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from: Permanent Representation of Hungary to the EU  
date of receipt: 15 June 2012  
to: Rafael FERNANDEZ-PITA  
Deputy Director General, DG D - Justice and Home Affairs

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Subject: Declaration by the Republic of Hungary in accordance with Art. 2 (3) of Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime

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**Dear Mr. Deputy Director-General,**

In accordance with Article 2(3) of Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, please find attached in an Annex the Declaration of Hungary with regard to national DNA analysis files.

I avail myself of this opportunity to assure you, dear Mr. FERNÁNDEZ-PITA Y GONZÁLEZ, of my highest consideration.

Yours sincerely,

**Péter GYÖRKÖS**

**Declaration of Hungary in accordance with Article 2(3) of Council Decision 2008/615/JHA****List of shared national DNA files**

The Hungary DNA System which encompasses the National DNA Database is CODIS 5.7.3. The PRÜM Database Software, which includes tools such as the German Communication Software, the Dutch CODIS scripts and the Austrian Matchengine, is complemented by own developed graphical user interfaces. The product includes also all other necessary Prüm components such as the Prüm encryption parts and is linked to the s-Testa network via a local secure link. The extraction of DNA profiles which should be searched in the Prüm DNA database network from the national data base to the Prüm server could be handled manually and by trigger.

The main technical features related to the Prüm exchange are:

- The e-mail server transmits the data through sTESTA network in encrypted form.
- The Prüm features are available only at central level in Budapest.
- Personal data are not transmitted in the Prüm transactions.
- Article 3 searches of new DNA profiles will be controlled and launched by the Hungarian Institute for Forensic Sciences in accordance with best practice recommendations on a daily basis.

The DNA profiles to be shared with other Member States and to be extracted from the above-mentioned national DNA database are the following:

**Suspect, Known:** genetic profile obtained from a known person suspected of a crime.

**Convicted Offender:** genetic profile obtained from a known person convicted of a crime.

**Unidentified Person:** genetic profile obtained from a specimen of an unidentified person or personal remains.

**Forensic, Unknown:** genetic profile obtained from a specimen of unknown origin, generally taken at the crime scene or from an evidence associated with a criminal act.

## **Conditions governing the exchange and comparison of profiles**

A country that wishes to exchange genetic profiles with the Hungary must comply with the minimum legal, organisational and technical requirements laid down in the European Union Council Decisions 2008/615/JHA and 2008/616/JHA of 23 June 2008, in particular:

- Technical requirements: the country must:
  - have an automated national DNA database;
  - have automated means of exchanging profiles;
  - be connected to the TESTA network;
  - have confirmation from a country that is already operational, that its exchange system is adequate.
  
- Legal requirements: the country must:
  - be able to share information under its domestic legislation;
  - comply with European rules on the processing of personal data;
  - have the Council's prior authorisation to exchange data.
  
- Organisational requirements: the country must:
  - have a national contact point to which the Republic of Hungary may apply for additional information following a DNA search that results in a match.