

Procedure file

Basic information		
CNS - Consultation procedure Decision	2019/0819(CNS)	Awaiting final decision
Automated data exchange with regard to dactyloscopic data in the United Kingdom		
Subject 1.20.09 Protection of privacy and data protection 7.30 Police, judicial and customs cooperation in general		
Geographical area United Kingdom		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs	 LÓPEZ AGUILAR Juan Fernando	06/02/2020
		Shadow rapporteur	
		 WISELER-LIMA Isabel	
		 IN 'T VELD Sophia	
		 DELBOS-CORFIELD Gwendoline	
		 KOFOD Peter	
		 PROCACCINI Nicola	
Council of the European Union			

Key events			
05/12/2019	Legislative proposal published	14247/2019	Summary
19/12/2019	Committee referral announced in Parliament		
07/05/2020	Vote in committee		
08/05/2020	Committee report tabled for plenary, 1st reading/single reading	A9-0100/2020	

13/05/2020	Results of vote in Parliament		
13/05/2020	Decision by Parliament	T9-0068/2020	Summary

Technical information	
Procedure reference	2019/0819(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Stage reached in procedure	Awaiting final decision
Committee dossier	LIBE/9/02162

Documentation gateway					
Legislative proposal		14247/2019	05/12/2019	CSL	Summary
Amendments tabled in committee		PE647.131	20/02/2020	EP	
Committee draft report		PE647.041	06/04/2020	EP	
Committee report tabled for plenary, 1st reading/single reading		A9-0100/2020	08/05/2020	EP	
Text adopted by Parliament, 1st reading/single reading		T9-0068/2020	13/05/2020	EP	Summary

Automated data exchange with regard to dactyloscopic data in the United Kingdom

PURPOSE: to authorise the United Kingdom to receive and supply personal data with regard to dactyloscopic data (fingerprints).

PROPOSED ACT: Council implementing Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

BACKGROUND: [Council Decision 2008/615/JHA](#) on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, confers implementing powers on the Council to adopt the measures necessary for the implementation of that Decision, in particular as regards the supply and receiving of personal data provided for therein.

The supply of personal data provided for in Decision 2008/615/JHA may not take place until the general provisions on data protection set out in that Decision have been implemented in the national law of the territories of the Member States involved in such supply.

[Council Decision 2008/616/JHA](#) provides that the verification that the condition relating to the automated data exchange is to be done on the basis of an evaluation report based on a questionnaire, an evaluation visit and a pilot run.

An overall evaluation report - including a summary of the results of the questionnaire, the evaluation visit to the United Kingdom and the successful pilot test with Germany - concerning dactyloscopic data exchange was presented to the Council.

On 2 December 2019, the Council concluded that the United Kingdom had fully implemented the general data protection provisions set out in Decision 2008/615/JHA.

CONTENT: the purpose of the draft implementing Council Decision is to authorise the United Kingdom to receive and supply personal data in accordance with Decision 2008/615/JHA for the purpose of automated searches of fingerprint data.

By 15 June 2020, the United Kingdom shall complete a review of its policy of excluding suspects profiles from automated dactyloscopic data exchange. If, by that date, the United Kingdom has not notified the Council that it makes available dactyloscopic data of suspects in conformity with Decision 2008/615/JHA, the Council shall, within three months, re-evaluate the situation with regard to the continuation or termination of dactyloscopic data exchange with the United Kingdom.

Automated data exchange with regard to dactyloscopic data in the United Kingdom

On the basis of the report by the Committee on Civil Liberties, Justice and Home Affairs, the European Parliament rejected the draft Council implementing decision concerning the introduction of automated data exchange in relation to fingerprint data in the United Kingdom (329 votes to 357, with 4 abstentions).

By this draft implementing decision, the Council intends to allow the United Kingdom to participate in the automated searching of dactyloscopic data and to proceed to the supply and reception of dactyloscopic data pursuant to the system laid down in Article 9 of Prüm Decision (Council Decision 2008/615/JHA).

The Prüm Decision provides for the exchange of information between the Member States authorities responsible for the prevention and investigation of criminal offences. To this purpose, the competent authorities may exchange dactyloscopic data processed in their national automated fingerprint identification systems established for the prevention and investigation of criminal offences. Article 9 of Prüm Decision provides for a competent authority of a Member State to carry out automated searching of dactyloscopic data in the national system of another Member State. The supply of personal data provided for under this Decision may not take place until the Council has decided that a Member State wishing to take part in this exchange has implemented in its national law the general provisions on data protection set out in the Prüm Decision.

In the explanatory statement accompanying the parliamentary report, the rapporteur advised Parliament to reject the Council draft implementing decision and requested the Council not to adopt its draft implementing decision and not to take any decision in this regard until guarantees from the UK as regards full reciprocity and data protection are obtained and the new legal framework for the new partnership cooperation with the United Kingdom is negotiated and concluded.