

Eurodac Supervision Coordination Group



E u r o d a c S C G

Activity Report 2018-2019

4 November 2020

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European Data Protection Supervisor
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1. Introduction and background

Eurodac is an information system established for the comparison of fingerprints of asylum applicants and irregular migrants. It facilitates the application of the Dublin III Regulation¹, which aims at determining the Member State responsible for examining an application for asylum.

Eurodac was originally created by Council Regulation (EC) No 2725/2000 of 11 December 2000², as completed by Council Regulation (EC) No 407/2002 of 28 February 2002³. In the interest of clarity, those two texts were recast in Regulation (EU) No 603/2013 of 26 June 2013⁴ ('the Eurodac Regulation'), which became applicable on 20 July 2015. The system has been operational since 15 January 2003 and is currently used by the EU Member States as well as Iceland, Liechtenstein, Norway and Switzerland.⁵

As established in the Eurodac Regulation, data protection supervision of the Eurodac system is carried out at national level by the national Data Protection Authorities ('DPAs'), while for the central (EU) level, the European Data Protection Supervisor ('EDPS') is competent. The coordination between the two levels is ensured by the Eurodac Supervision Coordination Group (hereinafter 'the Eurodac SCG' or 'the Group') composed of representatives of the DPAs and the EDPS.

The need for thorough data protection supervision of Eurodac is evident when considering the category of persons affected by the Eurodac system: asylum seekers and (to a lesser extent) irregular migrants. This need is also reinforced by the evolution of policies in the area of freedom, security and justice in recent years. Asylum policies need to be better

1 Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, OJ L 180, 29.6.2013, p. 31–59 .

2 Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention, OJ L 316 , 15/12/2000, p. 1 - 10.

3 Council Regulation (EC) No 407/2002 of 28 February 2002 laying down certain rules to implement Regulation (EC) No 2725/2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention, OJ L 62, 5/3/2002, p. 1 - 5.

4 Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, OJ L 180, 29.6.2013, p. 1 - 30.

5 When Eurodac was established, it was used in the then EU-15 Member States (except Denmark), as well as in Norway and Iceland. Since then, the system has been joined by the ten new Member States following the 2004 enlargement, by Denmark (2006), Bulgaria and Romania following the 2007 enlargement, as well as Switzerland (2008). Finally, a protocol between the European Union, Switzerland and Liechtenstein, allowing the latter to join the system, entered into force on 1 April 2011.

coordinated, and, as a result, so does the protection of the rights and freedoms of asylum seekers.

Data protection is also a key factor for the success of the operation of Eurodac, and consequently for the proper functioning of the Dublin system. Elements such as data security, quality of data and lawfulness of consultation of Eurodac data all contribute to the smooth functioning of the system.

The architecture of the Eurodac mirrors that of VIS: a central unit ('central Eurodac') managed by the European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice⁶ ('eu-LISA') (Article 26) and connected to national access points in the Member States via sTESTA.

On 4 May 2016, the Commission issued another proposal to recast the Eurodac Regulation and to extend the scope of Eurodac for the purposes of identifying irregularly staying third-country nationals and contribute to the return procedure. This proposal notably proposes the following main changes: lowering of the minimum age from which fingerprints must be taken from 14 to 6 years old, the storage of biographical data and facial images in the Central System to allow the use of facial recognition software, and the possibility to transfer Eurodac data to third countries for return purposes. The European Parliament and the Council both adopted their negotiating positions and trilogues have been ongoing since September 2017.

Every two years the Eurodac SCG elects a Chair and a Vice-Chair among the members of the Group in accordance with the Group's Rules of Procedure. The Group has been chaired by Ms Elisabeth Jilderyd (from the Swedish DPA), and Ms Mariya Mateva (from the Bulgarian DPA) acting as Vice-Chair. Since November 2019 Ms Eleni Maragkou (from the Hellenic DPA) was elected as Chair of the Eurodac SCG, while Mr Owe Langfeldt (from the EDPS) was elected as Vice-Chair. Meanwhile, the Secretariat of the Group is provided by the EDPS.

In accordance with Article 32 of the Eurodac Regulation, the Eurodac SCG is also to draw up a report of activities every two years that shall be sent to the European Parliament, the Council, the Commission and the European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice ('eu-LISA'). The present document reports on the activities of this Group for the period from 2018 to 2019.

Section 2 of this report presents the main principles of the coordinated supervision for Eurodac and summarises the four meetings that took place during the reporting period.

Section 3 describes in more details the issue and main achievements discussed by the Eurodac SCG in the years of 2018 and 2019.

Section 4 lists the Members' activity report for the two years of 2018 and 2019.

⁶ The Commission was responsible for the operational management of the Eurodac for a transitional period until the establishment of a new permanent IT Agency, eu-LISA, which became fully operational in December 2012.

Section 5 concludes the report by giving a brief general overview of activities to come in the next reporting period to the extent they can already be anticipated.

