

2023

Coordinated Supervision Committee

Annual Report of Schengen Information System Statistics

provided by Member States on Data Subject Rights



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1. INTRODUCTION

On 7 March 2023, the new provisions on the establishment, operation and use of the Schengen Information System (SIS) entered into force (the so-called 'SIS Recast'). The SIS Recast provides for a new obligation in relation to reporting to the European Data Protection Board (EDPB) by Member States on the statistics on the exercise of the rights of data subjects related to the SIS.

As Article 62 of the Regulation 2018/1725 states that where a European Union act refers to this Article, the European Data Protection Supervisor and the national supervisory authorities, each acting within the scope of their respective competences, shall cooperate actively within the framework of their responsibilities to ensure effective supervision of large-scale IT systems and of European Union bodies, offices and agencies, the EDPB created the Coordinated Supervision Committee (CSC) and regulated it in Title VII of the EDPB Rules of Procedure.

The CSC is tasked to develop and draft an annual report for the EDPB from information collected and provided by Member States' competent authorities, and provided exceptionally by national data protection authorities (DPAs), on the exercise of data subjects' rights, on court proceedings and on mutual recognition of final decisions regarding the SIS pursuant to Article 54(3) of Regulation (EU) 2018/1861 and Article 68(3) of Regulation (EU) 2018/1862¹.

This is not *per se* a CSC activity but a report of Member States 'activities' with respect to the handling of the exercise of data subjects' rights vis-à-vis the SIS at three levels: data controller, DPA as administrative redress, and courts as judicial redress.

The EDPB has been entrusted with this task via the legislation in order to enable the monitoring and evaluation of data subject rights processes in practice under the SIS.

This report will normally be made on an annual (calendar year) basis with national reports submitted to CSC by 31 March of the year following the reporting period.

For this initial annual report under the supervision of the CSC the nominal period covered is from 7 March 2023, the date on which the SIS Recast came under the purview of the CSC, up to 31 December 2023.

Subsequent reports will be made on an annualised basis (i.e. 1 January to 31 December) and provide an assessment and comparison with the previous year.

2023 is the first (partial) year that SIS has been under the scope of CSC and coincides with the biannual reporting of CSC activities. However, the 2023 CSC Report on SIS Coordinated Activities is reported and published as a separate standalone document by CSC as the two documents cover different reporting periods (biannual versus annual) and reporting on SIS data subject rights is not *per se* a CSC activity.

According to the SIS regulation Article 54(4) the reports from the Member States should be included in the joint report. The data from the Member States reports are collated and summarised in the Tables and Figures below.

¹ Obligations under Article 54(3) of Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006 and Article 68(3) of Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU.

2. METHODOLOGY /LEGAL REFERENCES

Regulation (EU) 2018/1861 and (EU) 2018/1862 laid down rules on the establishment, operation and use of the SIS and aimed to increase the effectiveness and strengthen the technical and operational efficiency of the system while also extending its use by introducing new alerts categories and functionalities. Specific alert reporting obligations are outlined under Article 54(3) of Regulation (EU) 2018/1861 and Article 68(3) of Regulation (EU) 2018/1862.

Regulation (EU) 2018/1860 established a new type of alert on the return of third-country nationals and this is also reported here.

A reporting template was developed for Member States on the exercise of the rights of data subjects related to the SIS. The format of the template for use by Member States to report on data subject rights related to the SIS regulations is set out in Commission Implementing Decision (EU) 2022/2206¹. The reporting template can be found in Appendix 1 of this report.

In 2023, the CSC adopted a model letter for national DPAs to send to Member State competent authorities for SIS to raise awareness on the new obligation to collect statistics on data subjects' rights. The letter includes information on the obligations and court proceedings, the template laid down by the Commission's Implementing Decision indicating the statistics to be provided, and details of where to transmit the statistics collected (i.e., to the CSC Secretariat). The model letter can be found in Appendix 2 of this report.

In addition, in 2023 the CSC adopted a Guide for exercising data subjects' rights: the right of access, rectification and erasure in the SIS².

3. THE REPORTS

An overview of the reporting status for all Member States is shown in Tables 1, 5, 6 and 7 below.

It should be noted that no report was received from three Member States despite an extended deadline (14 June 2024) for receipt of national reports. These Member States were Ireland, Poland and Spain.

A further six Member States (Austria, Croatia, Germany, Hungary, Romania and Switzerland) either reported without use of the specified template or combined data categories within the template.

The reasons for not providing the respective data were, among others, lack of recognition of the competence of the authorities tasked with handling SIS requests to collect comprehensive statistics, or a lack of a centralised tool to obtain and collate these statistics from court systems.

In addition, there was a variation in the time period reported. The requested time period for reporting was from the entry into operation of the upgraded SIS (7 March 2023) to the end of the year (31 December 2023).

Of the 28 reports received only seven (25%) covered the specified time period (Czech Republic, Estonia, Germany, Italy, Portugal, Romania and Slovenia). Cyprus reported from the date it joined the SIS (25 July 2023), and Hungary covered the period 31 March 2023 to 31 March 2024.

The majority of the reports (19 or 68%) covered the calendar year 2023 (1 January – 31 December 2023) as specified on the template.

The variation in reporting periods and the missing data means that a full comparison between Member States and the overall performance of the exercise of data subjects' rights under SIS is problematic. For this initial report collated by CSC no effort has been made to normalise data with respect to the reported data collection period.

¹ Commission Implementing Decision (EU) 2022/2206 of 11 November 2022 laying down the reporting template for the annual reports to the European Data Protection Board by Member States on the exercise of the rights of data subjects related to the Schengen Information System.

