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## DECLASSIFICATION

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Subject: Schengen evaluation of the new Member States  
- CZECH REPUBLIC: Report on Data Protection

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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

# RESTREINT UE



COUNCIL OF  
THE EUROPEAN UNION

Brussels, 8 August 2006

8399/1/06  
REV 1 EXT 1

RESTREINT UE

SCHEVAL 63  
COMIX 365

## EXTRACT FROM REPORT

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from : Schengen Evaluation Data Protection Committee  
to : Schengen evaluation Working Party  
Subject : Schengen evaluation of the new Member States  
- CZECH REPUBLIC: Report on Data Protection

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### Management summary

Experts are confident that the Czech republic is properly equipped both from a legal, a technical and a human point of view to exercise its competences in relation to the implementation of the Schengen acquis, provided that the competences of the Data Protection Authority will not be limited by the amendments under preparation in the Police Act and other relevant Acts. Before implementing the Schengen acquis, the DPA should look more closely at some technical security measures of the SIS and at the SIRENE office.

### CONCLUSIONS AND RECOMMENDATIONS

#### *General conclusion*

The experts are confident that the Data protection rules in the Czech Republic will comply with the requirements of the Schengen acquis, once a satisfying follow-up has been given to the recommendations mentioned below. Czech Republic is invited to confirm this in writing at a later stage, when reporting on the follow up of the current evaluations in the SCH-Eval group.

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## *On the legislation*

It is recommended that the Amendments to the Police Act and other special acts, would specify the competences of the DPA over SIS and SIRENE and that no doubt remains as far as exceptions under Act 101 or special acts remain.

Experts recommended that the provision on limitation period between requests of access, should be formulated in a more flexible way e.g. "at reasonable intervals".

## *On the implementation*

Experts recommend that the DPA takes a closer interest in the coming months in the preparation of data security in relation to SIS and SIRENE, since the workflow at the SIRENE office, the additional copy at the airport of Prague, the authentication procedure and the list of people having access to logfiles deserve additional attention.

It is recommended that there shall be at the most appropriate time an inspection on site, at the latest before implementation of Schengen.

The DPA should be involved in the preparatory work at the MFA in relation with visa issuance and access rules in consulates.

The Czech Republic is invited to develop plans for a campaign accompanying the implementation of the Schengen acquis in 2007.

## *On the functioning*

Budgetary means should be adequate considering the fact that new tasks will befall on the DPA in the light of the Schengen implementation, i.a. a public awareness campaign, new inspections will be necessary, training of other public authorities.

Reflect if the DPA indeed needs a direct access to SIS as an end user.

The DPA should consider providing DPA specific information about the rights of subjects for turned down visa applicants.

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## *Recommendation to the SCH-Eval group*

Experts support the suggestion made by previous inspection teams to the Sch-Eval group and aiming at the possibility of a guideline being issued for the content of answers to be given to data subjects, both when no data are held and when data are held.

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