2. Organisation of coordinated supervision

2.1. Main principles

As in previous years, the cooperation took the form of meetings held on a regular basis with all DPAs in charge of supervising Eurodac at national level and the EDPS, acting together as the Eurodac SCG. The main purpose of these meetings is to discuss common problems related to supervision and find common solutions or approaches whenever possible. In practice, these meetings take place at least twice a year in accordance with Article 32(4) of the Eurodac Regulation. The Commission and eu-LISA are also invited to parts of the meetings in order to update the Group on new developments regarding Eurodac.

2.2. The supervision coordination meetings

In the period 2018-2019, four supervision coordination meetings have taken place in Brussels on the following dates:

- 13 June 2018
- 15 November 2018
- 20 June 2019
- 27 November 2019

The four meetings were held at the European Parliament. As usual, they were organised back-to-back with the VIS and SIS II SCG meetings in order to reduce the financial, travel and administrative burdens and to ensure consistent, horizontal supervision policies of those large-scale IT systems where possible.

Typically, the first part of the meeting is devoted to a presentation by the European Commission and eu-LISA on recent developments regarding Eurodac that impact data protection. This helps to ensure that the Group is always kept up-to-date in order to ensure effective supervision. The second part is devoted to discussions between DPAs on issues that are in need of checking at national level or on new developments of interest for Eurodac supervisors.

The following paragraphs quickly recapitulate the topics discussed and actions taken at the four meetings.

Meeting of 13 June 2018

eu-LISA informed the Group of the status of operation of the Eurodac system, including the storage capacity of the system, the response time to requests and challenges encountered due to the increase of persons seeking international protection. The Commission gave a presentation on a new proposal tabled by the Commission in May 2016 for another recast of the Eurodac Regulation focusing on the main changes brought by the proposal, which was followed by a discussion with the Members of the Group. The Group received the Fundamental Rights Agency, which presented its report ‘Under watchful eyes- Biometrics, EU IT systems and fundamental rights’ focusing on IT systems for migration and asylum and biometrics while also aiming at mapping the possible fundamental rights implications. In this regard, the Group agreed that it would be beneficial to stay in touch with FRA in order to work with the agency on a document to comply with the obligation of national authorities to clearly inform data subjects whose data will be stored in Eurodac and ensure the respect of the right to information. The Group discussed both the draft Activity Report 2016-2017 and draft Report on Advance Erasure of data in Eurodac. The Members of the Group finally updated their colleagues with information about their national inspections or other relevant developments at national level.

Meeting of 15 November 2018

eu-LISA informed the Group of the status of operation of the Eurodac system, including the storage capacity of the system, the response time to requests and challenges encountered due to the increase of persons seeking international protection. The Commission gave a presentation on a new proposal tabled by the Commission in May 2016 for another recast of the Eurodac Regulation focusing on the main changes brought by the proposal, which was followed by a discussion with the Members of the Group. The Group discussed the development of the draft Activity Report 2016-2017 together with a discussion on the draft report on the exercise of data subject’s rights. Moreover, the Group further discussed on the possible collaboration with the FRA on a new tool to inform data subjects on their rights. The Group also started some discussions on the Work Programme 2019-2021. The Members of the Group finally updated their colleagues with information about their national inspections or other relevant developments at national level.

Meeting of 20 June 2019

eu-LISA informed the group of the overall performance of the Eurodac system and the latest developments related to the quality of data stored by the system. The Commission updated the Group on the state of play of the proposal of May 2016 for another recast of the Eurodac Regulation and answered further questions of the Members regarding the proposal. The Group discussed the finalisation of the report on data subject’s rights, together with further comments on the collaboration with the FRA on a new tool to inform data subjects on their rights. The Group also discussed the Work Programme for 2019-2021 for adoption after

comments from the Group. Finally, the Members of the Group updated their colleagues with information about their national inspections or other relevant developments at national level.

Meeting of 27 November 2019

eu-LISA updated the group on the overall performance of the Eurodac system and the latest developments related to the quality of data in the system. The FRA attended part of the meeting to present the first draft of the leaflet to inform data subjects of their rights, to which the Group provided for additional comments. The Group also adopted the final version of the Work Programme for 2019-2021. The Members of the Group updated their colleagues with information about their national inspections or other relevant developments at national level. Finally, the Group elected Ms Eleni Maragkou (Hellenic DPA) as the new Chair and Mr Owe Langfeldt (EDPS) as the new Vice-Chair of the Eurodac SCG.

3. 2018-2019: Issues discussed and main achievements

3.1. Monitoring of the recast of the Eurodac Regulation

According to the European Commission, its proposal of May 2016 to recast the Eurodac Regulation aims to expand the purposes of the Eurodac system, facilitate returns and help tackle irregular migration.