² https://www.edpb.europa.eu/our-work-tools/our-documents/csc-data-subject-rights/schengen-information-system-guide-exercising_en

4. OBSERVATIONS AND TRENDS

Despite the provision of a common template for reporting not all reporting was made via the template and some Member States failed to report at all.

The majority of the received reports failed to complete all fields within the template.

Many reports were submitted well after the submission deadline (31 March 2024) and while some reports covered the requested time period (7 March 2023 to 31 December 2023), the majority covered the calendar year 2023, while others did not specify the time period. Cyprus reported from 25 July 2023 – the date it joined SIS – to the end of the year.

Some reports combined data across two or three reporting categories or fields. Some reporting data fields are optional, and some Member States opted not to provide data for these fields. Other Member States are working to establish systems to collect relevant data.

In the following tables aggregated data is reported for all Member States in SIS and Regulation specific data reported for those Member States that provided it. Where a table cell entry is blank this indicates that either data was not reported or that it was indicated that data was not applicable. A 'zero' entry indicated that zero was entered in the template.

Access requests

Table 1 and Figure 1 below show the aggregated number of access request across the three regulations (Reg(EU) 2018/1860, Reg(EU)2018/1861, and Reg(EU)2018/1862) by Member State and totalled. Aggregated data is used as some Member States have aggregated their data across two or three Regulations and this is the only way to compare all Member State responses.

Member State	1a Request to DC	1b Access granted	1a No Alert on SIS	1b No Alert on SIS	Access denied (%)	2a Request to DPA	2b Access granted	Access denied (%) ⁴
Austria	6355							
Belgium	136	93	1		32.1%	78	0	100.0%
Bulgaria	351	342	20	20	2.4%	98	98	0.0%
Croatia	409							
Cyprus ¹	6	0	1	0	100.0%	0	0	0.0%
Czech Republic	317	321	127	127	1.1%	0	0	0.0%
Denmark	667	585	274	0	37.8%	0	0	0.0%
Estonia	3	3	4	4	0.0%	1	1	0.0%
Finland	218	31	78	78	63.2%	0	0	0.0%
France	2838	2398	958	0	36.8%	275	32	88.4%
Germany ²	3190	3169	1139	1139	0.5%	1	1	0.0%
Greece	290	218	174	114	28.4%	0	0	0.0%
Hungary	755	532			29.5%			
Iceland	1	1	0	0	0.0%	0	0	0.0%
Ireland								
Italy	4891	0	4054	4054	54.7%	373	0	100.0%
Latvia	11	1	39	0	98.0%	0	0	0.0%
Liechtenstein	0		19	3	84.2%			
Lithuania	160	71	46	46	43.2%	0	0	0.0%
Luxembourg	187	183	151	151	1.2%	0	0	0.0%
Malta	888	882	973		52.6%	9	9	0.0%
Netherlands	1373	1366	1513	1513	0.2%			
Norway ³	1798	777	3		56.9%	0		
Poland								
Portugal	774	438	2316		85.8%	0		
Romania	3825				100.0%	76		
Slovak Republic	103	73	105	79	26.9%	0		
Slovenia	5084	4931	1961	1961	2.2%	0	0	0.0%
Spain								
Sweden	439	411	480	480	3.0%	1		
Switzerland	6365	2650		3715	0.0%	0	0	
TOTALS	41434	19467	14436	13484	41.0%	912	141	84.5%

Table 1: Access requests (Across all three regulations) including SIS No alter data where available

Table 1 Notes

- Under 1a Cyprus notes that requests are counted as valid even if applicants have not submitted authenticated identification documents.
- Under 1b Germany notes 2030 cases were granted access and in 1139 cases no alert was stored in the system resulting in only in 21 cases (0.66%) cases where access was denied by the responsible body.
- Under 1b Norway notes that 259 cases had not been registered with a result and, therefore, could be cases where access was denied or where access was granted. This means the percentage of "access denied" in the reported above may be high.
- Data for 'Access denied' percentages in this Table are problematic as data on the 'No Alert on SIS' category is not complete in many cases and may not be reported in a consistent manner.

Some data is missing, but the table shows that in most Member States the vast majority of data requests are handled by data controllers with much fewer requests being escalated to be considered by the DPAs. There is a very wide variation in the number of requests made to controllers and DPAs.

The percentage of derogations (data access denied) is also shown in Table 1 for requests to the data controller and the DPA respectively where complete data is available.

Across the above data 41% of all requests for data access to data controllers were not approved, however there are very wide variations from 0 to 100% for Member States and

missing data for SIS 'No alerts' complicates analysis. The data indicates that requests to the national DPA resulted in 84.5% of requests not being considered. It should be noted that, as found during Schengen Evaluations¹ not all EU countries have correctly implemented the indirect access obligation set out in Article 17 of the Law Enforcement Directive (LED), which may have an impact on the lack of statistics on the requests sent to DPA.

Of the 28 Member States that reported only nine (32.1%) reported on requests to the national DPA for access with a total of 912 requests. Over two-thirds of these requests were reported by Italy (373) and France (275).

