

ARTICLE 97 Inspection

Report of the Schengen Joint Supervisory Authority on an inspection on the use of Article 97 alerts in the Schengen Information System

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SCHENGEN
Joint Supervisory Authority



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I. Introduction

In March 2008, the JSA decided to start an inspection on the use of Article 97 alerts and to collect information on the national procedures related to entering Article 97 alert in the Schengen Information System (SIS).

This inspection, together with the inspection on the use of Article 98 alerts, that took place at the same time, are the concluding pieces of an overall inspection on the use of alerts in the SIS starting in 2005. The JSA has now checked how the Schengen States implemented the necessary conditions for using the alerts of Article 96-99 of the Schengen Convention.

The present legal basis for Article 97 alerts, *the Schengen Convention*, will in the future be replaced by the Council Decision on the establishment, operation and use of the second generation Schengen Information System (SIS II)¹. Since that Council Decision defines these alerts and the conditions for their use in a similar way as the Schengen Convention, the results of the present inspection will also be valuable when new legal basis of SIS II will be applied.

This report presents the findings and evaluation of the JSA inspection on Article 97.

II. Data Protection Supervision

Following the provisions of the Schengen Convention, personal data are processed in the SIS by 25 participating states (the Schengen States). The Schengen Convention divides the data protection supervision on the content and the functioning of the SIS between national data protection authorities and the JSA. The Schengen State entering data in the system is responsible for the processing of those personal data in the SIS according to the Schengen Convention and the national data protection authority is the supervisory body. On the other hand, the JSA has the overall task to supervise the technical support function of the SIS. This function is responsible for distributing the data entered in the SIS to all Schengen States.

Article 115 of the Schengen Convention describes the tasks of the JSA. Apart from checking the technical support function of the SIS, the JSA is charged with examining any difficulties of application or interpretation that may arise with the operation of the SIS, as well as drawing up harmonised proposals for joint solutions to existing problems. The last two are the basic legal

¹ OJ L 205, 7.8.2007

ground for initiating a set of systematic inspections on the implementation of specific articles of the Schengen Convention.

III. Reason for inspection

Article 97 alerts may be divided into two subjects of alerts:

- 1) on missing persons;
- 2) on persons who, in the interest of their own protection (for example to protect their health when a person cannot take care of himself) or in order to prevent threats, need to be placed provisionally in a place of safety at the request of the competent authority or the competent judicial authority of the reporting Party. In case a minor is unlawfully removed by one of the parents or by a third party from the care of the persons awarded custody, an alert will be also entered in the SIS pursuant to Article 97. The required action is to communicate to the alerting authority the whereabouts of the person or to place the person in a place of safety for the purposes of preventing him from continuing his journey (if so authorized by national legislation).

When a missing adult person is found, the communication about his/her whereabouts is not allowed unless the person consents to such communication.

The statistics received from the CSIS on the number of alerts entered in the SIS pursuant Article 97 demonstrate significant differences between the states. This is an indication that countries may use this article in a different manner. For example, it was noted that Iceland barely uses these alerts; some states use this alert to a very low extent while other countries (i.e. Spain, France) have entered thousands of alerts under Article 97. The number of alerts entered on minors pursuant Article 97 also differs significantly between states. In view of this and the specific character of this alert it is necessary to explore whether there are national procedures for entering data on minors in SIS.

More in general and in view of a better understanding of the use of these alerts, it is also necessary to explore which reasons are used for Article 97 alert and in which way the compliance with Articles 94.3 and 105 is guaranteed.

Based on the figures of 1st March 2008, the SIS contained the following numbers of Article 97 alerts:

	Country							
	AT	BE	CZ	DE	DK	EE	ES	FI
Art.97 (Adult)	368	1766	217	1362	30	101	10011	44
Art.97 (Under age)	141	1172	125	1356	47	1	4431	18

	Country							
	FR	GR	HU	IS	IT	LT	LU	LV
<i>Art.97 (Adult)</i>	3009	360	245	1	2888	135	31	334
<i>Art.97 (Under age)</i>	10731	81	356	2	2591	15	27	46
	Country							
	MT	NL	NO	PL	PT	SE	SL	SK
<i>Art.97 (Adult)</i>	53	780	52	618	1271	69	66	477
<i>Art.97 (Under age)</i>	10	660	31	60	855	101	1	129

These figures² basically justify the purpose of the inspection: whether the variations in the number of Article 97 alerts entered by the different Schengen States may be a result of Article 97 being applied in a different manner by the Schengen States. Factors that might explain this are the differences in national law and in the way the competent national authorities operate in practice. Nonetheless, the possibility that Article 97 is being interpreted differently throughout the Schengen area should not be ruled out. In view of this, the JSA decided to request the national data protection supervisors to inspect the national SIS in a joint action.

IV. Scope and method of inspection

The objective of the inspection was to ensure that Article 97 data are processed in accordance with Article 97, the data protection principles in the Schengen Convention, the SIRENE Manual and the applicable national legislation. Information was collected on the procedures followed by the competent authorities before and after entering an alert under Article 97.

A questionnaire (see annexes) was developed for collecting the information concerning the procedure followed by the competent authorities before and after entering an alert under Article 97.

V. Reactions received

The JSA received twenty five answers from the following Schengen States: Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Italy, Iceland, Hungary, Lithuania, Latvia, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Sweden, Slovakia, Slovenia, Spain and Switzerland.

VI. Results

The JSA has assessed the results of the inspections. In the presentation of this assessment the JSA emphasizes some guiding principles for the use of Article 97 alerts. It should be stressed that

² The figures of beginning 2009 present a similar overview.

although the national data protection authorities used the same model of questionnaire, in some cases there were differences in the way the results were reported. The fact that some Schengen States conducted inspections *in situ* while others used a written procedure also influenced the results.

A. Decision of Article 97 Alert

1. Competent Authorities that may decide on Article 97 alert

While police authorities obviously play a major role in the decision leading to Article 97 alert, this area is governed by a variety of laws and is administered by a number of different authorities in the different Schengen States. Based on the received answers, those authorities include prosecutors and judicial authorities, administrative authorities (youth welfare offices, social services), state border guard services and law enforcement authorities.

2. A specific procedure has been established for Article 97 alerts.

Most of the Schengen States answered to this question affirmative. In seven (7) Schengen States (Czech Republic, Italy, Hungary, Luxembourg, Portugal, Slovakia and Spain) no specific procedure is developed for this kind of alerts. Italy stated that with regard to the multifarious cases that may arise, it is difficult to develop a detailed procedure applying to all individual situations. In Italy, whenever the police decide to enter an alert, the consistency between the legal provisions and the case at issue is always assessed. When a decision to enter an alert is made by the head of the responsible police office an internal record of that decision is kept by that office. One of the examples of specific procedures applied by Italy concerns the alert in case of the child abduction. Additional procedures apply to such specific case, e.g. if a child abduction case is reported to the police for which one of the parents and/or another specific person is allegedly liable. In this situation the alert includes information both on the suspect and on the child.

3. The request of the competent authority or the competent judicial authority is a prerequisite for issuing alert pursuant Article 97.

In 23 States the request of the competent authority or the competent judicial authority is a prerequisite for issuing alert pursuant Article 97. In Italy, a distinction is drawn between two cases: (a) if the decision to enter the alert is made by a judicial authority, the relevant judicial order is a prerequisite for issuing the alert; (b) for the remainder, if no judicial order is issued and/or no

judicial order is necessary under the law, it is up to the individual police body that receives the given information to decide on whether an Article 97 alert should be issued.

In Poland and Spain such request is not a prerequisite.

4. Statistics of Article 97 Alerts

Article 97 alerts could be divided in two subjects of alerts:

- 1) on missing persons;
- 2) on persons who, in the interest of their own protection (for example to protect their health when the person cannot take care of himself) or in order to prevent threats, need to be placed provisionally in a place of safety at the request of the competent authority or the competent judicial authority of the reporting Party.

Statistics on the use of Article 97 show that the largest number of alerts relates to missing persons. According to these statistics there is a constant rise in the number of data relating to minors, which has doubled in eight years (from 12 114 in 2000 to 24 719 in 2008).³ Most of the states provided the JSA with statistics on the different categories of missing persons. Three states provided general numbers of alerts since they do not keep statistics on the different categories of Article 97 alerts.

5. The procedure in your country concerning the declaration of the person to be missing.

According to the answers received, in most cases a formal report that a person is missing must be made at the local police authority either by relatives or the person/institution responsible for him/her. Some states reported that a national alert on a missing person must exist before sending an international alert. For example in Latvia, when there is a reason to assume that a person might have left Latvia, the case officer has to take a decision to enter data into SIS and an authorized police officer has to create a missing person alert in the national data base and send it together with supplementary information to Latvian SIRENE Bureau. For example, in Finland, notifications about missing persons are reported to police, that drafts a formal report after having assessed the circumstances of the case. Some states have detailed procedures (Germany, Lithuania, the Netherlands, and Poland); others have no specific legislation or procedures. In Italy, the police office receiving a declaration on a missing person assesses whether the conditions set forth in Article 97 are fulfilled in the specific case; if so, the head of the police office authorises the SIS alert.

³ 15934/08 SIRIS 152 COMIX 842

6. Is there a procedure concerning the communication of data on a missing person who is of age?

According to Article 97 the communication of data on a missing person who is of age shall be subject to the person's consent.

In most states a procedure exists to ensure that data on the whereabouts of the missing person are communicated to the alerting authorities only after the consent of the alerted person. The CISA does not provide a definition of the consent of alerted person. However, it is clear that such consent must be freely given indicating his agreement to communicate his/her personal data.⁴ In Italy, a missing person of age on which there is a SIS alert is - when traced - requested to get in touch with the family and/or the entity that had reported him/her to be missing. If the person, once traced, objects to providing her address, the competent police office only informs the reporting entity that the person in question was traced and the alert is subsequently deleted.

The details of the procedures are different especially concerning the condition that communication may only take place with the data subject's consent and the form in which communication takes place. In Greece, the NSIS provides for electronic guidance on how to act in case of a hit. In Poland and Portugal the consent is done orally. In Poland the refusal of the person to communicate his whereabouts should be in writing. In Sweden there is a tick-box on the hit-form to tick off if the person consents to communicate his whereabouts. If he/she does not consent, the SIRENE bureau sends a message only to tell that the person is no longer missing.