The proposal introduces the following changes to the Eurodac Regulation, which have important data protection implications:

- Storing and searching data of third-country nationals or stateless persons who are not applicants for international protection and found irregularly staying in the EU to identify them for return and readmission purposes;
- Storing further alphanumeric data, e.g. names, dates of birth, nationalities, identity details or travel documents, as well as facial images in Eurodac in order to allow immigration and asylum authorities to identify third country nationals without having to request the information from another Member State separately, as is currently the case;
- Introducing sanctions in accordance with national law for individuals who refuse to comply with the fingerprinting procedure.
- The Eurodac SCG has sent a formal letter on the proposal to a recast the Eurodac Regulation to the European Commission, the European Parliament and the Council, expressing its main concerns on the proposal. The Eurodac SCG will continue to follow the legislative developments of the proposal to recast the Eurodac Regulation and the potential impact on Eurodac data processing activities, and will voice its opinion where necessary during this process.

The Eurodac SCG has constantly monitored the recast and is ready to carry out further activities to ensure a smooth transition to the new set of rules.

3.2. The exercise of data subject's rights

In June 2017, the Eurodac SCG decided to start working on the issue of data subjects' rights within the context of Eurodac processing. The Secretariat drafted a questionnaire on data subjects' rights on the basis of existing SCG questionnaires on this topic and the Standardized Inspection Plan. The Eurodac SCG adopted a comprehensive questionnaire on data subjects' rights, which has been sent to all members of the Eurodac SCG.

The Eurodac SCG has finalised and [published its report on the exercise of data subject's rights with the necessary recommendations](#).

3.3. Collaboration with the Fundamental Rights Agency on the right to information

The Eurodac SCG has also initiated a collaboration with the Fundamental Rights Agency (FRA), after it has been invited to one of the Group's last meetings to present its report on the fundamental rights implications of collecting, storing and using biometric and other data in EU IT systems in the area of asylum and migration. In this context, it was suggested that the Group could work together with FRA and NGOs on the best way to comply with the law and provide information to data subjects without merely providing a legalistic text but by carefully choosing every words to ensure that precise messages are conveyed.

The Eurodac SCG has worked in close cooperation with the FRA on a leaflet to be used by officers by national authorities to comply with the obligations to inform data subjects on the storage of their own data and to ensure that data subjects are adequately informed.

The Eurodac SCG has adopted and published its leaflet and is currently working on the translation in all EU languages.

4. Members' Reports

4.1. Austria

- **Overview: state of play and developments**

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- **Inspections**

The Austrian DPA has not carried out inspections.

- **Complaints**

The Austrian DPA has not received any complaints regarding Eurodac.

- **Remarks**

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4.2. Belgium

- **Overview: state of play and developments**

The Belgian Act of 3 December 2017 establishing the Data Protection Authority provides for the establishment of an Inspection Service, which is the investigative body of the Belgian DPA. The new Inspector General was sworn in on 24 April 2019 and the service became progressively fully operational.

The Inspection Service is in close contact and has regular meetings with the DPO office of the Belgian Immigration Office, which is the Belgian National Access Point for Eurodac.

- **Inspections**

The Belgian Act of 30 July 2018 on the protection of natural persons with regard to the processing of personal data provides for the establishment of the Supervisory Body for Police Information, which is the data protection authority for the (processing by) the Belgian police services.

The Supervisory Body for Police Information is responsible for the audit – provided for in Article 32 of the Eurodac Regulation – of the processing of personal data for law enforcement purposes by the Belgian designated authorities, being the Belgian police services. The Supervisory Body for Police Information foresees an audit in 2020.

- **Complaints**

The Belgian DPA did not receive any formal complaint.

- **Remarks**

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4.3. Bulgaria

- **Overview: state of play and developments**

The competent authorities with regard to the national system EURODAC are the State Agency for Refugees with the Council of Ministers and the Research Institute of Criminology and Forensics at the Ministry of Interior. The latter provides the technical support and the network of the system. The Commission for Personal Data Protection is the supervisory authority with regard to personal data processing in the national system EURODAC. All the commitments regarding the compliance with Regulation (EU) No 603/2013 have been fulfilled. The national system EURODAC is fully compliant with the provisions laid down in the EURODAC Regulation.

- **Inspections**

An inspection of the national system EURODAC was planned to take place in 2019. However, due to unpredicted circumstances it had to be postponed for the year 2020.

- **Complaints**

In the period of 2018-2019 no complaints, regarding personal data processing in EURODAC system have been submitted to the Bulgarian supervisory authority. During that period, the State Agency for Refugees with the Council of Ministers has not been referred with complaints, as well.

- **Remarks**

The Commission for Personal Data Protection carries out specific trainings concerning the management staff of the State Agency for Refugees with the Council of Ministers, regarding the new European data protection framework.

In addition, the FRA-EURODAC Supervision Coordination Group leaflet on the “Rights to information – Guide for authorities when taking fingerprints for EURODAC” was disseminated to the abovementioned authority.

4.4. Croatia

- **Overview: state of play and developments**

The establishment of the national Eurodac system in the Republic of Croatia started in 2012 and the National Access Point has been in operation since 1 July 2013. All “hit” results received for Eurodac have been verified by the Forensic Science Centre Ivan Vucetic. The National Access Point is established within the Ministry of Interior, within the Service for International Protection. Till June 2019, the National Access Point and Dublin procedure were organised within the Department for Asylum. During 2019. The Ministry of the Interior in Croatia underwent a major re-organization in the area of asylum, as a result of which a separate Department for Dublin Procedures was established under the new Service for International Protection. Therefore, since June 2019 the National Access Point falls within the respective Department.

