

The Schengen Information System

The Schengen Agreement and the Convention Implementing the Schengen Agreement enable the establishment of an area ensuring the free movement of persons, where controls at the internal borders are lifted and in case of entering the Schengen Area border controls at every external border post are performed according to uniform rules.

However, due to eventual security problems arising from the abolition of internal borders compensatory measures are needed. In the framework of the current set of rules besides uniform checks carried out at the external borders citizens of both the Schengen Member States and nationals of third countries may be subjected to random checks within the Schengen Area by the law enforcement authorities. These checks are supported by the Schengen Information System (SIS), a system serving data exchange purposes among the Schengen Member States.

France, Germany, Belgium, the Netherlands and Luxembourg established the co-operation in the framework of the SIS in 1995. Currently 15 states are partaking, including the non-EU members Norway and Iceland. The Schengen Area is foreseen to have 24 members from 21 December 2007, as the states which became EU members in 2004 (except for Cyprus) will join the old Schengen Member States. However the use of the SIS in border control is envisaged to begin in these candidate countries already from 1 September 2007.

The SIS database contains the following data:

1. alerts aiming at refusing entry or stay of third country i.e. non-EU member nationals,
2. alerts on persons wanted for arrest and surrender or extradition on grounds of the European arrest warrant,
3. alerts on disappeared persons,
4. alerts on persons wanted for judicial procedure (persons summoned to appear before the judicial authorities in connection with criminal proceedings, persons who are to be served with a criminal judgment, witnesses)
5. alerts issued for the purposes of discreet surveillance or of specific checks concerning persons and objects,
6. alerts on objects sought for the purposes of seizure or use as evidence in criminal proceedings.

The SIS provides the right to access to alerts entered on persons, objects or vehicles for designated authorities responsible for police and border checks, aliens' policing, visa issuance, customs and judicial matters, vehicle registration, the European Police Office (Europol) and to the European Judicial Cooperation Unit (Eurojust) in order to perform their tasks according to their competence in a strictly purpose limited way.

In accordance with the general data protection principles the Convention implementing the Schengen Agreement recognizes the right of persons to:

- have access to data entered in the SIS which relate to them;

- have factually incorrect data relating to them corrected or unlawfully stored data relating to them deleted;
- bring before the courts or the authority competent under national law an action to correct, delete or obtain information or to obtain compensation.

Rights described above may be exercised in each Schengen Member State. Supervision of the legality of data entered into the SIS shall be governed by the national law of the Member State which entered the data.

Since the time Hungary starts using the Schengen Information System any person requesting to know any information collected on them in the SIS or any person who wishes to have data entered in the SIS which relates to them corrected or deleted has to contact the SIRENE Office of the Hungarian National Police or the Data Protection Commissioner of Hungary. Should s/he consider the information provided by the SIRENE Office not satisfactory, the Data Protection Commissioner can be contacted, too.

Contact information:

SIRENE Office of the Hungarian National Police
H-1139 Budapest, Teve utca 4-6.
www.police.hu

Office of the Data Protection Commissioner of Hungary
H-1051 Budapest, Nádor u. 22.
www.obh.hu