

- Notices about persons or vehicles for discreet surveillance or specific checks for the purposes of prosecuting criminal offences and for the prevention of threats to public safety (Article 99).

Rights of persons whose data are stored in the SIS

The convention implementing the Schengen Agreement establishes that persons shall have the right to:

- have access to data entered into the SIS that relate to them (Article 109);
- require that factually inaccurate data relating to them are corrected or unlawfully stored data relating to them deleted (Article 110);
- in the territory of each Contracting Party, bring before the courts or the authority competent under national law an action to correct, delete or obtain information or to obtain compensation in connection with an alert involving them (Article 111);
- ask the supervisory authorities to check data entered in the SIS that concern them and the use of such data (Article 114).

Provision to a person of information related to him shall be refused if this is indispensable for the performance of a lawful task in connection with the alert or for the protection of the rights and freedoms of third parties. In any event, it shall be refused throughout the period of validity of an alert for the purpose of discreet surveillance.

Where to apply concerning the right to data protection?

In order to exercise his rights a person may apply either directly to the institution responsible for the management of his data (e.g., police institutions), or the national supervisory authority – State Data Protection Inspectorate). Schengen JSA has published the “Guide for exercising the right of Access” that may be accessed on the internet website of the State Data Protection Inspectorate at www.ada.lt.

National supervisory authority

The purpose of the national supervisory authority is to monitor independently files in the national data sections of the SIS and check whether the management or the use of the data entered into the SIS infringes personal rights.

The State Data Protection Inspectorate is appointed as the competent authority in charge of the independent verification of the legality of personal data management in the national SIS. One of the functions performed by the State Data Protection Inspectorate is to monitor the legality of the management of personal data in the national SIS.

For more information please contact us at:

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State Data Protection Inspectorate

Personal data protection requirements according to the Schengen Convention

Schengen Area

The Schengen Area is a territory of States without internal borders named after the town of Schengen in Luxembourg in which the Schengen Agreement was signed. Lithuania became a member of the Schengen Area in 2007.

Schengen Agreement

On 14 June 1985 five Member States – Belgium, Netherlands, Luxembourg, Germany and France signed the Schengen Agreement on the gradual elimination of their common borders (Schengen Agreement) the purpose whereof is to eliminate the control over persons, citizens of Member States and facilitate the cross-border movement of vehicles and goods. Currently all Member States with the exception of Bulgaria, Romania, Cyprus, United Kingdom and Ireland are signatories to the Schengen Agreement. In addition Norway, Iceland, Switzerland and Liechtenstein.

Schengen Convention

The Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (Convention on the implementation of the Schengen Agreement) signed on 19 June 1990 constitutes the basis for the establishment of the Schengen information system and facilitates the enforcement of the free movement principle by creating the Schengen Area.

Data protection supervisory system according to the requirements of the Schengen Convention

The Schengen Joint Supervisory Authority (Schengen JSA) is an institution established according to Article 15 of the Convention implementing the Schengen Agreement. The Schengen JSA is responsible for the supervision of the Schengen information system, joint police information system and the technical support function.

The Schengen JSA joint supervisory authority shall also be competent to examine any difficulties of application

or interpretation which may arise during the operation of the Schengen Information System, to study problems which may arise with the exercise of independent supervision by the national supervisory authorities of the Contracting Parties or in the exercise of the right of access to the system, and to draw up harmonised proposals for the purpose of finding joint solutions to problems.

This authority shall consist of two representatives of each national supervisory authority. By its composition and the authority assigned thereto the Schengen JSA is an independent institution.

Schengen JSA internet website address:

<http://schengen.consilium.europa.eu>

Schengen information system (SIS)

The Schengen Information System (SAS) was established for the purpose of the harmonisation of the elimination of checks at borders of Member States of the Schengen Area. The purpose of the Schengen Information System is, in accordance with this Convention, to maintain public order and security, including state security, and to apply the provisions of this Convention relating to the movement of persons, in the territories of the Contracting Parties, using information transmitted by, the system.

Member States shall provide information via their national section (NSIS) that is connected to the central data section (CSIS). The common information system establishes connection between all Member States and provides to all final users (police department, embassies, consulates and migration offices) with real time access to the information required for performing their function.

Types and purpose of the data stored in the SIS?

According to Article 94 of the Convention implementing the Schengen Agreement shall contain only the categories of data that are supplied by each of the Contracting Parties. Such data categories relate to persons, objects and vehicles.

The items included in respect of persons, shall be no more than the following:

- (a) name and forename, any aliases possibly registered separately;
- (b) any particular objective and permanent physical features;
- (c) first letter of second forename;
- (d) date and place of birth;
- (e) sex;
- (f) nationality;
- (g) whether the persons concerned are armed;
- (h) whether the persons concerned are violent;
- (i) reason for the report;
- (j) action to be taken.

Certain categories of data are not authorised, and in particular those specified in Article 6 of the Convention for the Protection of Individuals with Regard to Processing of the Personal Data of 28 January 1981 (personal data revealing racial origin, political opinions or religious or other beliefs, as well as personal data concerning health or sexual life).

According to Articles 95-99 of the Convention implementing the Schengen Agreement warnings concerning persons may be entered into the SIS for the following reasons:

- arrest for extradition purposes (Article 95);
- alerts on aliens that on that basis are refused entry (Article 96);
- relating to persons who have disappeared, to missing minors and persons who must be interned by decision of a competent authority (Article 97);
- data relating to witnesses, to persons summoned to appear before judicial authorities in connection with criminal proceedings in order to account for acts for which they are being prosecuted, or to persons who are to be notified of a criminal judgment or of a summons to appear in order to serve a custodial sentence (Article 98).