

## THE SCHENGEN INFORMATION SYSTEM (SIS)

The SIS is an information system that allows the competent authorities in the Member States to obtain information regarding certain categories of persons and property. Member States themselves provide information through their national section (NSIS) which is then connected to the central data centre.

The system establishes communication amongst all Member States and provides end-users with access to such information online. It is a vital factor in the smooth running of the area of security, freedom and justice. It contributes to the implementation of the provisions on the free movement of persons and to judicial cooperation in criminal matters and police cooperation.

### Personal Data Processed by the SIS

Pursuant to the provisions of the Schengen Convention, in particular articles 94 to 100 thereof, the SIS shall process the information supplied by the Contracting Country and such data is related to persons, objects and vehicles. The processed data in relation to a person is limited to the following information:

- surname and forenames, any aliases possibly entered separately;
- any specific objective physical characteristics not subject to change;
- first letter of second forename;
- date and place of birth;
- sex;
- nationality;
- whether the persons concerned are armed;
- whether the persons concerned are violent;
- reason for the alert;
- action to be taken.

Other information, in particular, personal data revealing racial origin, political opinions or religious or other beliefs, as well as personal data concerning health or sexual life may not be processed automatically, unless domestic law provides appropriate safeguards.

The Schengen Convention lays down the reasons where an alert may be included in the SIS and these are when there is an:

- Arrest for extradition purpose;
- Alert on aliens for whom an alert has been issued for the purpose of refusing entry;
- Alert on missing persons, missing minors and persons who must be detained following a decision by a competent authority;
- Alert on the witnesses, persons summoned to appear before the judicial authorities in connection with criminal proceedings in order to account for facts for which they are being prosecuted, or on persons who are to be served with a criminal judgement or a summons to report in order to serve a penalty involving deprivation of liberty;
- Alert on persons or vehicles for the purposes of discreet surveillance or of specific checks, for the purpose of prosecuting criminal offences and for the prevention of threats to public security.

### What are your rights in relation to your personal data processed in the SIS?

The Schengen Convention lays down the rights of persons in relation to the personal data processed by the SIS and which could be exercised in accordance with the national law of the country, i.e. the Data Protection Act (Cap. 440 of the Laws of Malta).

The citizen has the right to:

- have access to data relating to him/her which has been entered in the Schengen Information System;
- have factually inaccurate data relating to him/her corrected or in the case of unlawfully stored data pertaining to him deleted;
- bring before the Courts or the authority competent under the national laws and action to correct, delete or obtain compensation in connection with an alert involving him/her;
- request the Supervisory Authority to check the data concerning him/her which has been entered in the SIS and the use made of such data.

### **How to exercise your rights?**

Any individual has the right to request access, correction or deletion of his/her personal data by contacting directly the Competent National Authority. In the case of Malta, such requests may be addressed in writing to:

**The Data Protection Officer  
Legal Unit  
Police Headquarters  
Floriana, Malta.**

**Tel: (356) 2122 4001**

In accordance with Maltese law, the request must be submitted in writing and signed by the data subject. The request must be made in Maltese or English. When submitting the request, the data subject should provide a photocopy of the passport, or any other identification document, to ensure proper identification and facilitate dealing with the request by the Competent National Authority.

Refusal or restriction to these requests may only occur when this is justified for the suppression of criminal offences, or where necessary for the protection of the data subjects or the freedoms of other individuals.

In the eventuality of a restriction or refusal, the individual is to be informed in writing of the decision, including reasons for the decision, unless such communication could have a bearing on an investigation of the Police or on the rights and freedoms of other individuals.

### **What is the role of the Information and Data Protection Commissioner in relation to your personal data processed in SIS?**

The Information and Data Protection Commissioner is the national supervisory authority responsible to carry out independent supervision of the data file of the national section of the SIS. The Commissioner is also responsible to check that the processing and use of data entered in the SIS does not violate the rights of the data subject.

Any individual may request the Commissioner to verify the personal data concerning him which is processed in SIS. For this purpose, the Commissioner is empowered to have access and inspect the data file of the national section of the SIS.

Where a request for access, correction or deletion, is restricted or refused by the Competent National Authority, the individual has a right to file an appeal with the Commissioner within thirty (30) days from when the decision is communicated to the individual or when the individual may reasonably be deemed to know about such a decision. In considering the appeal, the Commissioner reviews the case to ensure that a refusal or restriction is reasonable and well founded.

The Office of the Commissioner may be reached on the following contact details:

**Information and Data Protection Commissioner  
2, Airways House  
High Street  
Sliema, SLM 1549, Malta.**

**Tel: (356) 2328 7100  
E-mail: [idpc.info@gov.mt](mailto:idpc.info@gov.mt)  
Website: [www.idpc.gov.mt](http://www.idpc.gov.mt)**