

## Accession to the Schengen area increases our security

# GENERAL INFORMATION ON THE SCHENGEN INFORMATION SYSTEM

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\* The listed states will not participate in full implementation of the Schengen acquis from 31 December 2007.

## THE SCHENGEN INFORMATION SYSTEM

The Schengen Agreement and the Schengen Convention implementing the Schengen Agreement have resulted since 1995 in the abolition of checks at internal borders between the states involved in the Schengen cooperation<sup>1</sup> and introduction of uniform checks at external borders, enabling thus creation of an area of free movement of persons. The abolition of checks was however conditioned by providing a high level of security in the entire Schengen area. Therefore, it was necessary to introduce a number of compensatory measures among which the Schengen Information System (the SIS) has a unique role.

**The SIS is a common database created and used by all states connected to the SIS<sup>2</sup>.** The SIS is not a central register of persons living in the EU/Schengen territory; nevertheless, it contains data (alerts) on **persons and objects which are necessary for the purpose of maintaining the Schengen territory an area of security and justice.** The categories of data are namely:

- data on persons wanted for the purpose of an arrest,
- data on undesirable third-country nationals<sup>3</sup> for whom an alert has been issued for the purposes of refusing entry to the Schengen area,
- data on missing persons,
- data on persons wanted in order to ensure their cooperation in criminal proceedings,
- data on searched objects (lost or stolen documents, motor vehicles, firearms, counterfeit banknotes, etc.).

Access to the data entered into the SIS is reserved particularly to the police, customs and judicial authorities.

## HOW MAY AN ALERT IN THE SIS AFFECT YOU?

- your identity may be checked and relevant action taken in accordance with the category of the alert,
- legal ownership of your motor vehicle or other objects in your possession may be checked,
- **if you are a third-country national**, you may be an undesirable person on the basis of a decision taken by a Member State in question and thus be refused entry to the Schengen area.

## WHAT ARE YOUR RIGHTS WITH RESPECT TO THE SIS?

The Schengen Convention implementing the Schengen Agreement emphasises the rights of individuals such as:

- the right to access information concerning you which is contained in the SIS, i.e.:
  - the right to ask for the information on whether and what personal data concerning you were entered into the SIS, and if so, what was the reason for entering this data and which authority entered them,
  - the right to have factually inaccurate or unlawfully stored data corrected or deleted,
- the right to contact a national data protection authority and ask to check on processing data related to you in the SIS,
- the right to apply to the court or another competent authority to demand that such data be corrected, deleted, or to demand information or compensation for a damage.

Any data checks in the SIS concerning you and based on your notice will be carried out in accordance with the national legislation of the state which you have chosen to exercise your rights. On your request, the authority carrying the post-hit procedure will **provide you with the information on the valid national legislation.**

If you do not agree with the reply of the above mentioned authority or in any other justified case, you may contact **the national data protection authority** (see the list of addresses available in this leaflet). Consequently you will be informed on the results or further examination based on your request.

The SIS is also supervised by the **Schengen Joint Supervisory Authority (JSA)**, an independent body composed of representatives of the national data protection authorities. It is i.a. authorised to perform technical inspections in the Strasbourg central database and supervises the compliance with the provisions on the right of individuals to access the SIS data. More information on exercising your rights can be as well found in the guide "The Schengen Information System – A Guide for Exercising the Right of Access", which is available on [www.schengen-isa.dataprotection.org](http://www.schengen-isa.dataprotection.org).

- 1) An up-to-date list of the states is available on the web site of the government of the Czech Republic [www.euroskop.cz/schengen](http://www.euroskop.cz/schengen)
- 2) As of 1 September 2007: Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain and Sweden.
- 3) A person who is neither an EU citizen nor a citizen of a country whose citizens enjoy the right of free movement equal to the right of the EU citizens (Norway, Iceland, Switzerland and Lichtenstein)

You may find more information about the Schengen cooperation on the web site of the government of the Czech Republic [www.euroskop.cz/schengen](http://www.euroskop.cz/schengen).

By the Ministry of the Interior, the Office for Personal Data Protection and other public administration authorities September 2007.