

The Schengen Area

The free movement of persons is a fundamental right guaranteed by the EU to its citizens. It entitles every EU citizen to travel, work and live in any EU country without special formalities. Schengen cooperation enhances this freedom by enabling citizens to cross internal borders without being subjected to border checks. The border-free Schengen Area guarantees free movement to more than 400 million EU citizens, as well as to many non-EU nationals, businessmen, tourists or other persons legally present on the EU territory.

Today, the Schengen Area encompasses most EU States, except for Bulgaria, Croatia, Cyprus, Ireland, Romania. The United Kingdom is not part of the Schengen Area either. However, Bulgaria and Romania are currently in the process of joining the Schengen Area. Of non-EU States, Iceland, Norway, Switzerland and Liechtenstein have joined it.

The Schengen provisions abolish checks at the Union's internal borders, while tightening controls at the external borders, in accordance with a single set of rules.

What is the Schengen Information System and what is SIS II?

The Schengen Information System (SIS) is a database created to ensure that participating countries have access to relevant information on individuals and property of interest.

On 9 th April 2013 a more up-to date system, called SISII offering additional functionalities entered into operation.

The eu-LISA works to ensure that data is consistent throughout the system and provide technical support to all participating states. A designated authority in each participating country has the responsibility for the operation of its section of the SIS. The N-SIS authority (Ministry of Interior, Department for Registration), oversees the data processing activities, and must ensure that such data is limited to one of the SIS's defined purposes, such as border control, national security or law enforcement.

Should relevant information need to be transferred through the system, another authority acts as the central network exchange, SIRENE (Supplementary Information Request at National Entry) between the state and other cooperating countries. In Hungary SIRENE Office is part of the Hungarian National Police Headquarters.

Data stored in SIS II

Each member state submits a list of competent institutions which are authorized to use data stored in the SIS to an EU Commission executive committee. The system can be accessed locally by a variety of approved authorities. Access is instant and direct. Police, for example, may obtain SIS information for the purpose of protecting the legal order, national security or during the course of a criminal investigation.

Member states may only collect data on:

- persons wanted for arrest in surrender or extradition procedure
- non-nationals for whom an alert has been issued for the purpose of refusing entry into the Schengen area
- missing persons, persons who need to be placed under protection

- witnesses or persons summoned to appear before judicial authorities in connection with a criminal matter, or those who are to be served with a criminal judgment or custodial sentence
- persons under discreet surveillance or specific checks
- documents, vehicles other objects specified in the legislation (firearms, boats, and identity documents), which are to be seized or used as evidence

It should be noted that personal data in the SIS may not pertain to one's racial background, political, religious or other beliefs, health status or sex life.

Data on persons stored in the SIS II are the data necessary to locate a person and confirm his/her identity (including fingerprints and photograph) as well as relevant information about the alert (including the action to be taken). Fingerprints may also be used to identify a third-country national on the basis of the biometric identifier.

Rights of Data Subject

In accordance with EU and Hungarian laws, each person has the right to:

- access SIS-stored information related to the person
- request that inaccurate or false data is corrected
- request the removal of its unlawfully processed data
- turn to the courts or another competent authority to request the correction or removal of inaccurate data or petition for compensatory damages

Relief for infractions of any of the above-mentioned laws may be pursued in each Schengen member state. Questions regarding the legality of collected data are reviewed according to the laws of the member state where the complaint has been brought. If the data concerned was recorded by another member state, the two states will closely collaborate to consider any legal issues.

What to do to get your data corrected?

In Hungary, anyone who is interested in knowing whether or not their data has been recorded in the SIS, or wishes to correct or have inaccurate data deleted should contact any government office, police station or any Hungarian Embassy or Consulate and fill in a request for information form which is transferred to the SIRENE Bureau of the Hungarian National Police Headquarters. The procedure to exercise data subject's rights are free of charge.

The Bureau has the right to refuse requests but is obliged to inform the person about the fact of and the reason for denial. Should you find that the SIRENE Bureau is not adequately responsive to your request, you then may turn to the Hungarian National Authority for Data Protection and Freedom of Information (NAIH).

If you decide so instead or beside these actions you may bring a lawsuit and ask the civil law court to make the controller to reimburse your financial loss related to unlawful data processing.

Download the form for requesting information:

https://www.naih.hu/files/formanyomatvany_magyarul_es_angolul.pdf

Police stations:

<http://www.police.hu/hu/ugyintezes>

Government offices:

<http://www.kormanyhivatal.hu/hu>

Hungarian Embassies and Consulates:

<https://www.kormany.hu/hu/kulgazdasagi-es-kulugyminiszterium/kulkepviseletek>

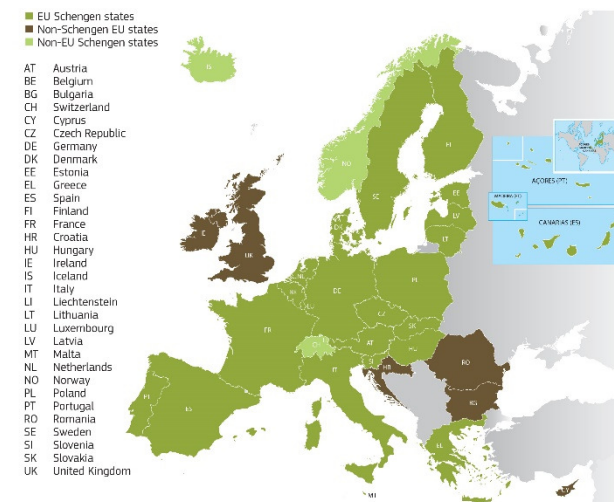
NATIONAL AUTHORITY FOR DATA PROTECTION AND FREEDOM OF INFORMATION

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INTRODUCTION TO THE SCHENGEN INFORMATION SYSTEM



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