Croatia has 32 Eurodac workstations with fingerprint live-scan equipment which are placed in all of 20 police administrations, Reception Centre for Foreigners Ježevo, as well as in Reception Centres for applicants for international protection (including both locations in Kutina and Zagreb). The supply of equipment was financed by the Transition Facility. Currently, 9 more mobile workstations are being procured, and this procurement is financed through AMIF.

In 2019, employees of the Department for Dublin Procedure held two educations on the use and functionalities of EURODAC to border police officers.

Eurodac workstations are used for processing and transmitting of fingerprints to the National Access Point. All transmissions to the Eurodac Central Unit are centralized and are done through the Department for Dublin procedure.

At the moment, the law enforcement authorities are not authorized to request comparisons with Eurodac since they do not have access to the VIS and Prüm databases.

Data subjects are informed about the Dublin procedure and purpose of fingerprinting and storing their fingerprints in EURODAC database. Each person receive detailed information in writing, with the presence of the interpreter if necessary. Written information are translated to Urdu, English, French, Arabic, Somali, Farsi and Turkish language. The written information is made available before the fingerprinting or when the intention to seek international protection is expressed.

Leaflets prepared by the Commission in accordance with Regulation 604/2013 are translated to Arabic, Turkish, Farsi, English, French, Urdu and Croatian language and are prepared for printing.

Also, data subjects have a right to request an access to personal data processed in the Eurodac (art. 29(4) of Regulation 603/2013) .There were no such requests till now.

- **Inspections**

In the reporting period some analysis and preparation for the further continuation of initial supervision activity was made by the national DPA (Croatian Personal Data Protection Agency).

- **Complaints**

In the reporting period there were no complaints on the processing of personal data in Eurodac.

- **Remarks**

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4.5. Cyprus

- **Overview: state of play and developments**

Nothing to report

- **Complaints**

No complaints have been received.

- **Inspections**

No inspections have been carried out during 2018-2019.

- **Remarks**

No remarks.

4.6. Czech Republic

- **Overview: state of play and developments**

The Czech DPA actively participated in activities connected to the supervision of the Eurodac database. The Czech DPA monitored independently the lawfulness of personal data processing, ensured compliance with the relevant legislation, in particular with respect to data subject rights.

- **Inspections**

The Czech DPA did not carry out any inspection of the Eurodac during the reporting period. The inspection is preliminary planned for year 2021.

- **Complaints**

The Department for Asylum and Migration Policy of the Ministry of Interior of the Czech Republic is responsible authority for handling requests and complaints of data subjects regarding their personal data processing in the Eurodac system. The Czech DPA has not received any complaints/requests in relation to data processing within the Eurodac.

- **Remarks**

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4.7. Denmark

- **Overview: state of play and developments**

Due to the Danish opt-out concerning justice and home affairs, Denmark had to enter into a special agreement in order to become part of Eurodac. After the entry into force of the recast Eurodac Regulation an amendment to the existing agreement was necessary. A protocol making it possible for Denmark to participate in the law enforcement part of the Eurodac Regulation, was agreed upon in 2019. The national legislation making it possible was passed in 2018.

- **Inspections**

Due to the above, the inspection planned for 2019 was postponed to spring 2020.

- **Complaints**

The Danish DPA has received no complaints regarding registration in the Eurodac during the reporting period.

- **Remarks**

The Danish DPA has no remarks.

4.8. EDPS

- **Overview: state of play and developments**

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- **Inspections**

In December 2019, the EDPS has conducted an audit of the central system of Eurodac managed by eu-LISA pursuant to Regulation (EU) 2018/1725 and Regulation (EU) 603/2013. The audit focused on the follow-up on the EDPS Eurodac Inspection of 2016, the operational management and security of the Eurodac -Central system and its internal communication infrastructure.

The report containing findings and recommendations will be sent to euLISA, as well as to the European Parliament, the Council and the Commission, and the national DPAs, in line with Article 31(2) of the Eurodac Regulation (EU) 603/2013.

- **Complaints**

The EDPS has received no complaints relating to Eurodac during the reporting period. Given the role of the central system, complaints against the processing of personal data in Eurodac will most likely be directed against processing under the responsibility of the Member States.

If this were to happen, complainants would be referred to the relevant national DPAs. Only complaints related to processing by the central unit would be relevant for the EDPS.

- **Remarks**

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4.9. Estonia

- **Overview: state of play and developments**

Estonian Police and Border Guard Board is the national access point for the Eurodac.

- **Inspections**

An inspection started in November 2016, but it did not come to a conclusion in 2018 or 2019.

- **Complaints**

No complaints received in 2018-2019.

