Automated data exchange with regard to dactyloscopic data in Portugal

2017/0807(CNS) - 19/06/2017 - Legislative proposal

PURPOSE: to authorise Portugal to receive and supply personal data in respect of dactyloscopic data in Portugal (fingerprint data).

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 implementing powers upon the Council with a view to adopting measures necessary to implement that Decision, in particular as regards the receiving and supply of personal data.

The supply of personal data provided for under that Decision may not take place until the **general provisions on data protection** set out in that Decision 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 aiming to establish the condition with respect to automated data exchange is to be done on the basis of an evaluation report based on: (i) a questionnaire, (ii) an evaluation visit and, (iii) a pilot run.

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

On 18 May 2017, the Council concluded that Portugal had fully implemented the general provisions on data protection set out in Decision 2008/615/JHA.

CONTENT: for the purposes of automated searching of dactyloscopic data, the draft Council Implementing Decision seeks to authorise Portugal to receive and supply personal data in accordance with Decision 2008/615/JHA.

The United Kingdom and Ireland are taking part in the adoption of the proposed Decision.