ACCESS REQUESTS TO DC / GRANTED ACCESS FOR ALL THREE REGULATIONS

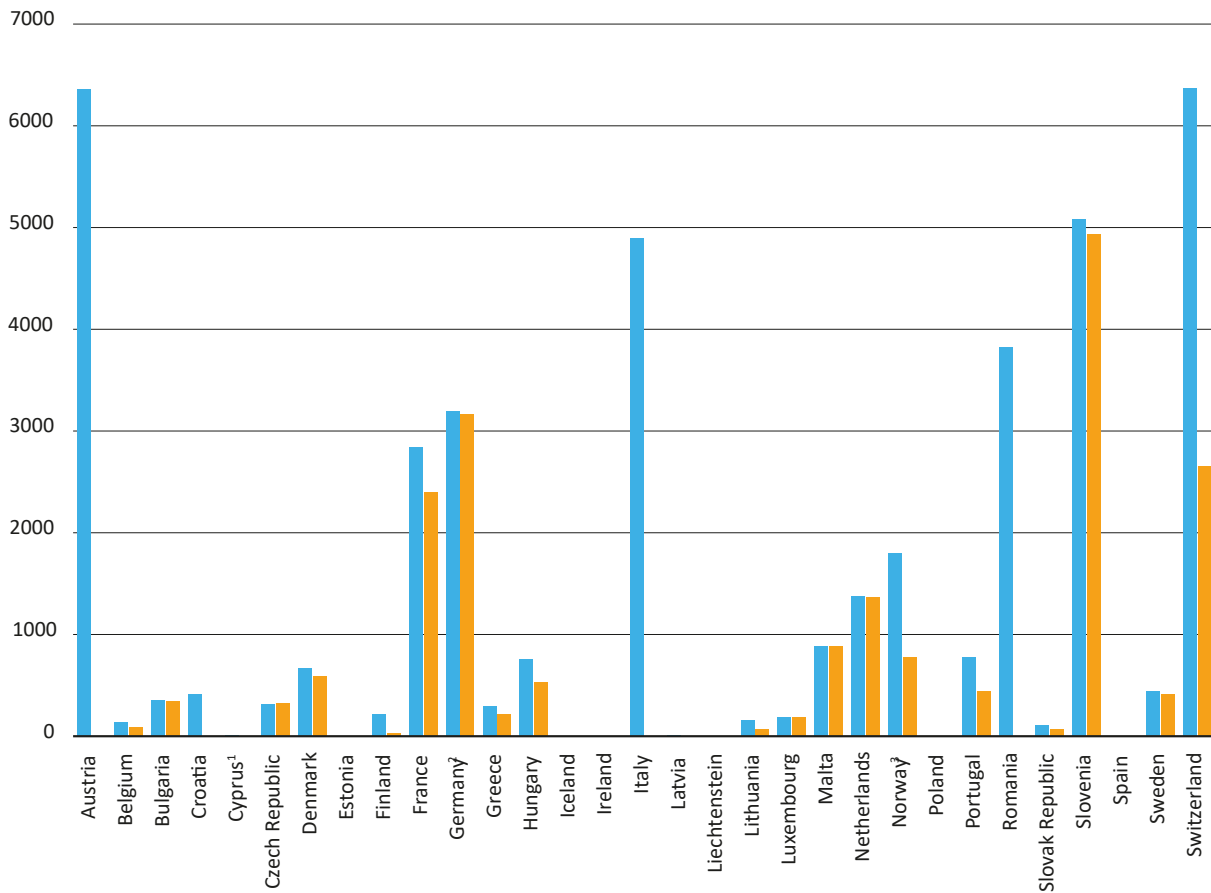


Figure 1. Comparison of data access requests via the Data Controller for Member States

¹ Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, and repealing Regulation (EU) No 1053/2013

Table 2 and Figure 2 show data reported under Regulation (EU)2018/1860 for those Member States who did not aggregate data across regulations. Non-reporting Member States have been omitted. The percentage of data controller access requests denied has been calculated where data exists.

Member State	1860				1860				1860				1860		Data Controller Access denied
	1a	1b	2a	2b	3a	3b	4a	4b	5a	5b	6a	6b	7a	7b	
Croatia															
Cyprus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Czech Republic	5	5	0	0	0	0	0	0	5	0	0	0	0	0	0.0%
Denmark	2	2	0	0	0	0	0	0	3	0	0	0	0	0	0.0%
Estonia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
France	194	191	0	0	0	0			0	0					1.5%
Greece	17	14	0	0	0	0	0	0	0	0					17.6%
Iceland	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
Italy	299	299	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
Latvia	0	0	0	0	1	1	0	0	0	0	0	0	0	0	
Liechtenstein	0				0				0		0		0		
Lithuania	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Luxembourg	8	8	0	0	0	0	0		1	0	0				0.0%
Malta	61	61			0		0		0	0	0		0		0.0%
Netherlands	129	129			7	0			49	0					0.0%
Portugal	234	129	0		1	0	0		95		3	0			44.9%
Slovak Republic	4	4			0	0			0	0			0	0	0.0%
Slovenia	704	704	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
Sweden	22	22													0.0%
TOTALS	1680	1569	0	0	9	1	0	0	153	0	3	0	3	0	6.6%

