABILITY**

**Automation as a management concept is a general approach by which a process or procedure is performed without or with minimal human assistance.**

**In law enforcement, it is essential that decisions that affect fundamental rights of data subjects are ultimately made by duly authorised personnel only. In this regard, automation in law enforcement merely serves to release scarce human resources from labour-consuming processes. Automation enables competent authorities to better cope with the ever growing data to be processed in law enforcement while at the same time supporting the standardisation and increasing quality of information processing.**

**Interoperability is the capability of systems or organisations to provide services or to use services provided by other systems or organisations. Interoperability has different dimensions (technical, syntactic, semantic and pragmatic interoperability).**

The point of view of the law enforcement end-user should be primary when planning for the future of information exchange. From the point of view of the end-user, the Presidency thinks that simplicity should be the key. This means that the end-user should gain access to the information they need with as little effort as possible. This could be achieved through increased interoperability and through automation that eliminates the need to perform multiple queries based on the same search attributes.

**The Universal Message Format (UMF) focuses on syntactic and semantic interoperability. Both are essential for computing machines to be able to communicate with each other correctly and efficiently while guaranteeing that the data exchanged has the same meaning for the sending party as well as for the receiving party.**

**In the context of the large scale EU information systems, the term interoperability is determined by Regulations (EU) 2019/817 and 2019/818.**

Following the implementation of the interoperability Regulations the large-scale EU information systems (SIS, VIS, Eurodac, ECRIS-TCN, EES and ETIAS) will supplement each other and the correct identification of persons will be facilitated. The searches on these information systems will be automated through the European Search Portal (ESP) so that the end-user will need to make only one query in order to gain access to all the information he or she is legally entitled to.

## **5. DATA AVAILABLE AT NATIONAL LEVEL**

The next step at EU level is to consider to what extent further law enforcement relevant data could be included in the context of interoperability through automation. It is already possible to locate semi-automatically some Member State data through the Prüm regime. There have already been discussions about whether or not it is possible to combine certain Prüm queries to the queries that will be made through the ESP under interoperability to the centralised EU information systems. The work of renewing the Prüm regime has just started. DAPIX should follow the development closely.

The difficulties with further automation of Prüm seem primarily of a technical nature and not to the same extent of a legal nature since the Prüm legal regime featuring a hit-no-hit access to the DNA, dactyloscopic and VRD databases of other Member States has already been adopted and established by the Member States. **With further automation in this context, the Presidency especially refers to increased interoperability, which means adding possibilities for end users to reach new data sources with a single query.**

**The UMF3+ project financed by the European Commission in which Germany, Austria, Estonia, Finland, France, Malta, Latvia, Spain and Sweden take part aims among other things at the creation of QUEST system to query Member States' data held at Europol. QUEST will also allow to query Europol's information system directly through the ESP thus making data held at Europol interoperable with other EU level data.**

A significant part of law enforcement information in the Member States lies completely outside of the scope of any kind of automation or interoperability. Some biographical data is at the moment exchanged only through traditional request-answer information exchange that creates a major part of the workload of the law enforcement end-users handling cases with cross-border dimensions. Five Member States have started the EPRIS-ADEP pilot project that is an IMS action, financed by the European Commission, to study possibilities to start automation of exchange of biographical information in Member States law-enforcement databases.

**The PNR directive foresees exchange of passenger information between Member States. To identify which PIU may have relevant PNR data, the PISA application can be used. The PIU.net project is developing this PISA solution, which is an automated way to locate relevant information using pseudonymised hit-no-hit searches in a way that resembles the procedure foreseen in the EPRIS-ADEP project. Another instance of automation in the sphere of law enforcement relevant information exchange is the FIU.net of the Financial Information Units.**

**ADEP (Automation of Data Exchange Processes) is the name of action 3 of the 5th IMS action list of Working Party on Information Exchange and Data Protection (DAPIX), currently piloting EPRIS-ADEP (European Police Records Index System).The pilot is funded by the European Commission and supported by Europol.**

**EPRIS-ADEP is a system for making available certain biographical data contained in national police records, using already existing Europol infrastructure, in particular the Europol Operations Network (EON) and the Secure Information Exchange Network Application (SIENA). EPRIS-ADEP has a general approach following the principle of availability by providing the law enforcement end-user a smooth and efficient workflow in order to EU-wide locate and retrieve the data relevant to fulfil their tasks. In this regard, EPRIS-ADEP is related to other EU initiatives and activities, such as the interoperability agenda and UMF.**

**The term ADEP as defined by the pilot group refers to technology and is a cost-efficient software solution for locating the data and facilitating its retrieval. The current composition of this software solution is being tested in the EPRIS-ADEP pilot. The software solution is easy to implement, versatile and adjustable to different use cases aiming at locating and facilitating the retrieval of alphanumeric data no matter if stored centrally or de-centrally. By using pseudonymisation the software solution supports the concept of ‘privacy by design’, serving robust data protection.**

While the results of the pilot so far show that the project is most likely technically feasible at EU level, some Member States voiced concerns about the performance of the project and the added value to existing systems like the Europol Information System or have indicated that granting a cross-border automated hit-no-hit access to a pseudonymised index of national law enforcement databases is not currently legally possible for them. Also, these Member States consider that the Swedish Initiative Framework Decision<sup>1</sup>, where the principle of availability is established, does not provide sufficient legal grounds to establish indexes and grant access to other Member States’ indexes. Resolving legal issues, for example by defining a legal framework for EPRIS-ADEP type of exchanges and minimum standards for the content of data to be indexed, should be considered a priority.

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<sup>1</sup> Council Framework Decision 2006/960/JHA, OJ L386, 29.12.2006, p. 89.

According to the Commission, a study on the legal, data protection, operational and technical aspects of the EPRIS initiative is planned. The Presidency deems this study as crucial in **order to address the challenge that the current way to address information exchange in relation to certain biographical data is time-consuming and labour-intensive and** to move forward with the further automation and interoperability of EU law enforcement databases.

Even though the interoperability package is only entering its implementation phase and the updating of the Prüm regime is only being considered, the Presidency is of the opinion that the next steps should already be envisioned in order to establish a proactive approach for the future.

## **6. WAY FORWARD**

This document is an updated version of the Presidency document presented at the DAPIX on 3 July 2019 attempting to incorporate the views presented by the Member States at that meeting and later in written form. The Presidency posed Member States also a set of questions and has received answers from a number of member states. As this version of the paper goes further in defining terminology the Presidency would like to give MS a chance to further elaborate their answers and a chance to answer for those MS that have not yet done so.

Once DAPIX has finalized its discussions on this paper the intention of the Presidency is that it will feed into discussion on the future direction of EU internal security.

On the basis of the above, the Presidency invites delegations to present their views on the following issues:

1. Do you agree with the terminology used in this document (information landscape, information exchange and information management)?
2. In the Prüm feasibility study context, it was suggested to include new data categories in Prüm (firearms, driving licences, facial images). ADEP-EPRIS would provide LEAs with an opportunity to exchange biographic data on police records, using the same architecture as Prüm. Do Member States consider it useful to exchange any other additional categories in law enforcement information exchange context?



3. Would Member States see opportunities/need for additional EU support to have some tools developed at EU level and then put at Member States' disposal? One example is an encryption software in Europol, but EU support could also be considered for some other expensive and time-consuming tools, such as a biometrics comparison software, or establishing some specific expertise (experts' teams) at EU level.
  4. There are several smaller information exchange tools and databases (e.g. some forensic databases on vehicle colour). Would Member States see the need to somehow (how?) bring them together, harmonise them and manage them at EU level?
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