7. Is there a procedure concerning the entering data on minors in SIS?

The alert of Article 97 on missing minors is a tool to protect a minor. It is obvious that in case of child abduction (both parental and criminal) speedy and coordinated actions of the competent authorities are of the utmost importance. According to the information received, in most of the Schengen States the same procedure as concerning the issuing of the alert on a missing person of age pursuant to Article 97 applies to the entering of an alert on a minor. However some differences exist. In Belgium, Germany, Estonia, Slovak Republic minors are automatically inserted in the SIS – the consent of the police service that circulated information concerning the person in question is not necessary. A request submitted by a competent authority serves as the basis for entry the information. In Finland an alert of an underage person temporarily to be placed under police

⁴ Reference could be made to the definition provided for in Article 2(h) of the Directive 95/46/EC, *OJ L. 281, 23.11.1995*.

protection is made when the authority in charge of social welfare asks executive assistance on the basis of an official decision concerning taking into custody. The answers also indicated that specific safeguards are taken into account to protect minors and greater care is taken in handling alerts concerning minors. In Greece, the Department of Public Security applies a specific filter, a so called “third filter”, ensuring a thorough examining of the case of a missing minor. In Slovenia, the procedure for issuing an Article 97 alert on a minor is that a minor is placed into care of the responsible care services (social services) and alerting should be done in the shortest possible time.

8. Is there a specific procedure to check whether an alerted person becomes of age during the alert?

The CISA does not provide the age limits of minors. Some states indicated in their answers that a minor would be a person under the age of 18. As throughout the EU there is no harmonised determination on age limits for being considered a minor, and in view of importance to protect and safeguard the rights of child, one of the proposals could be to agree on the age limit set within Article 1 of the Convention on the Rights of a Child.

Most states report procedures and/or technical provisions to check whether an alerted person becomes of age. In some states an automatic signal allowing a review of the alert is given. According to the received information the alerts including those of minors are periodically reviewed.

In Portugal, the SIRENE Bureau checks before entering the alert whether the minor reaches the age of 18 during the next three years. In that case, the alert is entered with a shorter validity, matching the day before the child reaches 18. After that period the necessity of the alert is reviewed. A similar procedure is reported by Estonia.

In Italy, the SDI/WEB portal makes available a procedure that enables the offices entering an alert to receive a warning at the time the alerted person becomes of age in order to update the alert in question.

In Austria alerts for missing minors are automatically converted into alerts for missing adults by the national electronic search database as soon as the person reaches legal age. This data is automatically transferred into the SIS, which guarantees that SIS alerts are accurate. In Greece the NSIS will notify a month before the data of becoming of age of the alerted person the alerting authority. After such notification the alert is examined to determine whether the alert should remain in the system. The Netherlands reported that the CSIS sends the alerting Schengen State one month

before expiration of every alert a notice of expiration or of circumstances that the alert will not meet the requirements anymore. This is also the case with alerted minors turning 18 years old. The SIRENE bureau will inform the alerting authority of this notice and the fact that the alert will be deleted automatically if not adjusted. SIRENE Netherlands uses M forms to this end. A similar procedure was reported by Slovenia. In case a person becomes of age during the alert, the responsible authority issuing the alert (police unit) has to revoke the measure of a placement of person into the care of social services and implement the measure of giving the address of the person (if he/she wants so). The alert is then changed accordingly in the N-SIS and in the national data filing system. Slovenia as a state issuing the alert would in such case inform other Schengen States by M form that the alert has been changed.

It is necessary to underline that as soon as a person becomes of age, the provisions governing the communication of his/her data apply.

Additionally several Schengen States provided information on the actual use of different forms while exchanging the data. The answers indicated that the forms (in this case G and M form) were used in accordance with the Sirene Manual.

As it is clear from the answers, the M form is usually used to exchange additional information (e.g. when the alert has been entered in SIS and the additional information on the alert has to be submitted; also in case of a hit) between SIRENE bureaux (Czech Republic, Finland, Hungary, Lithuania, Latvia, Malta, Slovenia, Netherlands) and is used frequently (Spain provided the statistics on the use of M form in 2008: sent – 184; received – 367).

According to the Council document 6367/09 the additional information could include any relevant additional information such as photo (this could be due to the fact that usually minors do not possess an identity document), description, additional information on possible route, clarification regarding parental/custody rights, kidnapper/ abductor, vehicle used which will be exchanged using M form⁵. Slovenia indicated that the M form is mostly used to present additional data (especially for Article 95, where M form accompanies the A form and includes all the additional data on the crime, issuance of EAW, etc). At present M form is used to inform other SIRENE bureaux about the connected alerts until interlinking between alerts in the SIS (under the current legal basis and architecture) is not yet available.

The answers received also show that the G form is used by SIRENE bureaux in cases of a hit about an alert issued by another Schengen State (Articles 95-100 of CISA, except for the vehicles (P form

⁵ Council doc. 6367/3/09 REV 3

is used)). The G form is used when the requested action can be carried out or has been carried out. Spain provided statistics on the use G form in 2008: sent – 102; received – 76.

VII. Content

1. Is there a file at the SIRENE bureau?

Most of the answers indicated that in case of an Article 97 alert, there will be a file at the SIRENE bureau. This is not the case in 6 states. Some answers indicated that the file will only be stored at the SIRENE bureau after a hit (Hungary, Malta). In some states, when important additional information (medical data) is available or in case of a hit, such information will be archived at the SIRENE bureau. In Denmark, the SIRENE bureau will file a copy of the court decisions, medical details, etc., when this is considered to be relevant for the alert. The SIRENE bureau has access to the relevant files issued by the police districts through the police case management system. A similar situation may be found in Latvia where the SIRENE bureau only keeps decisions about data inputted in SIS and, when available, the supplementary information. In other states, a file will only be kept at the SIRENE bureau when there is a need to exchange complementary information between SIRENE bureaux in relation to the processing of an alert in SIS or in connection with a hit (Italy, Poland).

1a. Is there a periodic review as to the necessity of the storage of the transmitted information on the medical details on the individuals?

Article 112A (1) of the CISA foresees that personal data exchanged between SIRENE Bureaux according to Article 92(4) shall be kept only for such time as may be required to achieve the purposes for which they were supplied. The data shall in any event be deleted at the latest one year after the alert concerning the person has been deleted from the SIS. Pursuant to Article 112A (2) a state reserves a right to keep in national files data relating to a particular alert which that state has issued or to an alert in connection with which action has been taken on its territory. The period of time for which such data may be held in such files shall be governed by national law. The SIRENE Manual paragraph 2.2.1 indicates that as far as possible, the SIRENE bureaux shall communicate medical details on the individuals on whom an alert has been issued pursuant to Article 97 if measures have to be taken for their protection. The information transmitted is kept only as long as strictly necessary and is used exclusively for the purposes of medical treatment given to the person concerned.

According to the information received, such periodic review is carried out only in 10 Schengen States. However, not all the affirmative answers received provided an explanation of the procedure. In some answers, it is indicated that internal regulations/instructions exist applying to the storage of the information by all organisational units of the police system (Poland, Germany). The general rules on the storage of the information set up in Article 112A of CISA apply directly (Poland). In Germany, any available information concerning the medication for a particular person shall be stored only as long as necessary for the intended purpose. Article 112A paragraph 2 of the CISA notwithstanding, the documents are as a rule and pursuant to Article 112A paragraph 1 of the CISA destroyed no later than one year after the cancellation of the alert from the SIS. Other countries (Portugal) noted that it is important to have this information, since in case the person is located it may be necessary to give him/her immediate and specific medical assistance, in particular, medicines to be taken. In Malta no physical files are opened containing medical details and this information is immediately deleted once the matter is resolved. Some states indicate that they have no experience with such cases, but that the procedure on transmission of medical details from health care institutions has to be specified in more details (Slovenia). However, as it is noted above, the rules on the storage of information established in the CISA and SIRENE Manual have to be respected. Italy reported that such periodic review does not take place since this information is only known in full to the peripheral police office that holds the relevant data - including the paper records with the medical details/certifications.

1b. Is the obligation for periodic review laid down in an official policy document?

Almost half of the received answers indicated that such obligation is laid down in an official policy document. For example, in Germany the relevant regulation governing the periodic review of SIS alerts under Article 97 CISA is the Police Service Instruction no. 389 on Missing Persons, Unidentified Bodies and Unidentified Helpless Persons. In Latvia, the obligation for periodic review is laid down in the SIS operational law. According to the answers, the review procedure is implemented in the general rules regulating the storage of the data in NSIS/national police registers/information systems, is similar and applies for all alerts. In Slovenia, each alert is reviewed and followed up by SIRENE bureau when changes of data, circumstances occur.

In some states, although the obligation is not embedded in an official policy document, the periodic review of the data storage is done regularly. In Portugal when the systems signals the end of the storage period of the alert, the SIRENE Bureau asks the competent authority responsible for the alert to state within 10 days whether it is still interested in keeping the alert and reminding that any eventual prorogation can only be done for the same purpose. The SIRENE Bureau also informs that the alert will be deleted in case no reply is given. This exchange of correspondence is done through

specific forms developed by the SIRENE Bureau and distributed to the competent authorities. Though this cannot be considered as an official policy, in practice there are official documents dealing with this issue.

1c. Which authorities in your country have access to SIS Article 97?

According to the answers received, the number of authorities having access to SIS Article 97 varies from state to state. In general the list of authorities is quite broad including police forces, judicial authorities, border guard authorities, tax, customs authorities, security police, public prosecutors, financial police, authorities in charge of prevention and combating with corruption, ministries of interior, justice, foreign affairs, railway police, migration authorities, military police, the prison administration, the constitutional security bureau. According to Article 101(1) of CISA access to data entered in the Schengen Information System and the right to search such data directly shall be reserved exclusively to the authorities responsible for: (a) border checks; (b) other police and customs checks carried out within the country, and the coordination of such checks. However from the information received it is clear that some of these authorities (one of the example could be a prison administration) do not have a task of police and border controls or the coordination of such checks or other tasks as referred to in Art. 101(1).

Despite of the differences in the national legislation of the Schengen States and the fact that this situation might be only in some Schengen States, such a wide access to the Article 97 data is not in compliance with the CISA provisions.

2. Are there any additional procedures that are applied concerning the checking of the data under Article 97 alerts?

Four Schengen States (Greece, Italy, Latvia, Malta) reported additional procedures that are applied concerning the checking data under Article 97 alerts. In Greece additional procedures are applied concerning the checking data under Article 97 alerts according to the instructions of the SIRENE Manual. The SIRENE bureau of Latvia has to check data quality of an alert and in case of doubt have to inform the responsible Police Division. In Italy, if there is an exchange of correspondence concerning an alert, the SIRENE operator performs an additional check on the quality of the data at issue. In Malta the information is checked in the National Incident Reporting System (PIRS) against an alert even for possible technical problems which may occur in transmitting the information since the data is being uploaded from PIRS to NSL and in the cases of Article 97 alert to NSIS. Therefore there is an initial review and follow-up of the information uploaded.