Table 2: Regulation (EU)2018/1860 data

1860 DATA CONTROLLER REQUESTS / GRANTS

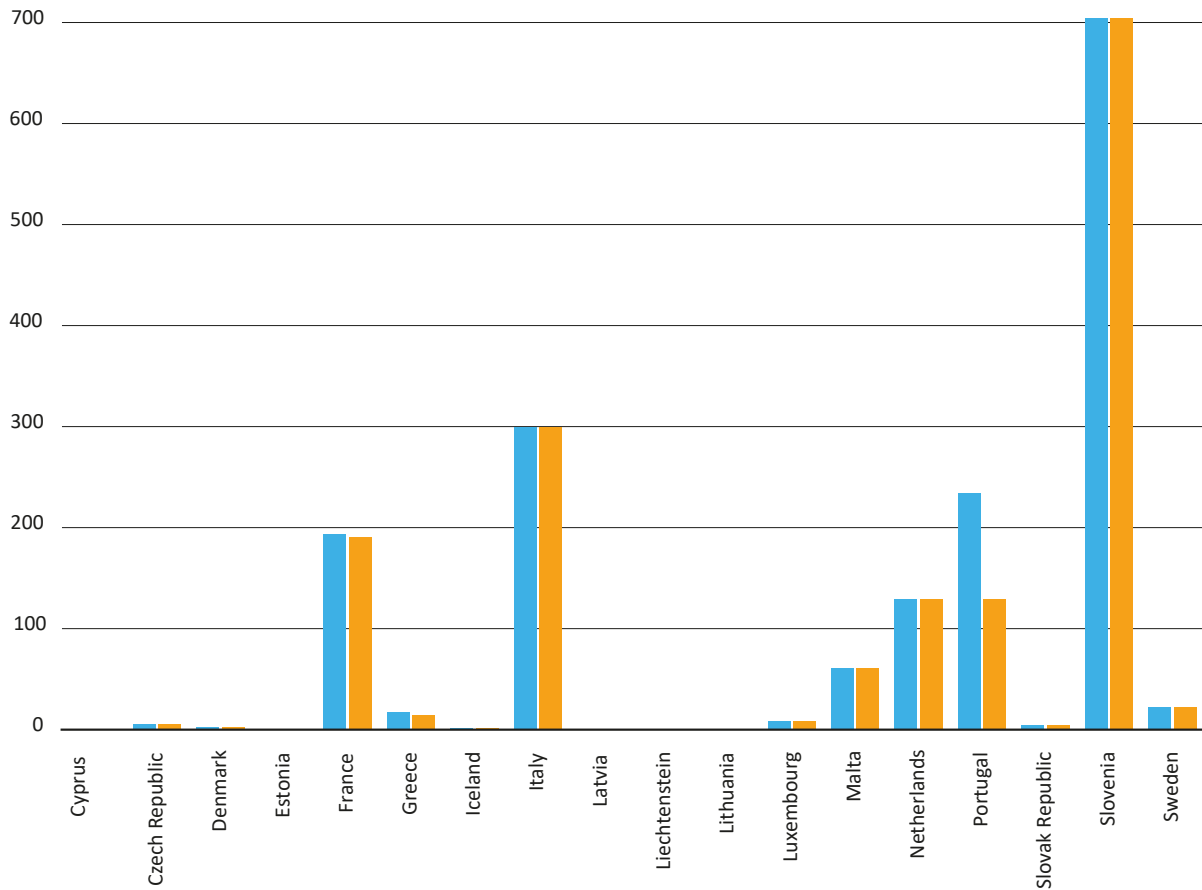


Figure 2. Comparison of data access requests via the Data Controller under Regulation(EU)2018/1860

There is again a wide variation in the number of data controller requests from Slovenia (704) to zero in some Member States and denial of access varies from 0 to 44.9%.

Table 2 shows no reported submissions to DPAs for indirect access. A low number of requests for rectification of data via the data controller have been made. Requests for erasure of data are higher and dominated by requests in the Netherlands and Portugal. No court proceedings were reported.

Table 3 and Figure 3 show data reported under Regulation (EU)2018/1861 for those Member States who did not aggregate data across regulations. Non-reporting Member States have been omitted. The percentage of data controller access requests denied has been calculated where data exists.

Member State	1861				1861				1861				1861		Data Controller
	1a	1b	2a	2b	3a	3b	4a	4b	5a	5b	6a	6b	7a	7b	Access denied
Belgium	134	93	0	0	0	0	0	0	14		0	0			30.6%
Bulgaria	335	335	98	98											0.0%
Croatia															
Cyprus	5	0	0	0	0	0	0	0	0	0	0	0	0	0	100.0%
Czech Republic	167	167	0	0	0	0	0	0	152	8	0	0	7	3	0.0%
Denmark	659	583	0	0	3	3	0	0	54	1	0	0	0	0	11.5%
Estonia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Finland	109	3			0	0			3	0			0		97.2%
France	2614	2177	275	32	0	0	128		1044	892	35		3	1	16.7%
Greece	259	190	0	0	0	0	0	0	0	0	13				26.6%
Iceland	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Italy	4466	4466	373	0	0	0	0	0	0	0	0	0	0	0	0.0%
Latvia	10	0	0	0	0	0	0	0	2	2	0	0	0	0	100.0%
Liechtenstein	0				0				1	0	0		0		
Lithuania	158	71	0	0	0	0	0	0	0	0	0	0	0	0	55.1%
Luxembourg	164	164	0	0	0	0	0	0	9	0	0				0.0%
Malta	805	805	9	9	0		0		8	1	0		0		0.0%
Netherlands	1178	1178			18	0			98	0			1		0.0%
Portugal	532	304	0		5	0	0		233		34	1			42.9%
Slovak Republic	90	62	0		0	0	0		6	0	0		0	0	31.1%
Slovenia	4227	4227	0	0	0	0	0	0	5	0	0	0	0	0	0.0%
Sweden	389	385	1						7	0			2	0	1.0%
TOTALS	16301	15201	756	139	26	3	128	0	1626	904	82	1	13	4	6.7%

Table 3: Regulation (EU)2018/1861 data

Again, there is a very wide range of data with, for example, data requests via the data controller dominated by Italy, Slovenia, France and the Netherlands with 4466, 4227, 2614 and 1178 requests respectively. Derogation of data subject rights is also widely different with access denied, again between 100% and 0%.

There is significant activity in terms of overall access requests to the national DPAs, but this data is dominated by data from three Member States (Italy, France and Bulgaria).

Data erasure requests are also relatively high due to a significant number of requests (1044) in France.

