



Brussels, 7 November 2019
(OR. en)

12513/19

LIMITE

DAPIX 275
CRIMORG 133
ENFOPOL 419
ENFOCUSTOM 161
JAI 988

NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	12511/19; 12512/19
Subject:	Draft Council Conclusions on the implementation of the general provisions on data protection of Chapter 6 of Council Decision 2008/615/JHA - Evaluation of the United Kingdom with regard to automated exchange of dactyloscopic data

The Presidency submits the attached

Draft Council Conclusions on the implementation of the provisions of Council Decision 2008/615/JHA on data protection

- Evaluation of the **United Kingdom** with regard to automated exchange of **dactyloscopic** data

to the Working Party on Information Exchange and Data Protection (DAPIX) with a view to

- agreeing on the draft Council Conclusions and subsequently
- submitting them to the Council in order to enable further steps to be taken for the adoption of the Council Implementing Decision on the launch of automated data exchange with regard to dactyloscopic data in the **United Kingdom** pursuant to Article 33 of Decision 2008/615/JHA and after consultation of the European Parliament.

DRAFT COUNCIL CONCLUSIONS
on the implementation of the general provisions on data protection
of chapter 6 of Council Decision 2008/615/JHA

Evaluation of the United Kingdom with regard to automated exchange of dactyloscopic data

1. According to Article 25(2) of Council Decision 2008/615/JHA, the supply of personal data provided for under the Decision may not take place until the provisions on data protection set out in Chapter 6 of the Decision have been implemented in the national law of the territories of the Member States involved in such supply. The Council must unanimously decide whether this condition has been met. This provision does not apply to those Member States where the supply of personal data as provided for in the Decision has already started pursuant to the "Prüm Treaty" (2005).
2. According to Article 20 of Decision 2008/616/JHA, the verification that the above condition has been met is to be done on the basis of an evaluation report based on a questionnaire. With respect to automated data exchange in accordance with Chapter 2 of Decision 2008/615/JHA, the evaluation report is also to be based on an evaluation visit and a pilot run.
3. According to Chapter 4, point 1.1, of the Annex to Decision 2008/616/JHA, the questionnaire drawn up by the relevant Council Working Group concerns each of the automated data exchanges and has to be answered by a Member State as soon as it believes it fulfils the prerequisites for sharing data in the relevant data category.
4. The **United Kingdom** has completed the questionnaire on data protection and the questionnaire on dactyloscopic data exchange. A successful pilot run has been carried out by the **United Kingdom** with **Germany**. An evaluation visit has taken place in the **United Kingdom** and a report on the evaluation visit has been produced by the **German** evaluation team and forwarded to the relevant Council Working Group (**12511/19 DAPIX 273 CRIMORG 131 ENFOPOL 417 ENFOCUSTOM 159 JAI 986**).

5. An overall evaluation report, summarising the results of the questionnaire, the evaluation visit and the pilot run concerning **dactyloscopic** data exchange has been presented to the Council (12512/19 DAPIX 274 CRIMORG 132 ENFOPOL 418 ENFOCUSTOM 150 JAI 987).
 6. At the meeting of the Working Party on Information Exchange and Data Protection (DAPIX) on **8 November 2019**, it was acknowledged that each Member State bound by 2008/615/JHA agrees that the conditions are fulfilled for the Council to conclude that for the purposes of automated data exchange with regard to **dactyloscopic** data, the **United Kingdom** has fully implemented the general provisions on data protection of Chapter 6 of Decision 2008/615/JHA.
 7. On this basis, the Council concludes that for the purposes of automated data exchange with regard to **dactyloscopic** data, the **United Kingdom** has fully implemented the general provisions on data protection of Chapter 6 of Decision 2008/615/JHA.
 8. Furthermore, the Council requests that, by 15 June 2020, the United Kingdom review its policy of excluding suspects' dactyloscopic files, in the light of operational experience with Prüm dactyloscopic data exchange and *mutatis mutandis* of the explanations in the evaluation visit report relating to DNA data exchange (11545/18). If, by then, the **United Kingdom** has not notified the Council that it makes available suspects' dactyloscopic data files, the Council will, within three months, re-evaluate the situation with a view to the continuation or termination of dactyloscopic Prüm automated exchange with the **United Kingdom**.
-