VIII. Considerations and recommendations

One of the characteristic features of the SIS is the shared responsibility for using such a system in accordance with the provisions set out in the Schengen *acquis* and national laws. The *Acquis* is also the first common legal instrument with specific data protection provisions on the use of the SIS.

Article 97 alerts cover three categories of persons: missing persons to be divided between minors and people of age and persons alerted in the interests of their own protection.

The inspection performed by the national data protection authorities provided the JSA with much information on the practical use of these alerts. Although the Schengen *acquis* does not aim to harmonize national practices, the implementation of Schengen provisions and certainly when they concern the processing of personal data do need more uniform approach. Ensuring the quality of data as well as the control and management of alerts is of such importance that where necessary similar procedures or other safeguards should be implemented.

This is for example the case where the execution of the alert is dependent on the consent of the alerted person. In case such consent is given or refused this should be properly documented. Another important issue is a harmonised approach preventing that data on minors remain processed after reaching the age of 18. In view of the condition of giving consent for the execution of alert when reaching that age such approach is essential. The reports of the Schengen States sometimes refer to periodical reviews or checks or in some cases even a lack of procedures. In view of the interests at stake and the possibility to have such a check also done via technical means followed by further action, the procedures and checks on minors should be improved.

The inspection also showed the considerable differences in Schengen States applying provisions of Article 101(1) of CISA concerning the access to SIS data by competent authorities.

The inspection did not reveal why in some states the number of alerts are high where other states have considerable lower amounts of alerts. The JSA assumes that this is related to specific national views and practices relating to the subjects of Article 97 alerts.

In view of the findings of Article 97 inspection, the JSA makes the following recommendations:

- 1. In all Schengen States formal written procedures should be in place for all authorities involved with entering Article 97 alerts.**
- 2. In case various authorities are involved with entering Article 97 alerts, the procedures should be consistent and applied in a uniform manner.**

- 3. When the data of an alerted person is to be communicated, consent of an alerted person is required. The consent of an alerted person should be in writing or at least written proof is available.**
- 4. In case of refusing consent this should always be in writing or recorded officially.**
- 5. Data on minors should always be controlled by automatic means and formal procedures in order to prevent that they remain alerted after the minor becomes of age.**
- 6. The M form should be used by all Schengen States.**
- 7. All Schengen States should check whether the national authorities having access to Article 97 alerts are considered as authorities as referred to in Article 101 (1) CISA.**

IX. Annexes

Article 97

Data on missing persons or persons who, for their own protection or in order to prevent threats, need temporarily to be placed under police protection at the request of the competent authority or the competent judicial authority of the Party issuing the alert shall be entered, so that the police authorities may communicate their whereabouts to the Party issuing the alert or may move the persons to a safe place in order to prevent them from continuing their journey, if so authorised by national law. This shall apply in particular to minors and persons who must be interned following a decision by a competent authority. The communication of data on a missing person who is of age shall be subject to the person's consent.

Article 94.4

Where a Contracting Party considers that an alert, in accordance with Articles 95, 97 or 99, is incompatible with its national law, its international obligations or essential national interests, it may subsequently add to the alert contained in the data file of the national section of the Schengen Information System a flag to the effect that the action to be taken on the basis of the alert will not be taken in its territory. Consultation must be held in this connection with the other Contracting Parties. If the Contracting Party issuing the alert does not withdraw the alert, it shall continue to apply in full for the other Contracting Parties.

Article 105

The Contracting Party issuing the alert shall be responsible for ensuring that the data entered into the Schengen Information System is accurate, up-to-date and lawful.

Article 112

1. Personal data entered into the Schengen Information System for the purposes of tracing persons shall be kept only for the time required to meet the purposes for which they were supplied. The Contracting Party which issued the alert must review the need for continued storage of such data not later than three years after they were entered. The period shall be one year in the case of the alerts referred to in Article 99.

2. Each Contracting Party shall, where appropriate, set shorter review periods in accordance with its national law.

3. The technical support function of the Schengen Information System shall automatically inform the Contracting Parties of scheduled deletion of data from the system one month in advance.

4. The Contracting Party issuing the alert may, within the review period, decide to keep the alert should this prove necessary for the purposes for which the alert was issued. Any extension of the alert must be communicated to the technical support function. The provisions of paragraph 1 shall apply to the extended alert.

The purpose of this module is to provide guidelines for checking the content of Article 97 data in the National Schengen Information System.

It is left to the national supervisors to select the data that will be subject of a check.

This module distinguishes the following steps:

A. DECISION OF ARTICLE 97 ALERT

1. Which competent authorities may decide for Article 97 alert?

2. Is there a specific procedure established for this category of alerts?

Yes No

If the answer is yes, please describe the procedure:

3. Is the request of the competent authority or the competent judicial authority a prerequisite for issuing alert pursuant Article 97?

Yes No

4. In your country, how many Article 97 alerts have been issued for each of the above cases:

(a) missing persons

0% - 15% 15% - 30% 30% - 45% 45% - 60% 60% - 75% 75% - 100%;

(b) when persons for their own protection need temporarily to be placed under police protection

0% - 15% 15% - 30% 30% - 45% 45% - 60% 60% - 75% 75% - 100 %;

© when persons in order to prevent threats need temporarily to be placed under police protection

0% - 15% 15% - 30% 30% - 45% 45% - 60% 60% - 75% 75% - 100%.

5. What is the procedure in your country concerning the declaration of the person to be missing?

6. Is there a procedure concerning the communication of data on a missing person who is of age?

Yes No

If the answer is yes, please explain:

7. Is there a procedure concerning the entering data on minors in SIS?

Yes No

If the answer is yes, please explain:

8. Is there a specific procedure to check whether an alerted person becomes of age during the alert?

B. CONTENT OF THE FILE

1. Is there a file at the SIRENE bureau?

Yes No

1a. Whether there is a periodic review as to the necessity of the storage of the transmitted information on the medical details on the individuals?

Yes No

1b. Whether the obligation for periodic review is laid down in an official policy document?

Yes No

1c. Which authorities in your country have access to SIS Article 97?

2. Are any additional procedures that are applied concerning the checking of the data under Article 97 alerts?

Yes No

If the answer is yes, please explain:

X. Answers

A. DECISION OF ARTICLE 97 ALERT

1. Which competent authorities may decide for Article 97 alert?

Austria	In Austria the search for missing persons falls within the competence of the federal police (pursuant to section 24 paragraph 1 lit. 2 to 4 Police Act.
Belgium	Competent authorities are police services and judicial authorities.
Czech Republic	The Police of the Czech Republic.
Denmark	The local police districts decide for Article 97 alert. (The Danish Police is organised with a central unit – The National Police – and 14 local police districts).
Estonia	Police authorities; courts in cases on which proceedings are being conducted in court.
Finland	Only police authorities.
France	About <u>minors</u> , the competent authorities which can decide for an Article 97 alert are either judicial authorities in case of parental kidnapping, or police authorities in case of runaway, following a complaint from the parents or the person or institution in charge of the child. Prefectorial authorities can also prevent a minor from continuing his journey. About <u>protected adults</u> , police or prefectorial authorities can enter an article 97 alert, once warned by the family. Finally, the <u>searches in family's interest</u> (Recherches dans l'intérêt des familles – RIF) can lead police or prefectorial authorities to enter an article 97 alert.
Germany	The decision to enter an alert under Article 97 of the CIS into the Schengen Information System (SIS) lies with the police forces of the federal states and of the Federation, the administrative authorities such as the youth welfare offices and the judicial authorities.
Greece	The Hellenic Police Authority - the Department of Public Security is competent authority.
Italy	Based on the provisions made in Article 97, the decision-making process is as follows: a. The decision on the alert is made by a judicial authority, which orders the police to enter the data in the SIS (e.g. Juvenile Court ordering the police to enter an alert concerning a missing child). In this case the police only check that the data to be entered are consistent and accurate. b. The decision on the alert is made by the police body that received the information/report, as no judicial order was issued and/or no judicial order is required. In this case the given police body, prior to entering the alert, establishes whether the specific case falls within the scope of application of Article 97 and, if so, orders the alert to be entered in the SIS.
Hungary	Police authorities
Iceland	The National Police Commissioner.
Latvia	Police authorities
Lithuania	The alerts are prepared by the territorial and specialised police institutions and State Border Guard Service and its structural units. SIRENE National unit of International Liaison Office of Lithuanian Criminal Police Bureau of Police Department (hereinafter – SIRENE National unit), having checked the alerts for their legitimacy and expediency is responsible for issuing of alerts in SIS 1+.
Luxembourg	The Prosecutor (Procureur d'Etat) and General Attorney (Procureur général d'Etat).
Malta	Police authorities
The Netherlands	The public prosecutor decides on Article 97 alert, if it concerns: a. an individual who walked out of an institution where he was put by order of the court; b. a minor under 16 who was abducted and who is missing; c. a missing person, when there are reasons to suspect that the disappearance is the result of a crime. In all other cases, the police (or Royal Netherlands Marechaussee) takes the decision.
Norway	When a person has been reported missing, the competent authority (the police) can decide to issue a SIS alert in pursuance of Art. 97.
Poland	Pursuant to Art. 3 paragraph 1 item 5 of the Act of 24 August 2007 on the participation of the Republic of Poland in the Schengen Information System and Visa Information System Police is the only institution in Poland which is entitled to enter data of missing persons or persons who for their protection or in order to prevent the threats caused by them shall be sent to a proper care or health centre. This provision implements in the Polish legal regime Art. 97 of the Schengen Convention.
Portugal	Those authorities will be the judiciary authorities (judges and Public Prosecutor's Office magistrates), law enforcement authorities.
Slovakia	An alert according Article 97 concerning minors is inserted into SIS by competent office of judicial and criminal police on the ground of notification made by legal representative/foster father of missing person (usually by parent). An alert concerning adult who, for his/her own protection (health problems) or in order to prevent threats, need not temporarily to be placed under police protection threats is inserted into SIS by competent office of judicial and criminal police on the ground of notification made by relatives of missing person after appraisal of circumstances and following results of made checks. An alert concerning adult who, for his/her own protection (health problems) or in order to prevent threats, need temporarily to be placed under police protection is inserted into SIS by competent office of judicial and criminal police. Reason for inserting of an alert of this kind is notification made by <i>health care institution</i> where person is obliged to stay on the ground of judicial decision. Another reason in these cases can be notification made by relatives of such person who declare health condition of missing person and necessity of ingestion of pharmaceuticals.