1861 DATA CONTROLLER REQUESTS / GRANTS

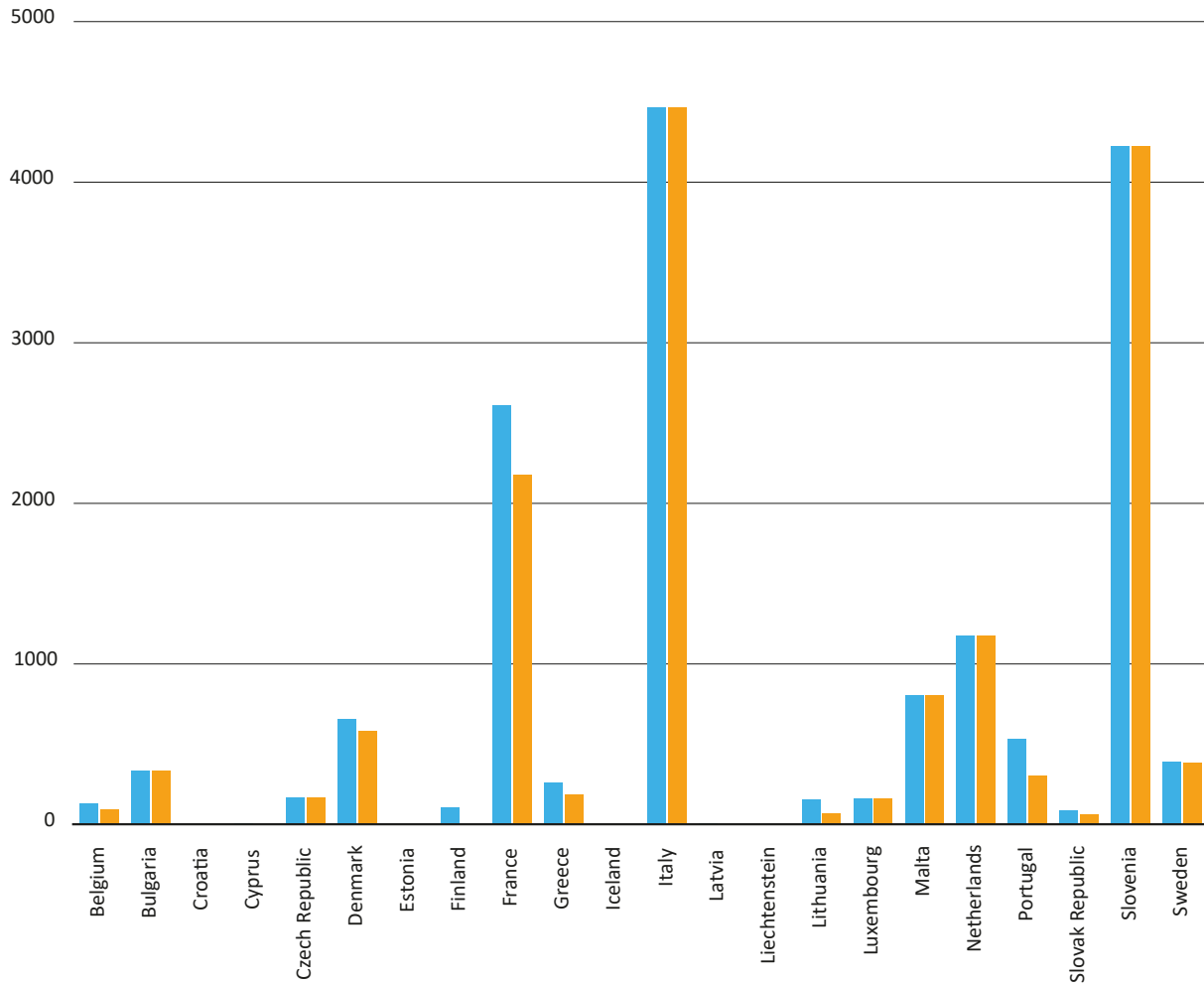


Figure 3. Comparison of data access requests via the Data Controller under Regulation(EU)2018/1861

Table 4 and Figure 4 show data reported under Regulation (EU)2018/1862 for those Member States who did not aggregate data across regulations. Non-reporting Member States have been omitted. The percentage of data controller access requests denied has been calculated where data exists. Note that Hungary aggregated data across categories 3a and 5a for this Regulation.

Member State	1862				1862				1862				1862		Data Controller
	1a	1b	2a	2b	3a	3b	4a	4b	5a	5b	6a	6b	7a	7b	Access denied
Belgium	2	0	78	0	2	8	78		2	0	78		0	0	100.0%
Bulgaria	16	7			2	2									56.3%
Croatia	409														100.0%
Cyprus	1	0	0	0	0	0	0	0	0	0	0	0	0	0	100.0%
Czech Republic	18	13	00	0	1	0	0	0	18	0	0	0	0	0	27.8%
Denmark	6	0	0	0	0	0	0	0	0	0	0	0	0	0	100.0%
Estonia	3	3	1	1	0	0	0	0	0	0	0	0	0	0	0.0%
Finland	109	28			0	0			0	0			0		74.3%
France	30	30	0	0	0	0			0	13					0.0%
Greece	14	14	0	0	0	0	0	0	0	0					0.0%
Hungary	755	532			9				9				0		29.5%
Iceland	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Italy	126	3	0	0	0	0	0	0	0	0	0	0	0	0	97.6%
Latvia	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
Liechtenstein	0				0				0		0		0		
Lithuania	2	0	0	0	0	0	0	0	0	0	0	0	0	0	100.0%
Luxembourg	15	11	0	0	0	0	0		2	0	0				26.7%
Malta	22	16			0		0		0		0		0		27.3%
Netherlands	66	59			0	0			4	0					10.6%
Portugal	8	5	0		0	0	0		2		0				37.5%
Slovak Republic	9	7	0		0	0	0		0	0	0		0	0	22.2%
Slovenia	153	0	0	0	0	0	0	0	0	0	0	0	0	0	100.0%
Sweden	28	4													85.7%
TOTALS	1793	733	79	1	14	10	78	0	37	13	78	0	0	0	59.1%

Table 4: Regulation (EU)2018/1862 data

Again, there is a very wide range of data with significant number of requests in Hungary (755) and Croatia (409).

