



FACT SHEET Schengen

What is the second-generation Schengen Information System (SIS II)?

The SIS II is a Europe-wide electronic person and object search facility system jointly operated by the Schengen countries. It contains information on persons wanted by police and judicial authorities, persons subject to non-admission, missing persons, and stolen objects (such as cars or firearms). The SIS II is a pivotal facility for cooperation between police and judicial authorities.

As a result of the Schengen Agreement, systematic controls at borders between Schengen countries are being eliminated in order to facilitate travelling. By simultaneously improving cross-border police cooperation, security and order in the Schengen Area will be ensured and improved.

Schengen countries¹

EU Members:

- ▶ all but Cyprus

EU Members with special arrangement:

- ▶ Bulgaria
- ▶ Croatia
- ▶ Ireland
- ▶ Romania

Associated Members (non-EU):

- ▶ Iceland
- ▶ Liechtenstein
- ▶ Norway
- ▶ Switzerland

What data relating to a specific person can be stored in the SIS II?

The SIS II contains alerts concerning persons and objects. These are intended to enable the competent authorities to identify a specific person or object and take the necessary measures.

Since 2013, the retention of biometrical data, such as fingerprints, has been enabled in SIS II. The implementation of AFIS (Automated Fingerprint Identification System) in 2018 allows the identification of persons just on the basis of his/her fingerprints.²

¹ Status: December 2020.

The alerts in the SIS II concern:

- citizens of third (non-Schengen) countries who are refused admission or stay in the Schengen Area;
- persons wanted for arrest for the purpose of surrender or extradition;
- missing persons (who might have to be taken into custody);
- persons wanted for participation in court proceedings;
- persons or objects for discreet or specific check;
- objects for the purpose of seizure or use as evidence in criminal proceedings;
- issued identity documents, such as passports, identity cards, etc., which have been stolen, misappropriated, lost or invalidated; car documentation, vehicle registration certificates, vehicle number plates, banknotes, firearms, vehicle or aircraft engines, caravans, trailers, industrial equipment, etc.

The following personal data may be stored in the SIS II regarding any specific person:³

- last name(s), forename(s), maiden name(s), and alias(es);
- special permanent physical characteristics;
- date and place of birth;
- sex;
- fingerprints;
- nationality or nationalities;
- a note if the person in question is armed, violent, absconded, escaped, poses a risk of suicide, poses a threat to public health etc.;
- a reason for the alert and the authority issuing the alert, reference to the decision giving rise to the alert, and action to be taken (for the competent authorities);
- links to other alerts;
- type of offence, etc.

Which authorities may access the data of the SIS II?

In Liechtenstein, the following authorities have access to the SIS II data to carry out their duties:

- the **National Police (*Landespolizei*)**;⁴
- the **Immigration and Passport Office (*Ausländer- und Passamt*)**, limited to accessing data in connection with alerts on citizens of third countries for refusal of admission and stay and alerts concerning lost blank documents and identification documents;⁵
- **National Road Office**, limited to alerts on objects such as motor vehicles, trailers, caravans, car documentation, licence plates.⁶

² https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen-information-system/alerts-and-data-in-the-sis_en.

³ For an exhaustive list see Article 10 (1) N-SIS-V and Article 20 Regulation (EU) 2018/1862.

⁴ Article 18 (1) lit. a N-SIS II Ordinance.

⁵ Article 18 (1) lit. b N-SIS II Ordinance.

⁶ Article 18 (1) lit. c N-SIS II Ordinance.

The **National Police** may provide **information** to the following **other authorities** on alerts in the SIS II concerning persons or objects:⁷

- the **Swiss Federal Customs Administration (*Eidgenössische Zollverwaltung*)**, which is the competent customs authority in Liechtenstein due to the Customs Treaty.

What rights does a person have concerning the data processed in the SIS II?

A person concerned provides of the following rights:

- **right of access** concerning the data in the SIS II relating to him or her;⁸
- **right to rectification** of incorrect data and **right to erasure** of unlawfully stored data relating to him or her;⁹
- **right to lodge a complaint**, according to which any data subject, without prejudice to other administrative or legal remedies, can lodge a complaint with the Data Protection Authority if the data subject believes that his or her rights have been are infringed during the processing of his or her personal data, for example by the National Police;¹⁰
- **right to have verified** the data in the SIS II relating to him or her and the processing of that data;¹¹
- **right to receive compensation** in the event of unlawful data processing.¹²

What is the right of access?