Slovenia	Only SIRENE office has the authority to make the final decision on issuing any alert. Requesting authorities in the case of Art. 97 alerts are courts and police.
Spain	In Spain, the authorities that may decide for Article 97 alert are the law enforcement authorities and the judicial authorities (Judges and Public Prosecutors).
Sweden	Police Authority or Public Prosecutor
Switzerland	Police and judicial authorities are competent to take decision on the alert.

2. Is there a specific procedure established for this category of alerts? If yes, please, explain.

Austria	Yes. The specific procedure depends on the SIRENE manual and various internal police rules on procedure, in particular the " <i>Fahndungs- und Informationsvorschrift</i> ", abbr. " <i>FIV</i> ".
Belgium	Yes. The Ministerial decree "Recherche des personnes disparues" dated 20/02/2008 regulates this procedure.
Czech Republic	No. Personal data concerning missing persons are stored in a national information system for searched or missing persons that is a source system for this category of alerts in the SIS.
Denmark	Yes. The local police districts register a request for an alert in their case management system (POLSAS). The requests are automatically forwarded to the Sirene Bureau which tests the legality and completeness of the alerts. The Sirene Bureau enters the final record in SIS. Alerts are deleted via POLSAS by the police district.
Estonia	Yes. A specific procedure exists. A degree issued by the investigating authority for declaring the person wanted, a court ruling on restricting a person's freedom of movement or subjecting a person to psychiatric treatment regardless of the person's own will, or a request submitted by a competent authority shall serve as the basis for entry of the information.
Finland	Yes. There is a specific procedure. Alert on missing persons are made when the person is reported missing and the alert is registered in the national police data files. In these cases alerts must be accepted by the senior officer of the SIRENE-office. Alert on underage person temporarily to be placed under police protection is made when the authority in charge of social welfare asks executive assistance on the basis official decision concerning taking into custody. Alert on adult person temporarily to be placed under police protection is made when the authority in charge of the medical care asks for executive assistance on the basis of official decision of compulsory treatment or corresponding decision.
France	Yes. Prior complaint lodging is necessary in case of parental kidnapping. The registration on the Searched Persons File/Database (FPR) and SIS results from a court ruling/judicial decision. There is not other procedure in others cases.
Germany	Yes. The procedures for issuing alerts for missing persons are covered by Police Service Instruction no. 389 on Missing Persons, Unidentified Bodies, Unidentified Helpless Persons and by Police Service Instruction no. 384.1 on Searches. If a person is reported missing, the competent authority decides whether to place an alert. If there are no indications suggesting that the missing person might still be staying in Germany, placing an SIS-alert will be considered. Also, an alert for non-missing minors may be issued for their own protection and upon a decision by the judicial authorities or at the request of the youth welfare offices if there are reasons to suspect that an abduction of the minor is imminent.
Greece	Yes. According to a Police Regulation 2/1985 and the SIRENE Manual the declaration of a missing person is written in a form which is forward from the local police station to the Department of Public Security that will decide to enter the alert in the national database. If there are serious grounds then they will enter the alert to the SIS according to Article 97.
Italy	No. However, whenever the decision on entering an alert is made by the police, consistency between legal provisions and the case at issue is always assessed. The decision on entering the alert is made by the head of the given police office and an internal record of such decision is kept by the office. Given the multifarious cases that may arise, it is difficult to develop a detailed procedure applying to all the individual situations. A few examples of standard practice are reported below: <ul style="list-style-type: none"> - An alert is always entered in the SIS if a missing person is reported, whether underage or not, and the legal preconditions set forth in Article 97 are fulfilled; - A specific alert is entered in the SIS for protection purposes if the information preferred to the police is accompanied by medical records concerning certain mental and/or psychiatric diseases affecting the missing person; - Additional procedures apply to specific cases, e.g. if a child abduction case is reported to the police for which one of the parents and/or another specific person is allegedly liable. Here the alert includes information both on the suspect and on the child.
Hungary	No.
Iceland	Yes. It is a prerequisite for the entering of data that the National Police Commissioner has received a request from a police authority for the entering of data into SIS together with a signed report thereon.
Latvia	Yes. After start of searching case of missing person, the case handler has to create Article 97 alert into the National data base and if it is decided to start international searching of missing person, he has to take a decision regarding international searches and entering similar alert into SIS and send it to SIRENE Bureau of Latvia as well as other supplementary information. Upon receipt of the decision SIRENE Bureau has to validate and accept alert.
Lithuania	Yes. The International search announcement procedure has been regulated by the Order of 16 th July 2003 of the Minister of the Interior of the Republic of Lithuania (a new wording of Order of 26 th June 2007) adopted Instruction for Persons' Search and by the Order of 6 th August 2007 of the Lithuanian Police Commissioner General adopted Description of Procedure Regarding the Alerts on Persons Enforcement and Data Processing. In order to issue the international alert according to Article 97 of the Schengen Convention, the alert initiator

	<p>fills in the established form of request at the Departmental Register of Persons Sought, Unidentified Corpses and Unknown Helpless Persons to issue the international alert in SIS 1+, that is, fills in all necessary areas for the international alert in SIS 1+ (surname and forename, any aliases (if possible, registered separately), any exceptional objective and permanent physical features, first letter of second forename, date and place of birth, sex, nationality (citizenship), whether the person concerned is armed, whether the person concerned is violent, the reason for the alert, actions to be taken) and no later than the following working day by post sends to the SIRENE National unit all search documents, necessary for the issuing of the international alert.</p> <p>The international alerts are confirmed by SIRENE National unit when the national alert has been inserted and after the reception of the request presented by the alert initiator, which contains particulars of the missing person, any specific features and his probable whereabouts. SIRENE National unit checks and examines in a special software application the quality of data presented in the requests for the missing person to be issued for search in SIS 1+. The alert in SIS 1+ is confirmed within the time limit of 24 hours.</p> <p>The alert initiator checks the forwarded request in the Departmental Register of Persons Sought, Unidentified Corpses and Unknown Helpless Persons within the seven days period after the international alert documents were sent, which may be: 1. rejected; 2. confirmed; 3. sending.</p> <p>In cases where the request for the issuing of international alert presented by the alert initiator in the Departmental Register of Persons Sought, Unidentified Corpses and Unknown Helpless Persons is not properly completed or not comprehensive, the SIRENE National unit in such request underlines the reasons for rejecting the request. The alert initiator must correct and properly fill the request for the international alert and to repeatedly refer for inserting the international alert.</p> <p>If the international alert is not confirmed or rejected within seven days period and the request state is in "sending" position, the alert initiator refers to the SIRENE National unit and in such way the reasons for failing to check the alert are found out.</p> <p>Having received the request to confirm the person's sought international alert in SIS 1+, which has already been inserted by the other search initiator both on national and international level, the SIRENE National unit, in comply with the alert priority, decides which alert is to be forwarded to SIS 1+. If the SIRENE National unit makes decision to cancel the inserted alert and replace it by the more significant international alert inserted by other search initiator, on this the alert initiator of the cancellable alert is notified in writing.</p> <p>Having detected a person sought in Lithuania or having received the report on person's whereabouts detection abroad, inserted by SIRENE National unit, the search executor, on whose request the international search has been declared, cancels the national search and fills in the appropriate areas in the Departmental Register of the Persons Sought, Unidentified Corpses and Unknown Helpless Persons. SIRENE National unit reviews the received report in a special software application regarding the suspended search on national level and confirms on the same day that the person's search has been cancelled in SIS 1+.</p>
Luxembourg	No.
Malta	Yes. The information is entered in the National Incident Reporting System (PIRS) by the Police Officer investigating the case. This information is then uploaded in the National Stop List and the investigator may opt to upload the data into NSIS. This request is evaluated by SIRENE Unit personnel and then validated if it satisfies the criteria of Article 97.
The Netherlands	Yes. The Head of the Public Prosecution Service issued extensive NSIS instructions which give a detailed description of the cases in a which a SIS alert is allowed, who makes the decision, who sees to it that the appropriate criteria have been met, and which authorities involved in alert notices are to carry out which tasks. It will be obvious that the division stated under 1 is the starting point for a decision whether or not to issue an alert within the framework of Article 97.
Norway	Yes. The local police will enter the alert in Norway's national police circulation database. In the event that the person is to be the subject of a SIS alert, the alert is forwarded to SIRENE for processing and quality assurance before being entered in the SIS.
Poland	Yes. There is a specific procedure. However, at first it needs to be clearly stressed that the data of persons referred to in Art. 97 of the Schengen Convention are automatically entered by way of replication of national alerts on missing persons from the Police National Information System to SIS data file. This is consistent with the recommendations specified in point 4 volume 2 of the Schengen Catalogue (SIRENE – Recommendations and Best Practices). Specific rules of procedure concerning search for missing persons are provided for in the Regulation no. 352 of 16 July 2003 by the Police Commander in Chief on search for missing persons and procedure in case of disclosing an unidentified person or finding unidentified body as well as in the guidelines constituting an appendix to this Regulation. Furthermore, the principles of data processing in the Police National Information System are set forth in the Decision no. 167 of 19 March 2008 by the Police Commander in Chief on the functioning of the set of central data files making up the Police National Information System as well as in the guidelines constituting an appendix to this Regulation.
Portugal	No. Nevertheless, Sirene Bureau verifies that all requests for an alert are covered by an official proceeding number.
Slovakia	No.
Slovenia	Yes. The procedure is as follows: police or courts contacts SIRENE bureau following standardised procedure which is described in detail in Instructions on issuing arrest warrants, search of people and objects (<i>Navodilo o razpisovanju tiralic, iskanju oseb in predmetov</i>) and in Practical policy regarding Schengen information system (SIS) for SIRENE bureau officials and final users (<i>Praktične usmeritve glede Schengenskega informacijskega sistema (SIS) za delavce Oddelka SIRENE in končne uporabnike</i>).
Spain	No.
Sweden	Yes. The person must be alerted as missing on national level. The Sirene Bureau requests information about who will pay for all costs in case of a hit. This will be kept in the file.
Switzerland	Yes. First of all the competent police has to file a national alert in RIPOL, our national database for searched

persons and objects. After this prerequisite condition, a specific Swiss form containing all necessary information is sent to the SIRENE office, requesting that an alert for a missing person be introduced into the SIS.

3. Is the request of the competent authority or the competent judicial authority a prerequisite for issuing alert pursuant Article 97?