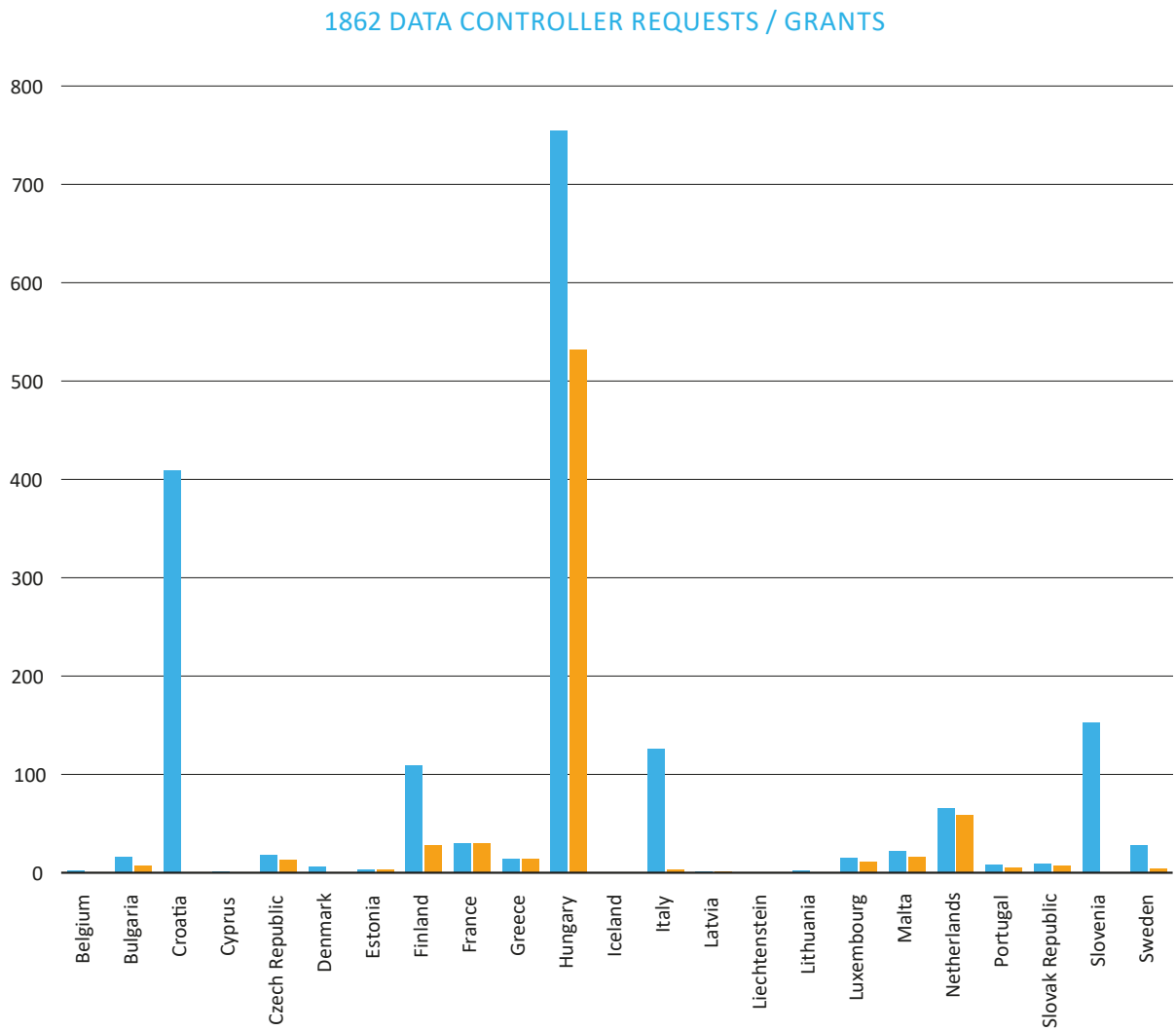


Figure 4. Comparison of data access requests via the Data Controller under Regulation(EU)2018/1862

Rectification requests

Table 5 below shows the aggregated number of requests for rectification of data across the three regulations by Member State and totalled. Blanks indicate no reported data.

The data indicates that, in general, requests for data rectification are low and mainly handled at data controller level in most Member States with the exception of France and Belgium where reported requests to the DPA for rectification are relatively high.

Member State	3a Request to DC	3b Data rectified	4a Request to DPA	4b Data rectified
Austria	0			
Belgium ¹	2	8	78	0
Bulgaria	2	2		
Croatia				
Cyprus	0	0	0	0
Czech Republic	1	0	0	0
Denmark	3	3	0	0
Estonia	0	0	0	0
Finland	0	0		
France	0	0	128	
Germany	0	0		
Greece	0	0	0	0
Hungary	9			
Iceland	0	0	0	0
Ireland				
Italy	0	0	0	0
Latvia	1	1	0	0
Liechtenstein	0			
Lithuania	0	0	0	0
Luxembourg	0	0	0	
Malta	0			
Netherlands	25	0		
Norway	1	0	0	
Poland				
Portugal	6	0	0	
Romania			20	
Slovak Republic	0	0	0	
Slovenia	0	0	0	0
Spain				
Sweden				
Switzerland	0			
TOTALS	50	14	226	0

Table 5: Rectification requests (Across all three regulations)

Table 5 Notes

1 Under 4b Belgium notes that their response is 0 under Regulation (EU)2018/1861 and no contribution under Regulation (EU)2018/1862.

