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Subject: Schengen evaluation of the United Kingdom
- Draft Council conclusions on the implementation of the Schengen
acquis with respect to data protection

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

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



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NOTE

from: Working Party for Schengen Matters (Schengen Evaluation)
to: Coreper / Council (Mixed Committee)

Subject : Schengen evaluation of the United Kingdom
- Draft Council conclusions on the implementation of the Schengen acquis with respect to data protection

1. The correct application by the United Kingdom of the Schengen acquis in respect of data protection was evaluated from 21-24 October 2013 in accordance with the mandate of the Schengen Evaluation Group (cf. SCH/Com-ex (98) 26 def.), the Schengen Evaluation Programme 2008-2013 (6949/3/08 REV3), the amended calendar for evaluations 2013/proposed calendar for evaluation missions in 2014 (9907/13) and the evaluation programme - overview 2013 (5147/3/13 REV 3).

2. The committee of experts was appreciative of the fact that the Information Commissioner Office (ICO) has sufficient staff and budgetary resources to ensure an independent supervision of SIS II. However, the committee of experts was of the opinion that there is still room for improvement in some areas, and made the following recommendations:

- on the powers of the ICO: the ICO currently has no mandatory powers to conduct audits in the police sector, although further investigation of SIS II alerts requires inspection of other databases. Furthermore, a clear strategy for the audit of the SIS II should be set up;
- on data subjects' rights: the fee for exercising the data subjects' rights (GBP 10) is too high and the requirements for the data subject to prove his/her identity could be an obstacle to exercising these rights.
- the security of the future N.SIS could be improved by drafting a specific security plan including the maintenance of a high degree of control over the SIS II provider's activities.
- a policy should be set up for a periodical review of log-files. The length of their retention period should be reassessed to ensure an optimal level of supervision.

5. The Working Party for Schengen Matters (Schengen Evaluation) concluded on 4 February 2014 that it was satisfied with the overall situation in the field of data protection in the United Kingdom and approved the findings of the expert team (cf. 17102/13).

6. On this basis, the Council:

- concludes that the technical requirements with respect to data protection have been met in the United Kingdom;
- invites the United Kingdom to inform the Council in writing, in the course of the coming months, both on further developments regarding the entry into force of legislative measures and on further follow-up they intend to give to the recommendations contained in the evaluation report.