- **Remarks**

In 2018 we participated in the Eurodac SCG's joint exercise and examined how data subject rights are followed in matters related to Eurodac.

4.10. Finland

No response was provided.

4.11. France

- **Overview: state of play and developments**

In France, the Ministry of Interior, General Directorate for Foreigners, is the national access point for Eurodac. The CNIL is competent for the supervision of Eurodac processing by the competent authorities in France.

- **Inspections**

The CNIL carried out one on-site inspection in 2018 and one document-based inspection in 2019.

- **Complaints**

No complaints were received by the CNIL in 2018 and 2019.

- **Remarks**

Concerning requests for the right of access, 38 requests were made in 2018 and 70 in 2019.

4.12. Germany

- **Overview: state of play and developments**

In Germany, the Federal Office for Migration and Refugees functions as the central authority for the Eurodac system. The central authority of access for the police and the law enforcement authorities is the Federal Crime Police Office.

The Federal Commissioner for Data Protection and Freedom of Information, together with the responsible Data Protection Supervisory Authorities of the federal states (“Länder Data Protection Commissioners”), monitors the lawfulness of the processing of personal data by the German authorities and the transfer of the data to the Central Unit. In addition, data subjects receive support in exercising their rights of correction or deletion of data.”

- **Inspections**

Regarding law enforcement access (LEA) to Eurodac, supervisory activities in 2018 and 2019 confirmed the impression that police forces in Germany do not make use of Eurodac access requests very often.

In both years the Federal DPA checked the total number of access requests of the last twelve months of all the federal police authorities and found that there were either no or only very few single cases. Based on those figures the Federal DPA conducted one inspection of LEA to Eurodac at the Federal Police in 2018 and one inspection at the Federal Criminal Office in 2019.

The inspection at the Federal Police in 2018 led to a formal objection, because the lawfulness of the requests could not be established clearly in all cases due to a lack of documentation. The Federal DPA considered this as an infringement of the principles of proper recordkeeping, the latter deriving from the rule of law principle. The Federal Police took measures to ensure that such mistakes will not be repeated in the future. The Federal DPA found those measures to be appropriate for the time being and concluded the inspection. It is up to a future inspection to review the actual effect of the measures taken.

The inspection at the Federal Criminal Office in 2019 was concluded without any complaints or recommendations. All access requests were found to be lawful and the respective log files were in compliance with legal obligations.

Furthermore, in 2019 the DPA of Schleswig Holstein did an inspection of Eurodac access requests at the State Criminal Police Office. There had been only one access request resulting in no hits and nothing was found to be non-compliant.

Also, the DPA of Baden-Württemberg did an inspection of Eurodac access requests at the local State Criminal Police Office. The inspection encompasses all access requests done in 2018, which were only 16. All access requests were found to meet the lawful conditions.

The DPA of Berlin has conducted an inspection at the State Police in October 2019 including Eurodac access requests done in 2018 and 2019. There had been only one access request in each year.

- **Complaints**

None.

- **Remarks**

More information about Eurodac (in German language) with additional links to relevant websites are provided by the following website: https://www.bfdi.bund.de/DE/Europa_International/Europa/Justizielle_und_polizeiliche_Zusammenarbeit/Justizielle_Zusammenarbeit/EURODAC.html

4.13. Greece

- **Overview: state of play and developments**

The Informatics Division of the Hellenic Police under the Ministry of Citizen's Protection is the National Access Point for the Eurodac system.

In 2019, the asylum legal framework was codified in a single legal act namely Law 4636/2019 (as amended by Law 4686/2020 and Law 4674/2020). This law forms a recast of previous legislation transposing Directives 2011/95/EU, 2013/32/EU and 2013/33/EU and provides for a more coherent and effective system and set of rules in the managing of all asylum services.

- **Inspections**

No inspection was carried out during the specified time frame.

- **Complaints**

The Hellenic DPA has not received any complaints in relation to data processing within the Eurodac system.

- **Remarks**

No further remarks

4.14. Hungary

- **Overview: state of play and developments**

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- **Inspections**

No inspection was carried out during the reporting period. The on-site visit originally planned for the first semester of 2019 has been postponed as a consequence of the full schedule of the DPA's annual inspection program of the year 2019. The subsequent inspection is likely to take place in the 2nd half of 2020. The DPA is planning to launch an on-site visit at the premises of – the Dactyloscopy Institute of the Hungarian Institute for Forensic Sciences – the authority competent for the operation of the Eurodac System.

- **Complaints**

The Hungarian DPA did not receive any complaint from individuals regarding EURODAC System in the 2018-2019 period.

- **Remarks**

The update of the information provided on Eurodac System in the DPA's website (both in Hungarian and English languages) is in progress.

Link for EURODAC information in the DPA website:

In Hungarian: <http://www.naih.hu/eurodac-rendszer.html>

In English: <http://www.naih.hu/european-dactyloscopy-system---eurodac.html>

4.15. Iceland

- **Overview: state of play and developments**

The National Commissioner of the Icelandic Police (NCIP) is responsible for the processing of personal data in EURODAC on behalf of Iceland. Individuals who wish to send the International Unit of the NCIP an access request can contact it directly.