Erasure requests

Table 6 below shows the aggregated number of requests for erasure of data across the three regulations by Member State and totalled. Again, blanks indicate no reported data. The total number of requests for erasure is much higher than that for rectification and very few requests appear to be granted. However, there may be a number of reasons why data cannot be erased in certain cases, such as a lack of jurisdiction. Data subjects may request the deletion of data from Member States in addition to the issuing Member State.

The requests for erasure are dominated by requests under Regulation (EU)2018/1861 with 67% (1626 requests in total, see Table 3) of which 1044 requests were reported by France. Significant requests were also reported by Germany (438), Portugal (320), Czech Republic (265), and the Netherlands (151).

Member State	5a Request to DC	5b Data erased	6a Request to DPA	6b Data erased
Austria	76			
Belgium ¹	16	93	78	0
Bulgaria				
Croatia				
Cyprus	0	0	0	0
Czech Republic	265	8	0	0
Denmark	57	1	0	0
Estonia	0	0	0	0
Finland	3	0		
France	1044	905	35	
Germany	438	0		
Greece	0	0	13	
Hungary	9			
Iceland	0	0	0	0
Ireland				
Italy	0	0	0	0
Latvia	2	2	0	0
Liechtenstein	1	0	0	
Lithuania	0	0	0	0
Luxembourg	12	0	0	
Malta	8	1	0	
Netherlands	151	0		
Norway	21	0	0	
Poland				
Portugal	320		37	1
Romania			29	
Slovak Republic	6	0	0	
Slovenia	5	0	0	0
Spain				
Sweden	7	0		
Switzerland				
TOTALS	2441	1010	192	1

Table 6: Erasure requests (Across all three regulations)

Table 6 Notes

1 Under 5b Belgium notes that their response is 93 under Regulation 2018/1861 and 0 under Regulation 2018/1862.

For 6b Belgium notes that their response is 0 under Regulation 2018/1861 and no contribution under Regulation 2018/1862.

Court proceedings

Table 7 below shows the aggregated data on court cases across the three regulations by Member State and totalled. Again, blanks indicate no reported data. However, from the datasets reported, it seems that there are few court procedures being initiated across the Member States.

Member State	7a Proceedings initiated	7b Ruling in favour of applicant
Austria		
Belgium	0	0
Bulgaria		
Croatia		
Cyprus	0	0
Czech Republic	7	3
Denmark	0	0
Estonia	0	0
Finland	0	
France	3	1
Germany	0	
Greece		
Hungary	0	
Iceland	0	0
Ireland		
Italy	0	0
Latvia	0	0
Liechtenstein	0	
Lithuania	0	0
Luxembourg		0
Malta	0	
Netherlands	1	
Norway	0	
Poland		
Portugal		
Romania		
Slovak Republic	0	0
Slovenia	0	0
Spain		
Sweden	2	0
Switzerland		
TOTALS	13	4

Table 7: Court proceedings (Across all three regulations)

The lack of information on courts decisions and mutual recognition decisions might mean that court proceedings are rarely related to the exercise of SIS rights because the individuals involved are third country nationals, or have no legal residence status, or are outside the Schengen area. The cost of court proceedings may also be a deterrent compared to

the easier and relatively costless approach via an intervention by a DPA. Alternatively, the low numbers may indicate that the statistics gathered by Member State justice systems do not currently include these kinds of court proceedings, due to the fact that this is a new reporting obligation.

5. GENERAL OBSERVATIONS

The quality and granularity of data provided by Member States for this reporting period is hugely variable and, in a number of cases, not reported at all.

Reporting on these statistics is a new obligation on Member States, however it is very important for the successful operation of the SIS – and a number of linked EU large-scale IT systems - that this data on data subject rights is recorded, collated and delivered in a timely manner to the European Data Protection Board.

All Member States need to ensure that their internal procedures are fully prepared to be able to register these statistics in the format that they are requested by the Commission Implementing Decision and report it to the European Data Protection Board in a timely manner.

APPENDIX 1. THE REPORTING TEMPLATE

TEMPLATE FOR THE ANNUAL REPORT TO THE EUROPEAN DATA PROTECTION BOARD UNDER ARTICLE 54(3) OF REGULATION (EU) 2018/1861 AND ARTICLE 68(3) OF REGULATION (EU) 2018/1862

To be provided annually by each Member State by 31 March of the year following the year at issue.

The data shall be entered in a table containing the following structure and fields.