	YES	NO
Austria	x	
Belgium	x	
Czech Republic	x	
Denmark	x	
Estonia	x	
Finland	x	
France	x	
Germany	x	
Greece	x	
Italy ⁶	x	
Hungary	x	
Iceland	x	
Latvia	x	
Lithuania	x	
Luxembourg	x	
Malta	x	
The Netherlands	x	
Norway	x	
Poland		x
Portugal	x	
Slovakia ⁷	x	
Slovenia	x	
Spain		x
Sweden	x	
Switzerland	x	

4. In your country, how many Article 97 alerts have been issued for each of the above cases:

	(a) missing persons	(b) when persons for their own protection need temporarily to be placed under police protection	(c) when persons in order to prevent threats need temporarily to be placed under police protection
Austria	60% - 75%	15% - 30%	0% - 15%
Belgium	75% - 100%	0% - 15%	0% - 15%
Czech Republic	15% - 30%	45% - 60% ⁸	45% - 60%
Denmark	75% - 100%	0% - 15%	0% - 15%
Estonia	60% - 75%	0% - 15%	0% - 15%
Finland	75% - 100%	0% - 15%	0% - 15%
France	0% - 15%	75% - 100% ⁹	-
Germany	45% - 60%	15% - 30%	15% - 30%
Greece	75% - 100%	-	-
Italy ¹⁰	75% - 100%	0% - 15%	0% - 15%
Hungary	no statistics available	no statistics available	no statistics available
Iceland ¹¹	75% - 100%	0% - 15%	0% - 15%
Latvia	75% - 100%	0% - 15%	-

⁶ A distinction should be drawn between two cases:

a. if the decision to enter the alert is made by a judicial authority, the relevant judicial order (which empowers the police to directly enter the data) is a prerequisite for issuing the alert;
b. for the remainder, if no judicial order is issued and/or no judicial order is necessary under the law, it is up to the individual police body that receives the given information to decide on whether an Article 97 alert should be issued (subject to fulfilment of the conditions set forth in the said Article).

⁷ In Slovak Republic inserting of an alert according Article 97 of Schengen convention is decided by judicial and criminal police in the long run.

⁸ These two categories (b) and (c) are not distinguished.

⁹ Insane people, minors runaways, homeland exit prohibitions, people who may have been victim of a crime or an offence, people liable to attempt to their own security.

¹⁰ In Italy: in total there are 5,589 alerts, from them 3,354 - missing adults; 2,495 - missing children; 10 - adults to be placed under police protection.

¹¹ In Iceland, out of 16 Article 97 alerts, one regarded an individual who had been declared incompetent, but left Iceland and was considered to be likely to harm himself. Two alerts regarded minors who left Iceland without their parents' knowledge. Other alerts regard missing individuals, for whom relatives had asked to be searched.

Lithuania	60% - 75%	15% - 30%	0% - 15%
Luxembourg	75% - 100%	-	-
Malta	75% - 100%	0% - 15%	0% - 15%
The Netherlands ¹²	-	-	-
Norway ¹³		15% - 30%	0% - 15%
Poland ¹⁴	-	-	-
Portugal	45% - 60%	30% - 45%	0% - 15%
Slovakia	45% - 60%	15% - 30%	15% - 30%
Slovenia	75% - 100%	0% - 15%	0% - 15%
Spain ¹⁵	75% - 100%	0% - 15%	-
Sweden	60% - 75%	30% - 45%	-
Switzerland	45% - 60%	0% - 15%	0% - 15%

5. What is the procedure in your country concerning the declaration of the person to be missing?

Austria	In Austria the prerequisite for an alert according to Article 97 is a formal report that the person is missing (so called <i>Abgängigkeitsanzeige</i>), which must be made at the police authority, where the missing person had his last known residence. The <i>Abgängigkeitsanzeige</i> requires a description of the missing person (eg. size, appearance, wear), information about the job, circle of friends and a photograph, if possible.
Belgium	In Belgium the police service takes note of the statement and circulates the missing person in the general national police databank. An urgent missing person description is then drawn up and sent to police services concerned and the SIRENE bureau.
Czech Republic	The Police are (according to the police act) entitled to declare a person to be missing. As mentioned above, personal data of such person are stored in a national information system. The Police are competent to public information concerning a missing person if necessary.
Denmark	In Denmark notifications about missing persons are reported to the local police. If the police – after having assessed the information – find, that the conditions for filing an alert are met, they register the person in their case management system (POLSAS). The local police is responsible for the investigation.
Estonia	In Estonia, concerning the declaration of the person missing at first it should be applied to the nearest local police; local police as investigating authority clarifying the circumstances of the case issues a degree for declaring the person missing.
Finland	Notifications about missing persons are reported to police, which makes a formal report after have assessed the circumstances of the case.
France	A person's disappearance is generally noticed to the local police station. The registration on the Searched Persons File/Database (FPR) and SIS is then made by the local scientific police squad.
Germany	In Germany pursuant to Police Service Instruction no. 389, a person shall be considered missing if <ul style="list-style-type: none"> - he or she has left his/her normal sphere of life, - his/her whereabouts are unknown and - there are reasons to assume that he or she is exposed to a risk for life and limb, e. g. that he/she may have become the victim of a crime or accident, that he/she is helpless or has the intention to commit suicide. Minors are always considered missing if they have left their normal sphere of life and their whereabouts are unknown. They are always considered to be exposed to a risk for life and limb unless and until intelligence and investigations prove otherwise. As a rule, persons are reported missing by their relatives. Subsequently, the police cause an alert for the missing person to be entered into the SIS pursuant to Article 97 CIS. The alert must include <i>inter alia</i> the following data: <ul style="list-style-type: none"> - name at birth/family name, - year of birth, - reason for the alert - purpose of the alert (measures to be taken) - cancellation date in cases where the 3 year lifetime of the alert is not to be exhausted.

¹² In the Netherlands, currently, a total of 1,531 Dutch Article 97 alerts are included in the system. It is not possible to discern the categories below by means of a query. An exact answer to this question will only be possible after each alert has been studied separately. It is estimated, however, that the majority of the alerts concerns the category of missing persons; categories (b) and (c) are thought to represent only a small minority.

¹³ Norway has not replied to question no. 4 a) since all Art. 97 alerts apply to missing persons.

¹⁴ In Poland the General Police Headquarters is only able to provide information by division of missing persons registered in SIS into those being of age and under age. This situation results from the national provisions regulating the entry of data in the Police National Information System, where from the data are automatically replicated to SIS. The proportions are as follows:

- missing persons of age – 90%,
- missing persons under age – 10 %.

¹⁵ In Spain, the information concerning the alerts issued for article 97 is as follow:

- i) missing person who is of age: 58, 88 %;
- ii) person who is of age to be placed under police protection : 4, 37 %;
- iii) minor missing: 36,74 %.

	In the event that the intended alert is incompatible with an already existing one, the competent authority will consult SIRENE.
Greece	In Greece the declaration is filled by any Police Department.
Italy	The police office receiving a declaration on a missing person assesses whether the conditions set forth in Article 97 are fulfilled in the specific case; if so, the head of the police office authorises the SIS alert. See the reply to Question A.2 for additional details.
Hungary	In Hungary the fact that someone is missing has to be reported to the police.
Iceland	The police authority in question assesses whether or not a person should be regarded as missing after consultation with the person's relatives.
Latvia	In Latvia the relatives of missing person or authorised person can report about missing person to any branch of State police. If there are grounds to believe that person might left Latvia the case officer has to take decision to enter data into SIS and authorized police officer has to create an alert of missing person into national data base and send it together with supplementary information to SIRENE Bureau of Latvia for validation and acceptance purposes.
Lithuania	<p>In Lithuania the search of missing persons and issuing of the national alerts are regulated by the Order of 16th July 2003 of the Minister of the Interior of the Republic of Lithuania (a new wording of Order of 26th June 2007) adopted Instruction of Persons Search and by the Order of 6th August 2007 of the Lithuanian Police Commissioner General adopted Description of Procedure Regarding the Alerts on Persons Enforcement and Data Processing.</p> <p>The police authority is notified about the missing persons by lodging a statement or a request to detect the missing person's whereabouts. Once the police authority receives such statement or request, the pre-trial investigation is started immediately. To the statement or request may be added the photo of the missing person, description of features and other objects and documents, significant for the search and personal identification. The person on duty at the police unit must without delay enter data of the missing person into the data base of the Departmental Register of Persons Sought, Unidentified Corpses and Unknown Helpless Persons organise examination of the last missing person's place of residence, working place or other location. In order to detect the evidence of criminal actions and identify the situation of the accident and other significant circumstances, the investigation is carried out of the site of the event, of location and premises as well as other related objects.</p> <p>In the Departmental Register of Persons Sought, Unidentified Corpses and Unknown Helpless Persons are placed person's any particular features (if any), photos and entered such initial data:</p> <ol style="list-style-type: none"> 1. person's forename, surname, alias (if any) or any other used forename, surname, personal identification number, if not available – date of birth; 2. the alert issuing institution, date of alert issuing, date of disappearance, reasons for alert, actions to be taken, the category of the person; 3. alert initiator's forename, surname, office telephone number; 4. reasons for alert cancellation. <p>If not all data of the person sought and other information are known, the information is collected additionally and later entered into the data base of the Departmental Register of the Persons Sought, Unidentified Corpses and Unknown Helpless Persons.</p> <p>The alert executor, having established that the data entered into the Departmental Register of the Persons Sought, Unidentified Corpses and Unknown Helpless Persons are incorrect, inaccurate and incomplete, must no later than 1 working day following the day of occurrence of these circumstances rectify the inaccuracies. In case the alert on such person was issued internationally, the alert in SIS 1+ is corrected.</p> <p>In the course of pre-trial investigation on the missing person, the search executors must find out in detail whether the person is missing, or whether his close relatives lost (were deprived of) connection with the person, because he deliberately cut off his contacts with his close relatives and the person is hiding his whereabouts from them.</p> <p>Once the missing person is found or his whereabouts detected, and the interrogation relating to the circumstances of his disappearance is carried out, the person, who presented the statement or request to find the missing person is speedily notified about it in writing. The communication of data on missing person who is of age shall be subject only to the person's consent.</p> <p>If, according to the statement, request or the updating of the facts specified, it becomes clearly obvious that the person is not missing, but owing to certain reasons deliberately abandoned his close relatives or other persons, in comply with the procedure laid down in the Code of Criminal Procedure of the Republic of Lithuania the question to discontinue the initiating of pre-trial investigation is considered. If such circumstances become apparent while starting the pre-trial investigation, pursuing the procedure provided for in the Code of Criminal Procedure of the Republic of Lithuania, the application regarding the discontinuance of the pre-trial investigation is addressed to the Prosecutor.</p>
Luxembourg	In Luxembourg declaration at local Police stations must be filled and forwarded to SIRENE Office which issues an alert.
Malta	In Malta a report is filed either at a Police Station in a district or in a specialised branch. The details are entered in the National Incident Reporting System (PIRS). Then the same procedure to generate an alert in NSIS is adopted. The person is by then declared missing.
The Netherlands	In the Netherlands, the NSIS instructions referred to under 2 and the KLPD's Missing Persons Manual give an extensive description of how to deal with a missing persons report under different circumstances and in different cases, and when such a report may lead to an NSIS alert.
Norway	When the local police receive a missing person report, the person will be declared missing, and an investigation (police file) will be opened.
Poland	In Poland pursuant to the provisions of § 2 of the Guidelines on the Police method of search for missing persons

