Automated data exchange with regard to dactyloscopic data in the United Kingdom

2019/0819(CNS) - 05/12/2019 - Legislative proposal

PURPOSE: to authorise the United Kingdom to receive and supply personal data with regard to dactyloscopic data (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 implementing powers on the Council to adopt the measures necessary for the implementation of that Decision, in particular as regards the supply and receiving of personal data provided for therein.

The supply of personal data provided for in Decision 2008/615/JHA 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 that the condition relating to the automated data exchange 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 - including a summary of the results of the questionnaire, the evaluation visit to the United Kingdom and the successful pilot test with Germany - concerning dactyloscopic data exchange was presented to the Council.

On 2 December 2019, the Council concluded that the United Kingdom had fully implemented the general data protection provisions set out in Decision 2008/615/JHA.

CONTENT: the purpose of the draft implementing Council Decision is to authorise the United Kingdom to receive and supply personal data in accordance with Decision 2008/615/JHA for the purpose of automated searches of fingerprint data.

By 15 June 2020, the United Kingdom shall complete a review of its policy of excluding suspects' profiles from automated dactyloscopic data exchange. If, by that date, the United Kingdom has not notified the Council that it makes available dactyloscopic data of suspects in conformity with Decision 2008/615/JHA, the Council shall, within three months, re-evaluate the situation with regard to the continuation or termination of dactyloscopic data exchange with the United Kingdom.