ANNUAL REPORT
To the European Data Protection Board in accordance with
Article 54(3) of Regulation (EU) 2018/1861 and Article 68(3) of Regulation (EU) 2018/1862

Member State:

Reporting period per calendar year:

Completed access requests ⁽¹⁾		Alert on the data subject under Regulation (EU) 2018/1860	Alert on the data subject under Regulation (EU) 2018/1861	Alert on the data subject under Regulation (EU) 2018/1862	No alert on the applicant in the Schengen Information System (SIS)
1a.	The number of access requests submitted to the data controller				
1b.	The number of cases where access to the data was granted ⁽²⁾				
2a.	The number of access requests submitted to the supervisory authority ⁽³⁾				
2b.	The number of cases where access to the data was granted ⁽⁴⁾				
Completed rectification requests ⁽⁵⁾		Alert on the data subject under Regulation (EU) 2018/1860	Alert on the data subject under Regulation (EU) 2018/1860	Alert on the data subject under Regulation (EU) 2018/1862	No alert on the applicant in the SIS
3a.	The number of requests for the rectification of inaccurate data submitted to the data controller				
3b.	The number of cases where the data were rectified				
4a.	The number of requests for the rectification of inaccurate data submitted to the supervisory authority ⁽⁶⁾				
4b.	The number of cases where the data were rectified (Optional ⁽⁷⁾)				
Completed erasure requests ⁽⁸⁾		Alert on the data subject under Regulation (EU) 2018/1860	Alert on the data subject under Regulation (EU) 2018/1861	Alert on the data subject under Regulation (EU) 2018/1862	No alert on the applicant in the SIS
5a.	The number of requests for the erasure of unlawfully stored data submitted to the data controller				
5b.	The number of cases where the data were erased				
6a.	The number of requests for the erasure of unlawfully stored data submitted to the supervisory authority ⁽⁹⁾				
6b.	The number of cases where the data were erased (Optional ⁽¹⁰⁾)				

Completed court cases ⁽¹¹⁾		Alert on the data subject under Regulation (EU) 2018/1860	Alert on the data subject under Regulation (EU) 2018/1861	Alert on the data subject under Regulation (EU) 2018/1862
7a.	The number of court proceedings initiated			
7b.	The number of cases where the court ruled in favour of the applicant			

Please include any observations on cases of mutual recognition of final decisions handed down by the courts or authorities of other Member States on alerts entered by the issuing Member State
(Please add as many lines as needed.)

Article 54(3) of Regulation (EU) 2018/1861		Article 68(3) of Regulation (EU) 2018/1862	
1.		1.	
2.		2.	
3.		3.	

- (1) Please only include cases on which a final decision had been taken in the calendar year at issue, even if the request was submitted in a previous year.
- (2) Please include the total number of both full access granted and partial access granted and please add the number of partial access granted in brackets. Providing the separate number on partial access is optional.
- (3) Access requests in accordance with Article 17 of Directive (EU) 2016/680.
- (4) Please include the total number of both full access granted and partial access granted and please add the number of partial access granted in brackets. Providing the separate number on partial access is optional.
- (5) Please only include cases on which a final decision had been taken in the calendar year at issue, even if the request was submitted in a previous year.
- (6) Access requests in accordance with Article 17 of Directive (EU) 2016/680.
- (7) Member States may choose to fill in or not fill in the fields marked with 'Optional' as these data are not listed among the data to be reported to the European Data Protection Board in Article 54(3) of Regulation (EU) 2018/1861 or Article 68(3) of Regulation (EU) 2018/1862.
- (8) Please only include cases on which a final decision had been taken in the calendar year at issue, even if the request was submitted in a previous year.
- (9) Access requests according to Article 17 of Directive (EU) 2016/680.
- (10) Member States may choose to fill in or not fill in the fields marked with 'Optional' as these data are not listed among the data to be reported to the European Data Protection Board in Article 54(3) of Regulation (EU) 2018/1861 or Article 68(3) of Regulation (EU) 2018/1862.
- (11) Please only include cases on which a final decision had been taken in the calendar year at issue, even if the request was submitted in a previous year.

APPENDIX 2. THE MODEL LETTER

To the data controller/ national competent authorities for handling SIS requests for access, rectification or erasure/ Ministry of Justice (...)

Subject: Annual Report to the EDPB

Dear Sir/Madam,

The [name of the Data Protection Authority] would like to draw your attention for a new obligation contained in the Schengen Information System (SIS) new legal framework.

Pursuant to Article 54(3) of Regulation (EU) 2018/1861¹ and Article 68(3) of Regulation (EU) 2018/1862², Member States shall report annually to the European Data Protection Board (EDPB) on the number of requests for access, rectification or erasure of data processed in the SIS submitted to the data controller, and how many of such requests were granted.

In addition, Member States shall also indicate, if any, the number of court proceedings initiated by individuals for the exercise of their rights vis-à-vis the SIS data or to obtain information or compensation in connection to an alert relating to them, as well as the number of cases where the court ruled in favour of the applicant.

The [name of the Data Protection Authority] considers that it is important to be aware of this new obligation, so you can better prepare to collect and structure the statistical data required in a way that facilitates later on the provision of such figures in a compliant manner.

Since the new SIS entered into operation in 7 March 2023, the statistics for this year should include the figures from that date until 31 December 2023. The reporting to the EDPB should be made using the specific template adopted by the Commission Implementing Decision (EU) 2022/2206³. For ease of reference, the template is attached to this letter. [the template can be found in the annex of the COM decision, and it is published in the Official Journal in all languages].

The data is to be entered in a table with the structure and fields provided for by the template, which also contains clarifications on how to fulfil the table. A consolidated report by Member State should then be sent directly to csc-secretariat@edpb.europa.eu until 31 March 2024⁴.

This will enable the EDPB to fulfil its obligations under Articles 54(4) and 57(4) of Regulation (EU) 2018/1861 and Articles 68(4) and 71(4) of Regulation (EU) 2018/1862.

[To be signed by the national DPA]

- 1 Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006.
- 2 Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU.
- 3 Commission Implementing Decision (EU) 2022/2206, of 11 November 2022, laying down the reporting template for the annual reports to the European Data Protection Board by Member States on the exercise of the rights of data subjects related to the Schengen Information System. [JO L 293 of 14.11.2022](#).
- 4 The reporting to the EDPB should take place, on an annual basis, in the following year of the referring calendar year reported.

CONTACT DETAILS

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