	and procedure in case of disclosing an unidentified person or finding unidentified body, constituting appendix no. 1 to the Regulation no. 352 of 16 July 2003 by the Police Commander in Chief, Police shall undertake search for a missing person upon receiving information that a person is missing, and the notification of the person to be missing shall be received from the entitled person in each case of receiving such information. According to the provisions of the Regulation the entitled person is: a) the missing person's family member; b) manager of the institution in which the missing person stayed in order to be treated or taken care of; c) other person, who in the submitted notification justifies the suspected commission of crime against life, health or freedom of the missing person or unambiguously indicates the circumstances of the person's disappearance; d) representative of competent consular office, if the missing person is a foreigner. Further provisions of the Guidelines specify in detail the procedure of receiving the notification of the person to be missing and the method and scope of search.
Portugal	In Portugal, when an adult or a minor is missing, the family or the person/institution responsible for him/her reports the disappearance of the person concerned to the law enforcement authorities. It is opened a specific proceeding and the information is transmitted to the Sirene Bureau, by fax, for the introduction of the alert in the SIS.
Slovakia	In Slovak Republic after notification about missing person made by entitled subject, competent office of judicial and criminal police starts searching for mentioned person through the national police information system for missing persons which creates an alert according to Article 97 of Schengen convention in SIS automatically.
Slovenia	In Slovenia there is no specific procedure in the place when a person is declared missing, but there is a special judicial procedure to declare the missing person as deceased which is done in a non-litigious civil procedure. The police deal with each specific case of missing person according to the circumstances of the case (for example: sudden and unexpected absence of a person from person's place of residence, suspicion of person's whereabouts or suspicion that a crime has taken place, person's social and other behavioural patterns are considered) and based on notification from relatives, friends, neighbours etc. There is no general rule applying to all the cases as to when the search begins, for how long a person must be missing for the police to take action, which actions are taken etc.
Spain	In Spain, when somebody is missing (an adult or a minor), his/her family or the person responsible for him/her, must report his/her disappearance to law enforcement authorities (usually, relatives of the missing person address to the local police in order to report his/her missing). It is also possible, but quite rare because of the length of the procedure, that the declaration of the person to be missing can be made to judges.
Sweden	In Sweden there must be a police report at the local police, a national alert must exist before inserting an international one after request from the investigator.
Switzerland	In Switzerland anyone can declare a person missing to the local competent police. Then the police has to file a national alert in RIPOLE and requests the SIRENE office to insert an alert into the SIS.

6. Is there a procedure concerning the communication of data on a missing person who is of age?

If the answer is yes, please explain.

Austria	Yes. In Austria the specific procedure depends on the SIRENE manual and various internal police rules on procedure, in particular the " <i>Fahndungs- und Informationsvorschrift</i> ", abbr. " <i>FIV</i> ".
Belgium	Yes. In Belgium such procedure exists. The data as to the whereabouts may only be communicated with the consent of the person concerned. The magistrate must also be informed of the discovery via the police service that circulated the person in question and determine whether the relatives should be informed (right to privacy of the adult missing person).
Czech Republic	Yes. In a case a missing person who is of age is found, information about his/her whereabouts might be communicated to the subject who made the notification only under consent.
Denmark	Yes. In case of a hit the screen picture will show that the missing person is of age and that the communication of data on the person shall be subject to the person's consent.
Estonia	No. In Estonia, although there is no procedure, but concerning the circumstances of the case the special proceeding may be considered.
Finland	The whereabouts of the person reported missing who is of age shall only be communicated with the consent of the person concerned.
France	Yes. About <u>Search in family's interest</u> (RIF), the localised adult can refuse the communication of any information to his family or a third party. In that case, police authorities will inform the family that this person is alive, but doesn't want to be contacted. About <u>protected adults</u> , police authorities can decide of protection measures, medical tests in particular.
Germany	No.
Greece	Yes. In Greece in the SIS system there is an electronic guidance for any case of a hit. In this particular case, and according to a special Police Order 52/66/1997, the person will be asked if he/she consents to be revealed to those that made the declaration of his/her disappearance. If not the Police just informs if he/she is ok without informing about his/her address or contact details.
Italy	Yes. Pursuant to long-established practice, a missing person of age on which there is a SIS alert is urged, when traced, to get in touch with her family and/or the entity that had reported her to be missing. If the person, once traced, objects to providing her address, the competent police office only informs the reporting entity that the person in question was traced and the alert is subsequently deleted.
Hungary	Yes. The communication of data on the missing person is only possible when the person consents to it. If the person concerned refuses to consent to the communication of his/her whereabouts, only the fact of the hit, i.e. that he/she was found, is communicated.
Iceland	Yes. If relatives ask the police to search for an individual, the police assess whether a search is necessary and decides how extensive the search should be.
Latvia	Yes. In Latvia the relatives of missing person or authorised person can report about missing person to any

	branch of State police. If there are grounds to believe that person might left Latvia the case officer has to take decision to enter data into SIS and authorized police officer has to create an alert of missing person into national data base and send it together with supplementary information to SIRENE Bureau of Latvia for validation and acceptance purposes.
Lithuania	Yes. In Lithuania the search executor upon reception of notification, provided by the SIRENE National unit specifying the detection of person's whereabouts in abroad, when the search was declared on the detection of his whereabouts, resolves the question to discontinue the search and immediately informs the SIRENE National unit of the accepted decision. Commonly, the SIRENE bureau of the state providing the report on detection of person's whereabouts in abroad specifies whether the missing person who is of age agreed to disclose his whereabouts to the person concerned, who reported on that person's missing. If the missing person who is of age is found, for whom the alert has been inserted by the other state, the data concerning his detection are communicated to SIRENE National unit with an implication whether he agreed to disclose his whereabouts to the person concerned, who reported on that person's missing. If a person objects to disclose of his whereabouts, the SIRENE National unit notifies about this to the SIRENE bureau of the state initiating the alert (by the Order of 6 th August 2007 of the Lithuanian Police Commissioner General adopted Description of Procedure Regarding the Alerts on Persons Enforcement and Data Processing).
Luxembourg	No.
Malta	Yes. In Malta, when communicating data on a missing person who is of age, this is always being provided with the consent of the individual.
The Netherlands	Yes. In the Netherlands when communicating data on a missing person who is of age, this is always being provided with the consent of the individual.
Norway	Yes. See replies to 5 and 2.
Poland	Yes. In Poland pursuant to § 15 paragraph 1 item 4 of the Guidelines on the Police method of search for missing persons and procedure in case of disclosing an unidentified person or finding unidentified body constituting appendix no. 1 to the Regulation no. 352 of 16 July 2003 by the Police Commander in Chief, the termination of search and erasure of data on the missing person from the Police National Information System shall take place, when the found missing person, being of age and not incapacitated, does not give consent to disclosure to the entitled person of his/her whereabouts, by making a written declaration according to the model constituting an appendix no. 4 to these Guidelines; a refusal to draw up such declaration shall be documented in a memo.
Portugal	Yes. In Portugal, in case of localization of the missing person, the communication of his/her whereabouts is always subject to the person's will. That consent is provided orally.
Slovakia	Yes. In Slovak Republic if it is necessary to provide abroad with important information about missing persons or persons who, for their own protection (health problems) or in order to prevent threats, need temporarily to be placed under police protection, this information is exchanged by SIRENE bureau, which received request for information from competent authority responsible for searching on national territory. In case when hit on an alert concerning missing person of age occurs, it depends on decision of this person, whether information about his/her whereabouts will be granted to subject who made notification or not.
Slovenia	Yes. In Slovenia there is a specific procedure. This is only taken into account as one of the concrete circumstances in specific case or situation and this affects decision of the police regarding the specific measures taken in such case. Practical aspects of police activities in cases of search of missing persons are defined in two instructing documents in Instructions for investigating cases of missing persons where there is suspicion of crime (<i>Priročnik za preiskovanje primerov pogrešanih oseb, pri katerih je sum o kaznivem dejanju</i>) and in Aide-memoire for search of missing persons (<i>Opomnik za iskanje oseb</i>). In Slovenia - for person of age the measure to be implemented is that such person is asked to give his/her address if he/she wants to. The person of age informs the police of his/her address voluntarily (he/she can choose not to give his/her address).
Spain	No. Nevertheless, when the police finds this missing person who is of age, the police can only communicate data on this person with his/her consent (the person must agree that his/her location can be communicate to his/her relatives).
Sweden	Yes. In Sweden a tick-box on the hit-form to tick off if the person consents to communicate his whereabouts. If he/she does not consent, the Sirene bureau sends a message only to tell that the person is no longer missing.
Switzerland	Yes. In Switzerland the person of age must agree that his location can be communicated. Without agreement the information that the person has been found will only be transmitted to the attention of the SIRENE office that inserted the alert in the SIS.

7. Is there a procedure concerning the entering data on minors in SIS?

Austria	Yes. In Austria the specific procedure depends on the SIRENE manual and various internal police rules on procedure, in particular the " <i>Fahndungs- und Informationsvorschrift</i> ", abbr. " <i>FIV</i> ". A search for a minor can only be initiated of a request of a parent or legal guardian (Section 146b Allgemeines bürgerliches Gesetzbuch, JGS No. 946/1811).
Belgium	Yes. In Belgium minors are automatically inserted in the S.I.S. - the consent of the police service that circulated the person in question is not necessary. At the formal request of that service, the international alert may not be executed (see pt.5 - The police service takes note of the statement and circulates the missing person in the general national police databank. An urgent missing person description is then drawn up and sent to police services concerned and the SIRENE bureau.
Czech Republic	No.
Denmark	Yes. In Denmark the local police districts register a request for an alert in their case management system (POLSAS). The requests are automatically forwarded to the Sirene Bureau which tests the legality and completeness of the alerts. The Sirene Bureau enters the final record in SIS. Alerts are deleted via POLSAS by the police district.