All persons have the right to be **informed** as to **whether data on him or her are being processed in the SIS II**, and if that is the case, to access that data.

In **Liechtenstein**, anyone may request information on whether data on him or her are being processed, and on the origin of that data. Such information may be limited or refused, in particular if this is required by prevailing public interests or by the internal or external security of the country, or if providing such information would endanger a criminal investigation or other investigation proceedings.

The request for information on data stored in the SIS II may be submitted to the competent authority of any Schengen country.

In **Liechtenstein**, such a request may be submitted in writing to the **National Police**. The requesting person must provide proof of his or her identity (copy of passport or identity card).

⁷ Article 18 (3) N-SIS II Ordinance.

⁸ Article 47 (1) and Article 48 N-SIS II Ordinance.

⁹ Article 47 (2) and Article 48 N-SIS II Ordinance.

¹⁰ Article 60 Data Protection Act (DPA).

¹¹ Article 60 DPA.

¹² Article 50 N-SIS II Ordinance in connection with Article 14a Official Liability Act.

Address:

Landespolizei des Fürstentums Liechtenstein
 Kommando
 P.O. 684
 Gewerbeweg 4
 9490 Vaduz

The procedure for handling requests for access is subject to the national laws of the Schengen country where the request was submitted. In Liechtenstein, the request shall generally be answered within 30 days, but no later than 60 days of receipt of the request.¹³

What is the right of rectification and deletion?

All persons have the right **to have rectified** any incorrect data stored in the SIS II relating to him or her and to have **erased** any inadmissible or unlawfully obtained data.

The request for the rectification of incorrect data stored in the SIS II may be submitted to the competent authority of any Schengen country.

In **Liechtenstein**, requests for rectification, erasure, and information shall be submitted to the **National Police** (cf. above address).

The procedure for handling requests for rectification and erasure are subject to the national law of the Schengen country where the request was submitted. In Liechtenstein, the person concerned must be informed on the measures taken no later than 3 months of receipt of the request.¹⁴

Who to contact if the competent authority rejects or refuses your request for access, rectification, or deletion?

In every Schengen country, there is an authority that handles complaints in connection with requests concerning the processing of data in the SIS II.

In Liechtenstein, if the National Police denies the claim for rectification or refuses the request for erasure and information, the data subject can request a decree open to appeal, or according to Article 60 Data Protection Act (DPA) lodge a complaint with the Data Protection Authority.¹⁵

What is the claim for damages?

If damage has occurred during the operation of the SIS II and if the Principality of Liechtenstein as the country submitting the alert has caused such damage, the person who has suffered the damage may claim compensation under the following conditions:¹⁶

- damage has occurred;

¹³Article 47 (1) and Article 48 N-SIS II Ordinance.

¹⁴ Article 47 (1) and Article 48 (5) N-SIS II Ordinance.

¹⁵ Article 57 (7) and Article 58 (6) DPA.

¹⁶ Article 50 N-SIS II Ordinance in connection with Article 14a Official Liability Act.

- the authority has caused the damage by unlawful action
- in the course of official activity

(for example, as a result of the incorrect or unlawful processing of data).

If the injured person wants to assert his or her claim, he or she shall request the respective authority in writing to acknowledge the claim for compensation.¹⁷

Who supervises data processing in the SIS II?

In every Schengen country, a **national supervisory authority** supervises the lawfulness of the processing of personal data in the SIS II for the territory of the respective country as well as the transfer of such data from that territory.¹⁸

In **Liechtenstein**, the **Data Protection Authority (*Datenschutzstelle*)** supervises the processing of personal data in the national part of the SIS II.¹⁹

All persons have the right to lodge a complaint with the Data Protection Authority if the data subject believes that the processing of personal data by the National Police infringes his or her rights.²⁰

Address:

Data Protection Authority, Principality of Liechtenstein
Städtle 38
P.O. 684
9490 Vaduz
Tel. +423 / 236 60 90
www.dataprotection.li

¹⁷ Article 50 N-SIS II Ordinance in connection with Article 11 (2) Official Liability Act.

¹⁸ Article 55 Directive (EU) 2018/ 1861 and Article 69 Directive (EU) 2018/ 1862.

¹⁹ Article 51 (2) Directive (EU) 2018/ 1861 and Article 66 (2) and (3) Directive (EU) 2018/ 1862 in connection with Article 9 DPA.

²⁰ Article 60 (1) DPA.