If an access request is denied or not answered, the individual in question can file a complaint with the Data Protection Authority.

- **Inspections**

No inspection was carried out during the specified timeframe.

- **Complaints**

No complaints were received during the specified timeframe.

- **Remarks**

The DPA has updated its website regarding Eurodac. In particular the information available to data subjects, as well as information on how to exercise data subjects' rights.

4.16. Ireland

- **Overview: state of play and developments**

The International Protection Office (IPO) is an office within the Irish Naturalisation and Immigration Service (INIS) responsible for processing applications for two forms of international protection under the International Protection Act 2015- refugee status or subsidiary protection. The IPO also considers whether applicants should be given permission to remain. Applications may be examined under the EU Dublin Regulation in order to determine the state responsible for examining an application for international protection made by a third country national or a stateless person.

In 2018, the IPO advised the Irish DPA that the commencement of GDPR in May 2018 necessitated the issuing of an updated Privacy Notice - **General Data Protection Regulation Privacy Notice- IPO (PP) 52 Rev 1** - in multiple languages – to applicants for international protection.

The Privacy Notice is available on the IPO's website at:

[http://www.ipo.gov.ie/en/IPO/Data%20Protection%20Privacy%20Notice%20-IPO%20\(PP\)%2052%20Rev%201.pdf/Files/Data%20Protection%20Privacy%20Notice%20-IPO%20\(PP\)%2052%20Rev%201.pdf](http://www.ipo.gov.ie/en/IPO/Data%20Protection%20Privacy%20Notice%20-IPO%20(PP)%2052%20Rev%201.pdf/Files/Data%20Protection%20Privacy%20Notice%20-IPO%20(PP)%2052%20Rev%201.pdf)

- **Inspections**

The Irish DPA did not conduct any inspections of data on Eurodac during the period of 2018-2019.

- **Complaints**

The Irish DPA did not receive any complaints regarding Eurodac during the period of 2018-2019.

- **Remarks**

None.

4.17. Italy

- **Overview: state of play and developments**

The designated access point (NAP – National Access Point) is still the Scientific Police Service within the Direzione Centrale Anticrimine della Polizia di Stato. The aforementioned Service is also the SPoC (Single Point of Contact) for the activities related to the management of the IT structure dedicated to communication with the EU central system.

The Italian DPA asked to the Internal Ministry to answer to the Questionnaire on data subjects rights. However, the answers have not been shared yet, since the SA asked the Ministry to clarify some critical issues it found in the document received.

The Italian DPA is currently evaluating the feedback received and the dialogue started with the Ministry concerning the critical issues pointed out is still ongoing.

- **Inspections**

The Italian DPA did not carry out inspections regarding the Eurodac system. There are no fingerprints experts within the DPA.

- **Complaints**

The Italian DPA did not receive any complaint from individuals regarding data processing in the Eurodac system.

- **Remarks**

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4.18. Latvia

- **Overview: state of play and developments**

The Information Centre of the Ministry of the Interior and State Border Guard (both authorities are subordinated to the Ministry of the Interior) are the competent authorities with regard to

the national system Eurodac. The Data State Inspectorate of Latvia is the competent authority with regard to personal data processing activities concerning Eurodac.

- **Inspections**

The Data State Inspectorate of Latvia has not carried out any inspections during the reporting period related to Eurodac.

- **Complaints**

The Data State Inspectorate of Latvia did not receive any complaints in relation to data processing within the Eurodac system during the reporting period.

- **Remarks**

Since 1 January 2018 the functions of the verifying authority according to Article 6 of Eurodac Regulation have been carried out by State Police and Latvian State Security Service.

The Data State Inspectorate of Latvia kindly thanks for Your kind cooperation and hopes that the abovementioned information will be useful in Your further work.

4.19. Liechtenstein

In 2018/2019 the Liechtenstein DPA did not conduct any audits nor did it receive any complaints regarding the Eurodac system.

4.20. Lithuania

- **Overview: state of play and developments**

Nothing to report.

- **Inspections**

None.

- **Complaints**

None.

- **Remarks**

None.

4.21. Luxembourg

- **Overview: state of play and developments**

The Eurodac system is operated at the Eurodac and Dublinet offices located at the Ministry of Foreign and European Affairs (Directorate of Immigration) and the border control at the Luxembourgish airport.

- **Inspections**

The Luxembourgish DPA has not carried out any inspections during the period covered by this report.

- **Complaints**

No complaints have been received during the period under review.

- **Remarks**

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4.22. Malta

- **Overview: state of play and developments**

During the period under review, the Maltese DPA held discussions with the Eurodac National Access Point and the relevant stakeholders involved in the asylum procedure. The Eurodac National Access Point forms part of the Immigration and Border Control within the Malta Police Force.