Estonia	Yes. In Estonia, entering the data on minors in SIS a request submitted by a competent authority shall serve as the basis for entry the information; the confirmation concerning covering the costs related to minor's home returning.
Finland	Yes. In Finland an alert on underage person temporarily to be placed under police protection is made when the authority in charge of social welfare asks executive assistance on the basis official decision concerning taking into custody.
France	No.
Germany	Yes. In Germany minors are at any rate considered missing if they have left their normal sphere of life and if their whereabouts are unknown. They are always considered to be exposed to a risk for life and limb unless and until intelligence and investigations prove otherwise. It is the competent authority which causes an alert to be entered into the SIS.
Greece	Yes. In Greece the Department of Public Security applies a specific filter so called "third filter", namely will thoroughly examine the case of a missing minor.
Italy	Yes. The practice applying to data entry is the same regardless of whether the person is underage or not. However, greater care is taken in handling alerts concerning minors and additional arrangements are made – see e.g. the reply to question A.2.
Hungary	No.
Iceland	No. From the answers that the Icelandic DPA received from the National Police Commissioner, it cannot be seen that a special procedure for the entering of data on minors into SIS has been formed. However, the National Police Commissioner states that the entering of data is in accordance with Act on the Schengen Information System in Iceland, No. 16/2000, and the SIRENE Handbook.
Latvia	Yes. In Latvia the same procedure as concerning the declaration of the person to be missing applies.
Lithuania	Yes. In Lithuania this is the same procedure as for the issuing the alert on Article 97.
Luxembourg	No.
Malta	Yes. In Malta the procedure is the same. In certain cases information is checked with the Vice-Squad (which is a specialised branch on minors) in order to assess whether there are any prohibitions or limitations. The Ministry for Social Solidarity may also be contacted in cases of abduction since in Malta, similar matters are considered civil cases and not of a criminal nature. The best interests of minors are always taken into consideration.
The Netherlands	Yes. In the Netherlands, the instructions and manual referred to under question 5 give detailed information on how to deal with missing minors.
Norway	Yes. See items 1, 2 and 5.
Poland	Yes. In Poland this is the same procedure as for the issuing the alert on Article 97.
Portugal	Yes. In Portugal, it is previously checked, by the Sirene Bureau, whether the minor reaches the age of 18 during the next three years. In that case, the alert is entered with a shorter validity, matching the day before the child reaches 18. Then, the necessity of the alert is reviewed (the Sirene Bureau asks the competent authority to state whether the person is still missing and the interest in keeping an alert in the SIS), and it may be introduced a new alert, this time for an adult.
Slovakia	Yes. In Slovak Republic alerts concerning minors are created in the national police information system for wanted persons and then the system automatically generates alerts into SIS in the quality of alerts concern minors (under age). When there is information which can be useful for searching of mentioned minor abroad, office, which is in charge of searching of missing person on national territory, provide our SIRENE bureau with such information and our SIRENE bureau forward it to involved SIRENE bureau abroad.
Slovenia	Yes. In Slovenia the agreement of parents or legal guardian of a minor is necessary before transferring of Art. 97 alert data for minors (in case of adult persons their agreement is necessary for transferring the information from hit in SIS). This is defined also in above mentioned implementing instruction documents. Legal regulations of the criminal procedure apply with regard to the publishing of the photos of the missing persons.
Spain	No. There is no specific procedure concerning the entering data on minors in SIS. Minors are inserted in the SIS once the father or the mother of the minor missed (or the legal person in charge of him/her) reports his/her disappearance to law enforcement authorities (or judges).
Sweden	Yes. In Sweden this is the same procedure as for the issuing the alert on Article 97.
Switzerland	Yes. In Switzerland the same procedure as for missing adults will apply.

8. Is there a specific procedure to check whether an alerted person becomes of age during the alert?

Austria	In Austria alerts for missing minors automatically are converted into alerts for missing adults by the national electronic search database (Elektronisches kriminalpolizeiliches Informationssystem, abbr. EKIS) as soon as the person reaches legal age. This data is automatically transferred into the SIS, which guarantees that SIS alerts are accurate.
Belgium	In Belgium a message of the N.S.I.S. informs the SIRENE bureau when a minor missing person comes of age. The SIRENE bureau then asks the police service that circulated the person if the alert must be maintained. Measures are taken accordingly.
Czech Republic	The national information system announces automatically when a missing person becomes of age (one month ahead).
Denmark	In Denmark, where the cases are periodically reviewed.
Estonia	In Estonia, the alerted underage person if coming of age during the alert will be entered to the system with a date due becoming of age.
Finland	In Finland the SIRENE-office certain officers are in charge to follow regularly alerts made on the basis of Article 97.
France	About minors' runaways and homeland exit prohibitions concerning minors, the procedure ends when the person becomes of age. Once this age reached, the procedure is cancelled.

Germany	In Germany pursuant to Police Service Instruction no. 389, cases of missing persons are subject to regular review. In the case of alerts for minors, the search ends once the person comes of age. When the person reaches full age, the competent authority decides whether or not to place an SIS alert for a missing adult.
Greece	In Greece the system SIS will notify a month earlier the user and then the police official will examine whether the alert will remain in the system. If yes the code will be changed from minor to adult.
Italy	Yes. The SDI/WEB portal makes available a procedure that enables the offices entering an alert to receive a warning at the time the alerted person becomes of age in order to update the alert in question.
Hungary	In Hungary it is the responsibility of the person who ordered the entering of the alert to notify that the alerted person becomes of age.
Iceland	From the answers received from the National Police Commissioner, it seems that a specific procedure has not been formed in this regard.
Latvia	In Latvia there is no specific procedure to check whether an alerted person becomes of age during the alert.
Lithuania	In Lithuania there is no specific procedure to check whether an alerted person becomes of age during the alert.
Luxembourg	In Luxembourg this is done by comparison checks whether missing minors become of age.
Malta	In Malta alerts generated are checked periodically and in particular upon entering a particular alert where a person is 17 and therefore will in a matter of months attain the age of majority. The information is updated accordingly. When alerts are generated by other Schengen States the communication of data on a person who has attained the age of majority is then only provided with the consent of such individual.
The Netherlands	In the Netherlands, one month before the minor who is the subject of an alert becomes an adult, the CSIS sends a notification (the so-called M-form). Sirene Netherlands sends this form to the authorities who issued the alert and the latter undertakes the necessary action.
Norway	In SIRENE's electronic case flow system, a check date can be entered, so that the case information will automatically be updated and acted upon when the subject comes of age.
Poland	In Poland there is no specific procedure to check whether an alerted person becomes of age during the alert. In the opinion of the Polish General Police Headquarters, there is no need to establish such a procedure. Only in case when the missing person is found measures shall be undertaken in relation to her/him in accordance with her/his age, state of health and sanity at the moment of being found. The legislations of the Schengen States may vary in determining the age at what a person becomes of age by law. Moreover, pursuant to Art. 104 paragraph 3 of the Schengen Convention the national law of the requested Contracting Party performing the action shall apply to actions which shall be undertaken in relation to a person or object registered in SIS in accordance with the request specified in the alert.
Portugal	See answer No. 7
Slovakia	In Slovak Republic check of alerts according to Article 97 is made automatically through the use of national police system, which inspects, whether missing person is of age or underage and subsequently it sets action to be taken in case of hit automatically.
Slovenia	In Slovenia there is no specific procedure to check whether an alerted person becomes of age during the alert.
Spain	In Spain there is no specific procedure to check whether an alerted person becomes of age during the alert. Nevertheless, the SIS system informs the SIRENE Bureau when a minor missing person becomes an adult and this situation is automatically up to date.
Sweden	The answer of Sweden is not clear. Not at the Sirene bureau.
Switzerland	In Switzerland when the missing persons become of age, the data in SIS will be checked and either updated to the new situation or deleted if necessary.

B. CONTENT OF THE FILE

1. Is there a file at the SIRENE bureau?

Austria	Yes.
Belgium	Yes.
Czech Republic	Yes.
Denmark	Yes. In Denmark the Sirene Bureau will file a copy of court decisions, medical details etc. when it is considered to be relevant, for example in cases concerning minors. The Sirene Bureau has access to the relevant files issued by the police districts through the police case management system.
Estonia	Yes.
Finland	Yes.
France	No.
Germany	Yes. In Germany only in cases where an alert under Article 97 CIS is accompanied by important additional information such as medical data or in case of a hit will the available information be archived in a file at the German SIRENE bureau.
Greece	No.
Italy	No. The SIRENE Bureau creates a file that is kept at the computerised filing system of the Central Criminal Police Directorate whenever an alert gives rise to correspondence, either because of a Hit or following an exchange of information. There is no dedicated filing system at the SIRENE Bureau.
Hungary	Yes. In Hungary the file will be at the SIRENE bureau after a hit.
Iceland	Yes.
Latvia	Yes. In Latvia SIRENE Bureau of Latvia keeps only decision about of data which is entered into SIS and supplementary information if there is any.
Lithuania	Yes.
Luxembourg	Yes.

Malta	Yes. In Malta a file is being opened only in cases of foreign hits.
The Netherlands	No.
Norway	Yes.
Poland	No, with the reservation of the right of the SIRENE bureau to access the contents of the alert processed in SIS. The case shall be initiated in the SIRENE bureau only at the moment when the need arises for international exchange of complementary information between SIRENE bureaus in connection with the processing of the alert in SIS or in connection with a hit.
Portugal	Yes.
Slovakia	Yes.
Slovenia	Yes. In Slovenia there is a special file for each alert which has been issued by Slovenia.
Spain	No.
Sweden	Yes.
Switzerland	Yes.

1a. Whether there is a periodic review as to the necessity of the storage of the transmitted information on the medical details on the individuals?

