



EUROPEAN DATA  
PROTECTION SUPERVISOR  
LE CONTRÔLEUR EUROPÉEN  
DE LA PROTECTION DES DONNÉES

**EDPS/06/1**

Tuesday 24 January 2006

## **EDPS Opinion on the proposal for granting access to the VIS database for authorities in charge of internal security and for Europol**

The European Data Protection Supervisor (EDPS) has issued an Opinion on the proposal for a Council decision on access to the VIS database for combating terrorism and other serious criminal offences. Building upon the previously issued Opinion on the establishment of the VIS, the EDPS now gives specific advice on access for a new purpose. The present proposal is likely to be a precursor in the field of granting law enforcement authorities access to large scale information and identification systems and is important also in that context.

Peter Hustinx, EDPS, says: "*The VIS database will be the biggest cross border one in Europe. Some 20 million new entries per year, regarding people who apply for a Schengen visa, are foreseen. It is of utmost importance that data protection is taken seriously for these, a priori, innocent people*".

The EDPS welcomes that considerable attention has been devoted to data protection in the proposal - access can only be granted in specific circumstances, on a case by case basis, accompanied by strict safeguards. The new 'law enforcement purpose' has its merits, but the proposal should be further improved. Striving for a consistent and effective European data protection regime, the EDPS proposes the following:

- The conditions for access must be read cumulatively and access should only be granted if it would 'substantially' contribute in a specific case;
- Equivalent data protection must be granted if an authority of a member state that does not apply the VIS regulation accesses the database.
- The 'purpose of travel' and the photograph of the visa holder or applicant should only be made available as supplementary information;
- Data protection requirements shall be supervised in a coordinated way and self-auditing provisions shall be introduced.

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**The Opinion is available on our website:**

[http://www.edps.eu.int/legislation/Opinions\\_A/06-01-20\\_Opinion\\_access\\_to\\_VIS\\_EN.pdf](http://www.edps.eu.int/legislation/Opinions_A/06-01-20_Opinion_access_to_VIS_EN.pdf)

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