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DAPIX 200
CRIMORG 109
ENFOPOL 252
ENFOCUSTOM 136
JAI 516

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
To: Delegations

No. prev. doc.: 7311/17

Subject: Council Conclusions on the implementation of the general provisions on data protection of Chapter 6 of Council Decision 2008/615/JHA
- Evaluation of Portugal with regard to automated data exchange of dactyloscopic data

Delegations will find in the annex the Council Conclusions on the implementation of the general provisions on data protection of Chapter 6 of Council Decision 2008/615/JHA - Evaluation of Portugal with regard to automated exchange of dactyloscopic data, adopted by the Council at its 3539th meeting on 18 May 2017.

COUNCIL CONCLUSIONS

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

Evaluation of Portugal 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. **Portugal** has completed the questionnaire on data protection and the questionnaire on dactyloscopic data exchange. A successful pilot run has been carried out by **Portugal** with **Austria, the Czech Republic and Hungary**. An evaluation visit has taken place in **Portugal** and a report on the evaluation visit has been produced by the **Austrian** evaluation team and forwarded to the relevant Council Working Group (7308/17 DAPIX 91 CRIMORG 61 ENFOPOL 124 ENFOCUSTOM 71 JAI 244).

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 (7309/17 DAPIX 92 CRIMORG 62 ENFOPOL 125 ENFOCUSTOM 72 JAI 245).
 6. At the meeting of the Working Party on Information Exchange and Data Protection (DAPIX) on **4 April 2017**, 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, **Portugal** 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, **Portugal** has fully implemented the general provisions on data protection of Chapter 6 of Decision 2008/615/JHA.
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