

Automated data exchange with regard to DNA data in Italy

2021/0806(CNS) - 17/12/2021 - Legislative proposal

PURPOSE: to authorise Italy to receive and supply personal data with regard to **DNA 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 on the Council to adopt the measures necessary for the implementation of that Decision, in particular as regards the receiving and supply of personal data provided for in that Decision.

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 to establish that the condition for the automated exchange of data has been met is to be done on the basis of an evaluation report based on (i) a questionnaire drawn up by the relevant Council Working Party on each of the automated data exchanges, (ii) an evaluation visit and (iii) a pilot test.

Italy completed the **questionnaire** on data protection and the questionnaire on the exchange of DNA data exchange. A successful pilot test was carried out with Germany and Austria. An **evaluation visit** took place in Italy and the German and Austrian evaluation team subsequently drafted a report on the evaluation visit and forwarded it to the relevant Council Working Party.

An **overall evaluation report** was presented to the Council. Having taken note of the agreement of all Member States bound by Decision 2008/615/JHA, the Council concluded on 9 December 2021 that Italy had fully implemented the general data protection provisions of Decision 2008/615/JHA.

CONTENT: the purpose of the draft Council implementing Decision is, for the purposes of automated searching and comparison of DNA data, to allow Italy to receive and supply personal data in accordance with Decision 2008/615/JHA.

Denmark and Ireland are bound by Decision 2008/615/JHA and are therefore taking part in the adoption and application of this Decision.