Austria	Yes.
Belgium	Yes.
Czech Republic	Yes. A general obligation for check of necessity of all personal data processed by the Police applies (the Police are obliged to process personal data for necessary period only and review the necessity each 3 year at least).
Denmark	Yes.
Estonia	Yes.
Finland	No.
France	No.
Germany	Yes. In Germany, pursuant to Police Service Instruction no. 389, cases of missing persons are subject to regular review. The competent police authority shall in particular ensure that the alert is cancelled once the case is solved. Any available information concerning the medication for a particular person shall be stored only as long as necessary for the intended purpose. Article 112 a paragraph 2 of the CIS notwithstanding, the documents are as a rule and pursuant to Article 112 a paragraph 1 of the CIS destroyed no later than one year after the cancellation of the alert from the SIS.
Greece	No.
Italy	No, because this information is only known in full to the peripheral police office that holds the relevant data - including the paper records with the medical details/certifications - and has accordingly entered the alert in the SIS. Any sensitive data on the person's health when transmitted via a SIRENE channel is handled exactly like the file kept at the computerised filing system of the Central Criminal Police Directorate.
Hungary	Yes.
Iceland	No.
Latvia	No.
Lithuania	No.
Luxembourg	No
Malta	Yes. No physical files are opened containing medical details. This information is also immediately deleted from SIS once the matter is resolved.
The Netherlands	No.
Norway	No. None other than what is statutory (3 years).
Poland	No. There is no special procedure for this type of information. General rules shall apply in this case. The periods of handling a search case by the Police unit carrying out search activities in connection with notification of a person to be missing were specified in detail in § 16 of the Guidelines on the Police method of search for missing persons and procedure in case of disclosing an unidentified person or finding unidentified body constituting appendix no. 1 to the Regulation no. 352 of 16 July 2003 by the Police Commander in Chief. Whereas, the rules regarding storage of information by the SIRENE bureau are the same as for the remaining organisational units and divisions of the Police and were set forth in the Regulation no. 45 of 20 May 2008 by the Minister of Internal Affairs and Administration as regards handling archival materials and non-archival documentation in separated archives subject to or monitored by the Ministry of Internal Affairs and Administration, the Regulation (adopted on the basis of the latter) no. 920 of 11 September 2008 by the Police Commander in Chief as regards the methods and forms of performing tasks related to archival activity in the Police, as well as the Regulation no. 5 of 2 February 2001 by the Police Commander in Chief as regards the methods and forms of chancellery work in the General Police Headquarters, Higher Police School and police schools. These provisions lay down the rules regarding the review as to the necessity of further data processing. Furthermore, on the basis of the special provisions to documentation of the SIRENE bureau the provisions of Art. 112A and 113A of the Schengen Convention shall apply directly.
Portugal	No. In Portugal, the Sirene Bureau underlined that it is really important to have this information, because if the person is located it could be necessary to give him/her immediate and specific medical assistance, in particular, medicines to be taken.
Slovakia	No.
Slovenia	No. So far in Slovenia there has not been any case which would include storage of medical details. According to the opinion of the Slovene SIRENE bureau this might however cause problems as the procedure on transmission of medical details from health care institution would need to be specified in more detail.
Spain	No.

Sweden	Yes.
Switzerland	Yes.

1b. Whether the obligation for periodic review is laid down in an official policy document?

Austria	No.
Belgium	Yes.
Czech Republic	Yes. The obligation is laid down in the police act and in internal rules as well.
Denmark	No.
Estonia	No.
Finland	No.
France	No.
Germany	Yes. In Germany the relevant regulation governing the periodic review of SIS-alerts under Article 97 CIS is the Police Service Instruction no. 389 on Missing Persons, Unidentified Bodies, Unidentified Helpless Persons.
Greece	Yes.
Italy	No.
Hungary	No.
Iceland	No.
Latvia	Yes. In Latvia the obligation for periodic review is laid down in the SIS operational law.
Lithuania	No.
Luxembourg	No.
Malta	Yes. Sirene Manual and Schengen Convention are being used as a basis. However, there are also Police Regulations and internal rules which require periodic audits to be carried out.
The Netherlands	No.
Norway	-
Poland	No. The rules regarding the review as to the necessity of further data processing were clearly defined in the provisions referred to in the answer 1(a).
Portugal	No. In Portugal, however, when the systems “alerts” the end of the storage period of the alert, the Sirene Bureau asks the competent authority, which decided the introduction of the alert, to state within 10 days, whether it is still interested in keeping the alert and reminding that any eventual prorogation can only be done if the purposes are the same. Sirene Bureau also advises that the alert will be deleted, in case no reply is given. This exchange of correspondence is done through specific forms, developed by the Sirene Bureau and distributed to the competent authorities. Though this cannot be considered official policy, in practise there are official documents to make this procedure.
Slovakia	No.
Slovenia	Yes. In Slovenia, the review procedure is similar as in other documents. Each alert is reviewed and followed up by SIRENE bureau when changes of data, circumstances occur.
Spain	No.
Sweden	No.
Switzerland	Yes.

1 c. Which authorities in your country have access to SIS Article 97?

Austria	All police authorities.
Belgium	The federal and local police service as well as the magistrates.
Czech Republic	The Police and Customs authorities have direct access.
Denmark	The Danish Police Force. (The Danish Police is organised with a central unit – The National Police – and 14 local police districts and have the responsibility for the border control.)
Estonia	The access have: police authorities for exercising police control through the police information system; border guard authorities for exercising police and border control through the SISone4ALL information system or the border guard information system; Tax and Customs Board for existing police and customs control through the police information system; Security Police Board for existing police control through the SISone4ALL information system.
Finland	Police, border control and customs.
France	The SIRENE office and any judicial or administrative authority allowed to consult the Searched Persons File/Database (FPR).
Germany	In Germany access to Article 97 CIS is granted to the police forces of the Federation and of the federal states and to the main customs offices to the extent that they fulfil border control functions.
Greece	In Greece the access have police and coast guard authorities.
Italy	All police authorities.
Hungary	In Hungary the police, public prosecutors, courts, investigation units of the Customs and Finance Guard.
Iceland	The National Prosecutor and the Police have access to data so that they can be used for border control and law enforcement according to Act on the Schengen Information System in Iceland, No. 16/2000, cf. Articles 6-8 of that Act, which correspond to provisions in Articles 94-100 in the Schengen Agreement.
Latvia	In Latvia the access is given to: State Police; Security Police; Financial Police; Criminal investigation department of Customs; the Corruption Prevention and Combating Bureau; State Border guard; Office of Citizenship and Migration Affairs; Military Police; Prosecution Office; Law -Court; Latvian Prison Administration; Constitutional Security Bureau.
Lithuania	In Lithuania, in conformity with the Regulations of the Lithuanian National Schengen Information System,

	approved by the Order of 17 th September 2007 of the Minister of the Interior of the Republic of Lithuania, the right of access to data concerning the alerts of Article 97 of Schengen Convention, processed by the National Schengen Information System are entitled: Police Department, specialised and territorial police institutions, State Border Guard Service and its structural units, Migration Department, Customs Criminal Service and territorial customs offices, Courts of the Republic of Lithuania, Prosecutor General's Office of the Republic of Lithuania and territorial prosecutor's offices. At present, the direct access to the Lithuanian National Schengen Information System have Police Department, specialised and territorial police institutions, State Border Guard Service and its structural units, Migration Department. After the performed inspections of logs on control of data review records regarding the receiving of data related to alerts of Article 97 of Schengen Convention, it turned out that only Police Department, specialised and territorial police institutions, State Border Guard Service and its structural units perform searches on receiving of data related to alerts of the Article 97 of Schengen Convention. For the present Customs Criminal Service and its territorial customs offices have no right of direct access to National Schengen Information System, as the Data disclosure agreement is under coordination. The Courts of the Republic of Lithuania and also Prosecutor General's Office of the Republic of Lithuania and territorial prosecutor's offices have no direct access to the National Schengen Information System and no requests (queries) of the said institutions were received for obtaining the data related to the alerts of Article 97 of Schengen Convention.
Luxembourg	The police and customs have an access.
Malta	In Malta SIRENE Unit personnel have direct access, while Police stations in districts and special branches may have indirect access on a hit-no-hit basis.
The Netherlands	Police Forces - Royal Netherlands Marechaussee - National Police Internal Investigation Department - Departmental Intelligence and Investigation Services (Ministry of Finance, Ministry of Social Affairs) - Public Prosecutor via IRC (Centre for International Assistance) - Customs - Ministry of Foreign Affairs - Immigration and Naturalisation Service
Norway	The police and border control officers with limited police powers.
Poland	In Poland pursuant to Art. 4 paragraph 1 item 5 of the Act of 24 August 2007 on the participation of the Republic of Poland in the Schengen Information System and Visa Information System Police the institutions which are entitled to have direct access to SIS data on the missing persons or persons who for their protection or in order to prevent the threats caused by them shall be sent to a proper care or health centre include: Border Guard, Customs Service, Police, Internal Security Agency, Military Police, Central Anticorruption Bureau, fiscal control authorities, courts and public prosecutor's offices.
Portugal	In Portugal, (online) access is granted to some law enforcement authorities (Aliens and Borders Office, Security Police Force, Republican National Guard and Criminal Police).
Slovakia	In Slovak Republic the following institutions have access: Ministry of Interior; Ministry of Justice; Ministry of Foreign Affairs; Court; Prosecution; Railway police; Customs administration.
Slovenia	At the moment in Slovenia only police has access and in future also the courts will have access. Interest has been expressed that access to SIS would be useful for administrative units dealing with notification of residence and issuing of documents.
Spain	SIRENE Bureau personnel have direct access (although there are different level of access depending on the responsibilities of the personnel) and law enforcement authorities which have indirect access.
Sweden	The police and customs have an access.
Switzerland	In Switzerland the access have police, judicial authorities, and border guard corps.

2. Are any additional procedures that are applied concerning the checking of the data under Article 97 alerts?

Austria	No.
Belgium	No.
Czech Republic	No.
Denmark	No.
Estonia	No.
Finland	No.
France	No. France has an automatic file cancellation system when the alert reaches the end of the validity period, or when the person is found. In that last case, the authorities whom entered the alert are informed and cancel this alert.
Germany	No.
Greece	Yes. In Greece additional procedures are applied concerning the checking of the data under Article 97 alerts according the instructions of the SIRENE Manual.
Italy	Yes. If there is an exchange of correspondence concerning an alert, the SIRENE operator performs an additional check on the quality of the data at issue.
Hungary	No.
Iceland	No, not applicable.
Latvia	Yes. In Latvia SIRENE Bureau of Latvia has to check data quality of an alert, if data are not correct SIRENE Bureau of Latvia must inform the responsible Police Division for correction.
Lithuania	No.
Luxembourg	No.
Malta	Yes. In Malta the information is checked in the National Incident Reporting System (PIRS) against an alert even

	for possible technical problems which may occur in transmitting the information since the data is being uploaded from PIRS to NSL and in the cases of Article 97 alert to NSIS. Therefore there is an initial review and follow-up of the information uploaded.
The Netherlands	No.
Norway	No.
Poland	No.
Portugal	No.
Slovakia	No.
Slovenia	No.
Spain	No.
Sweden	No.
Switzerland	No.