The aim of these meetings was to pinpoint problematic areas which could have an impact on the lawfulness of data processing, such as delays both when taking fingerprints and or the inputting into the system. The Maltese DPA intends to hold additional discussions with the relevant Ministry for Home Affairs to ensure a more efficient process of enrolment which does not result in a negative impact on the lawful transmission of fingerprint data in the Eurodac system.

- **Inspections**

No onsite inspections were carried out during the period under review. The Maltese DPA intends to conduct inspections in the near future. The main focus of these inspections will be to assess the main problematic areas, in particular those matters which have been flagged in previous exchanges or following statistics made available by eu-LISA.

- **Complaints**

No complaints have been received.

- **Remarks**

No remarks

4.23. Netherlands

- **Overview: state of play and developments**

In the Netherlands, responsibility for both the functional and technical part of the Eurodac system is divided between the Immigration and Naturalisation Service and the Directorate-General for Immigration of the Ministry of Justice and Security. The SPOC for the Eurodac system is hosted by the ICT service of the Dutch National Police.

During the reporting period the Dutch DPA maintained regular contacts with these competent authorities.

These regular contacts have shown that the authorities have carried out a DPIA for Eurodac. Moreover they participated in the European Eurodac exercise, which also tested scenarios with regard to data breaches. Furthermore, the authorities have planned to carry out an audit in 2020

in relation to the use of Eurodac by law enforcement authorities in previous years. Implementation of the latter is dependent on the possibilities for this within the current and future Covid-19 measures.

- **Inspections**

Apart from the coordinated supervision activities of the SCG Eurodac, which included a questionnaire on data subject rights, no other inspection took place by the Dutch DPA during the reporting period. However, the Dutch DPA has included an inspection for Eurodac in her multiannual inspection plan.

- **Complaints**

The Dutch DPA has not received any complaints relating to Eurodac in the reporting period

- **Remarks**

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4.24. Norway

- **Overview: state of play and developments**

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- **Inspections**

The Norwegian DPA has not carried out any inspections during the reporting period.

- **Complaints**

The Norwegian DPA has not received any complaints regarding Eurodac during the reporting period.

- **Remarks**

None.

4.25. Poland

- **Overview**

On the basis of the art. 22(10a) of the act of 12 December 2013 on foreigners, Head of the Office for Foreigners is the authority which, pursuant to art. 27(1) of the Regulation 603/2013, has access to data recorded in the Central System for the purposes laid down in Article 1(1).

On 6 February 2019 the Act of 14 December 2018 on the protection of personal data processed with regard to preventing and combating criminal offences has entered into force. The new law which is a transposition of the Law Enforcement Directive has amended the art. 145j of the Act of 6 April 1990 on the Police which now stipulates that the Police Commander in Chief performs the task of the National Access Point in accordance with the Regulation 603/2013.

- **Inspections**

In 2019 the Polish DPA has sent inquiries to competent authorities which process data for the purposes of Eurodac. Information which was collected during this process was also used to

prepare Polish DPA's input into Eurodac SCG Report on the exercise of data subjects' rights in relation to Eurodac.

- **Complaints**

During the reporting period, the Polish DPA has not received any complaint relating to Eurodac.

- **Remarks**

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4.26. Portugal

- **Overview: state of play and developments**

There is no established access to EURODAC for law enforcement purposes so far.

The guide on the legal framework and best practices for the national competent authorities when collecting fingerprints for Eurodac system was sent to the Eurodac national system data controller to be distributed among the officials in the field. The digital leaflet was uploaded in the DPA website as well. This leaflet was jointly produced by the EU Fundamental Rights Agency (FRA) and the EURODAC Supervision Coordination Group.

- **Inspections**

There were no inspection actions performed during the period of this report.

- **Complaints**

The DPA did not received any complaint.

- **Remarks**

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4.27. Romania

- **Overview: state of play and developments**

The asylum legal framework in Romania is regulated by Law no. 122/2006 of the 4th of May, amended by Ordinance no. 22/2014. Law no. 122/2006 was updated in May 2019.

The website of the General Inspectorate for Immigration provides template forms for exercising the rights in the data protection field and also the information provided to data subjects, in compliance with the transparency obligation imposed by the legislation in the data protection field.

- **Inspections**

The Romanian Supervisory Authority did not carry out inspections to Eurodac system.

- **Complaints**

No complaints were received by the Romanian Supervisory Authority concerning the Eurodac system.

- **Remarks**

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4.28. Slovak Republic

- **Overview: state of play and developments**

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- **Inspections**

During 2018 and 2019, two inspections by Slovak Supervisory Authority took place:

In 2018 the Slovak Supervisory Authority conducted an inspection on the Ministry of Interior of the Slovak Republic (relevant department responsible for EURODAC). The inspectors found following breach: there was no DPIA in place. This insufficiency was solved by the controller to the satisfaction of Slovak Supervisory Authority.

In 2019 the Slovak Supervisory Authority conducted an inspection of the Ministry of Interior of the Slovak Republic (relevant department responsible for EURODAC). The inspectors did not find any breaches nor deficiencies with regard to personal data protection.

