

The Schengen Information System (SIS)

The SIS is an information system that allows the competent authorities in the Member States to obtain information regarding certain categories of persons and property. Member States themselves provide information through their national section (NSIS) which is then connected to the central data centre.

The system establishes communication amongst all Member States and provides end-users with access to such information online. It is a vital factor in the smooth running of the area of security, freedom and justice. It contributes to the implementation of the provisions on the free movement of persons and to judicial cooperation in criminal matters and police cooperation.

Personal Data Processed by the SIS

Pursuant to the provisions of the Schengen Convention, in particular articles 94 to 100 thereof, the SIS shall process the information supplied by the Contracting Country and such data is related to persons, objects and vehicles. The processed data in relation to a person is limited to the following information:

- surname and forenames, any aliases possibly entered separately;
- any specific objective physical characteristics not subject to change;
- first letter of second forename;
- date and place of birth;
- sex;
- nationality;
- whether the persons concerned are armed;
- whether the persons concerned are violent;
- reason for the alert;
- action to be taken.

Other information, in particular, personal data revealing racial origin, political opinions or religious or other beliefs, as well as personal data concerning health or sexual life may not be processed automatically, unless domestic law provides appropriate safeguards.

The Schengen Convention lays down the reasons where an alert may be included in the SIS and these are when there is an:

- arrest warrant for extradition purpose;
- alert on aliens for the purpose of refusing entry;

- alert on missing persons, missing minors and persons who must be detained following a decision by a competent authority;
- alert on the witnesses, persons summoned to appear before the judicial authorities in connection with criminal proceedings in order to account for facts for which they are being prosecuted, or on persons who are to be served with a criminal judgement or a summons to report in order to serve a penalty involving deprivation of liberty;
- alert on persons or vehicles for the purposes of discreet surveillance or of specific checks, for the purpose of prosecuting criminal offences and for the prevention of threats to public security.

What are your rights in relation to your personal data processed in the SIS?

The Schengen Convention lays down the rights of persons in relation to the personal data processed by the SIS and which could be exercised in accordance with the national law of the country, i.e. the Data Protection Act (Cap. 440 of the Laws of Malta). The citizen has the right to:

- have access to data relating to him/her which has been entered in the Schengen Information System;
- have factually inaccurate data relating to him/her corrected or in the case of unlawfully stored data pertaining to him deleted;
- bring before the Courts or the authority competent under the national laws any action to correct, delete or obtain compensation in connection with an alert involving him/her;
- request the Supervisory Authority to check the data concerning him/her which has been entered in the SIS and the use made of such data.

How to exercise your rights?

Any individual has the right to request access, correction or deletion of his/her personal data by contacting directly the Competent National Authority. In the case of Malta, such requests may be addressed in writing to:

The Data Protection Officer
Legal Unit
Police Headquarters
Floriana, Malta.

Tel: (356) 2122 4001

In accordance with Maltese law, the request must be submitted in writing and signed by the data subject. The request must be made in Maltese or English. When submitting the request, the data subject should provide a photocopy of the passport, or any other identification document, to ensure proper identification and facilitate dealing with the request by the Competent National Authority.

Refusal or restriction to these requests may only occur when this is justified for the suppression of criminal offences, or where necessary for the protection of the data subjects or the freedoms of other individuals.

In the eventuality of a restriction or refusal, the individual is to be informed in writing of the decision, including reasons for the decision, unless such communication could have a bearing on an investigation of the Police or on the rights and freedoms of other individuals.

What is the role of the Information and Data Protection Commissioner in relation to your personal data processed in SIS?

The Information and Data Protection Commissioner is the national supervisory authority responsible to carry out independent supervision of the data file of the national section of the SIS. The Commissioner is also responsible to check that the processing and use of data entered in the SIS does not violate the rights of the data subject.

Any individual may request the Commissioner to verify the personal data concerning him/her which is processed in SIS. For this purpose, the Commissioner is empowered to have access and inspect the data file of the national section of the SIS.

Where a request for access, correction or deletion, is restricted or refused by the Competent National Authority, the individual has a right to file an appeal with the Commissioner within thirty (30) days from when the decision is communicated to the individual or when the individual may reasonably be deemed to know about such a decision. In considering the appeal, the Commissioner reviews the case to ensure that a refusal or restriction is reasonable and well founded.

On 14 June 1985, five Member States, Belgium, France, Germany, Luxembourg and The Netherlands, signed an agreement to create a territory without borders and provide a common policy on temporary entry of persons and cross-border police co-operation. This became known as the 'Schengen Area'. The name was taken from the name of the town in Luxembourg, on the border with France and Germany, where such agreement was signed.

Taking as a basis the Schengen Agreement on the gradual abolition of checks at common borders, on 19 June 1990, there was the signature of the Schengen Convention between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic. The contracting parties to the Convention, Belgium, Germany, France, Luxembourg and The Netherlands have decided to fulfil the resolve expressed in the Agreement to abolish checks at their common borders on the movement of persons and facilitate the transport and movement of goods at those borders. The intergovernmental co-operation expanded to include other Member States.

Malta joined Schengen in December 2007 by lifting its sea borders. Subsequently in March 2008, Malta lifted its air borders rendering the Schengen Acquis fully operative. Being part of the Schengen zone means that Maltese citizens are free to travel to any other Schengen country without being subjected to border checks.

Facilitating free movement within internal borders of the Schengen Area had to be reconciled with specific measures aimed to strengthen security both at external borders and within the Schengen zone. This involved improving co-ordination between the police, customs and the judiciary and taking necessary measures to combat important problems such as terrorism and organised crime. In order to make this possible, an information system known as the Schengen Information System was set up to exchange data on people's identities and descriptions of objects which are either stolen or lost.



General Information on Schengen and the Schengen Information System

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