Automated data exchange with regard to dactyloscopic data in Latvia

2016/0818(CNS) - 13/12/2016 - Legislative proposal

PURPOSE: to authorise Latvia to continue to receive and supply of personal data for the purpose of automated searching of dactyloscopic data (digital fingerprints).

PROPOSED ACT: Council Implementing Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

BACKGROUND: Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in **combating terrorism and cross-border crime**, confers upon the Council implementing powers with a view to adopting measures necessary to implement that Decision, in particular as regards the receipt and supply of personal data provided for under that Decision.

The supply of personal data provided for under that Decision may not take place until the general provisions on data protection have been implemented in the national law of the territories of the Member States involved in such supply.

Council Decision 2008/616/JHA provides that the verification that the condition with respect to automated data exchange has been met is to be done on the basis of an evaluation report based on a questionnaire, an evaluation visit and a pilot run.

An overall evaluation report, summarising the results of the questionnaire, the evaluation visit and the pilot run concerning dactyloscopic data exchange in Latvia has been presented to the Council.

On the basis of the evaluation report, Council Decision 2014/911/EU authorised Latvia to receive and supply personal data for the purpose of automated searching of dactyloscopic data.

Decision 2014/911/EU was annulled by the Court of Justice of the European Union by its judgement of 22 September 2016.

As the conditions for triggering the exercise of such implementing powers have been met and the procedure in that regard has been followed, an implementing decision on the automated data exchange with regard to dactyloscopic data should be adopted with regard to Latvia in order to **replace the annulled Decision 2014/911/EU** and allow that Member State to continue receiving and supplying personal data pursuant to Decision 2008/615/JHA.

CONTENT: the proposed Council implementing Decision seeks, for the purpose of automated searching of dactyloscopic data, to **authorise Latvia to be entitled to receive and supply personal data** pursuant to Decision 2008/615/JHA.

Decision 2014/911/EU ceases to produce effects as from the date of entry into force of this Decision, without prejudice to the validity of automated data exchange carried out pursuant to that Decision by Member States.

Member States which obtained personal data pursuant to Decision 2014/911/EU shall continue to be entitled to further process those data at national level or between Member States for the purposes laid down in Decision 2008/615/JHA.

The United Kingdom and Ireland shall participate in the adoption of the proposed Decision.