- **Complaints**

As far as data protection proceedings are concerned, there was no proceeding in this matter during years 2018- 2019 dealt by Slovak Supervisory Authority. Also, there was no complaint on data processing in EURODAC system filed with the Slovak Supervisory Authority during the pertinent years.

- **Remarks**

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4.29. Slovenia

- **Overview: state of play and developments**

The Slovenian DPA has good and constant relations with the Eurodac National Access Point.

- **Inspections**

In 2018 the Slovenian DPA initiated an audit of the processing of personal data in accordance with Articles 32(2) and 33(2) of the Eurodac Regulation 603/2013. Initially, the questionnaire prepared by the Eurodac SCG ‘Standardized Inspection Plan for Eurodac NAP’ was submitted to the Eurodac National Access Point (the data controller). The answers received showed no major irregularities, however, the audit itself has not yet been concluded.

- **Complaints**

In 2018-2019 the Slovenian DPA has not received any complaint regarding data processing in the Eurodac system.

- **Remarks**

None

4.30. Spain

- **Overview: state of play and developments**

Eurodac National Access Point

Under the direction of the Ministry of Home Affairs, the CGPC, “*Comisaria General de Policia Científica*” (Scientific Police Head Station) is the Spanish national body managing international relations, including relations with the different EU national Home offices and police authorities. It is the Eurodac Spanish National Access Point.

Data protection National Authority

The data processing activities of the EU countries are supervised by the national supervisory authorities, while those of the Commission are supervised by the European Data Protection Supervisor (EDPS). In Spain, the supervision is carried out by the Spanish Data Protection.

Data protection coordinated supervision

The [Monitoring group Eurodac coordinated](#) comprising representatives from the national supervisory authorities and the EDPS, all within the framework of their respective competences, to ensure effective coordination of the supervision authorities in both process and oversight policy. Thus, according to article 33 of the Eurodac regulation, the national supervisory authorities and the European data protection Supervisor of data protection, each acting within the scope of their respective competences, must work through:

- The exchange of relevant information.
- Mutual assistance in conducting inspections and auditing.
- Joint consideration of any problems that arise in the exercise of control independent or in the exercise of the rights of those territories of the data.
- Harmonized preparing proposals for finding common solutions to the problems.
- By increasing knowledge of rights in the field of data protection, insofar as that harmonization is necessary.
- The panel has to develop an activity report every two years to be sent to the European commission to the council and the European parliament.

- **Inspections**

No inspections have been performed so far by the Spanish DPA or the CGPC for the relevant period.

- **Complaints**

No complains have been lodged during 2018-19.

- **Remarks**

The Spanish Data Protection Agency is currently elaborating a strategic planning for the Deputy Direction General of Inspection that will define the allocation of audit tasks in the common authorities of data protection SIS II, VIS, EURODAC, EUROPOL, CIS AND JAS CUSTOMS. The aim is to develop audit plans to design and implement continuous auditing of

the IT systems, disseminate knowledge of data protection among the administrative units in charge of these IT systems' oversighting and staff operating them, informing citizens of their data protection rights and improving the cooperation with other EU and national authorities in the field.

4.31. Sweden

No information was provided.

4.32. Switzerland

- **Overview: state of play and developments**

As mentioned in the last report, Switzerland was negotiating an agreement with the EU in order to get an access for the law enforcement authorities to Eurodac. The negotiations also included the participation of Switzerland in the Prüm cooperation. On 27 June 2019, Switzerland and the EU signed an agreement concerning Prüm as well as a protocol granting access to the Eurodac database to Swiss prosecution authorities under certain conditions. Now, the ratification process is going on in the UE and Switzerland.

Switzerland took part in all meetings of the Eurodac SCG in 2018 and 2019.

- **Inspections**

No inspection took place in 2018 and 2019. As mentioned above, the law enforcement authorities of Switzerland do not yet have access to Eurodac.

- **Complaints**

The Swiss federal DPA did not receive any complaints concerning Eurodac.

- **Remarks**

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5. What to expect next

The Eurodac SCG Work Programme for 2019 to 2021 aims to ensure the follow-up to the activities already started by the Group, but it also envisages other new issues to be explored with specific activities to be carried out. It allows at the same time sufficient flexibility to add new exercises when needed.

From the current discussions within the Eurodac SCG, it is possible to list the following issues for the Group's assessment:

- The access of law enforcement authorities (including Europol) to the system;
- The suggestion of topics to be covered during inspections of Eurodac at national level, in order to provide guidance to the DPAs;
- The follow-up of special searches;
- The marking of data;

- A discussion on the UK national copy of the Eurodac system after Brexit;
- The issue of false HITs;
- The activity of the Eurodac SCG within the coordinated supervision in the framework of the EDPB;
- The entry into force and implementation of the Interoperability Regulation, and its effect and interaction with the Eurodac Regulation.

Besides these foreseen activities, the Eurodac SCG will work on a permanent basis on the follow-up of policy and legislative developments, any ongoing issues, exchange of experiences and mutual assistance.