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## DECLASSIFICATION

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Subject: Schengen evaluation of the new Member States  
- SLOVENIA: 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



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THE EUROPEAN UNION

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EXT 1

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SCHEVAL 65  
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## **EXTRACT FROM REPORT**

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from : Schengen Evaluation Data Protection Committee  
to : Schengen evaluation Working Party

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

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### **Management summary**

*Experts are of the opinion that the DPA has the proper legal competences to act as an independent authority, but that it lacks the people and the budget to exercise its competences fully with respect to its Schengen obligations, including in advance of the implementation foreseen in 2007.*

### **Conclusions and recommendations**

#### ***General conclusion***

Having in mind that the Data protection legislation and in particular the structure of the Information Commissioner's office have only recently been established, the experts are confident that the Data protection rules in Slovenia will comply with the requirements of the Schengen acquis, once a satisfying follow-up has been given to the recommendations mentioned below. Slovenia 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*

Experts recommend that the provision on limitation period of three months between requests of access, should be formulated in a more flexible way e.g “..at reasonable intervals...”

Exceptions to the right of access should be examined and it should be clarified whether exceptions of the right of access will represent any obstacles in the Slovenian legislation concerning the implementation of the Schengen Convention.

## *On the implementation*

Experts recommend that the DPA takes a closer interest in the coming months in the preparation of the implementation of the Schengen acquis by the interdepartmental group set up to that end. The DPA should also be involved in the preparatory work at the MFA in relation with visa issuance and access rules in consulates.

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

Strengthen network security in the light of the absence of a physical separation between the internal network and the Internet connection.

Consider a strengthened authentication method

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

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## *On the functioning*

Budgetary means are insufficient to meet the requirements of the Schengen acquis as a active supervisory and inspection authority. It should be reconsidered in the light of the new tasks that will befall on the DPA in connection with the Schengen implementation, i.a. public awareness campaign, ex-officio inspections, training of other public authorities.

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

## *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.