



Information about the Schengen Information System II and Data Protection

What is the significance of the second generation Schengen Information System?

The second generation Schengen Information System (SIS II) is a joint and electronic police tracking and information system of the Schengen States. It has been established as one of the most important compensatory measures for the abolition of national border controls for combating cross-border crime all over Europe. SIS II contains data both on persons and on objects. Data on persons may relate to persons wanted for arrest or as witnesses in connection with court proceedings, to missing persons, to persons whose travel movements are under discreet surveillance or to third country nationals who are subject to an entry ban or exclusion order. On the other hand, tracing of objects serves the purpose of seizure or use as evidence in criminal proceedings of automobiles, guns, documents, banknotes, etc.

The current 26 Schengen States are:

Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Sweden, Slovakia, Slovenia and Spain, and the associated States Iceland, Norway, Liechtenstein and Switzerland.

The UK, Ireland and Cyprus are EU Member States, yet are not members of the Schengen Acquis. The small States Monaco, San Marino and Vatican City de facto belong to the Schengen Area, as there are no border controls between them and the Schengen States France and Italy enclosing their territories. Bulgaria and Romania currently are in the accession process. They already take part in SIS II in a certain scope already.

Which personal data are stored in SIS II?

In particular, the following data sets may be processed in the Schengen Information System: forenames and surnames; names at birth; former names; aliases; place and date of birth; sex; any specific physical characteristics not subject to change; photographs; fingerprints; nationality; whether the person concerned is armed or violent or has escaped from detention; the reason for the alert; the authority issuing the alert; information relating to the decision and the nature of the offence on which the alert is based; action to be taken; as well as number(s) and date(s) of issue of identification documents relating to the person involved.

What are your rights in respect of the data stored in SIS II?

Each person is entitled to receive information whether any data relating to him/her are being processed in SIS II. The relevant provisions in Liechtenstein are Art. 47 and 48 N-SIS-Ordinance (LGBI. 2011 Nr. 140 in the latest version LGBI. 2013 Nr. 157). In order to prevent abuse, you have to prove your identity in some suitable form to the person responsible for data protection (see below) to receive information on which data about you are stored in SIS II, if any. In general, a copy of any official identification document bearing your own handwritten signature (such as a passport), enclosed to the request for information, will be sufficient. Persons who do not live in Liechtenstein need a certified copy. The request for information must be in writing and sent on paper. No answers are allowed to requests for information by telephone, by facsimile or by e-mail.

What is the significance of this right of information?

Each person not only has the right of information, but also the right of correction of inaccurate data and deletion of unlawfully stored data pursuant to Art. 47 Abs. 2 and Art. 48 N-SIS-Ordinance.

Liability for any damage caused to a person through the use of SIS II rests with each Member State in accordance with its national law. In Liechtenstein the relevant provisions are Art. 50 N-SIS-Ordinance in connection with Art. 14a Public Liability Act (“Amtshaftungsgesetz”: LGBl. 1966 Nr. 24).

Who is responsible in Liechtenstein for SIS II?

The National Police is responsible for managing the domestic part of SIS II in Liechtenstein. As data owner, the National Police, pursuant to Art. 47 and 48 N-SIS-Ordinance is obligated to give information. An application for information has to be submitted in writing to the National Police at the following address:

Landespolizei des Fürstentums Liechtenstein
PO-Bos 684
Gewerbeweg 4
9490 Vaduz
Liechtenstein

You can find further information about data protection matters and other information about SIS II on the website of the National Police (www.landespolizei.li).

Who monitors data processing in SIS II?

Each Member State has to designate a national supervisory authority, independently monitoring the lawfulness of any personal SIS II data processed in its jurisdiction. In Liechtenstein, the Data Protection Office (DPO) serves as national supervisory authority. Any Person may lodge a complaint or file an application with DPO for any alleged violation of his/her rights (www.dss.llv.li).

On a European level, a further supervisory body is the European Data Protection Supervisor (www.edps.europa.eu). Within their respective jurisdictions, the national supervisory authorities and the European Data Protection Supervisor work together actively and provide coordinated supervision of SIS II.

IMPRESSUM

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