



EMN Ad-Hoc Query on Biometric information for legal migration cases

Requested by Marie BENGTTSSON on 30th May 2017

Miscellaneous

Responses from Austria, Belgium, Bulgaria, Croatia, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovak Republic, Spain, Sweden, United Kingdom (21 in total)

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

Background information:


The Swedish Migration Agency is investigating the possibility of expanding the use of biometric information for legal migration cases. They would like to ask about the practice in other Member States regarding the retention and usage of such data.




Questions



1. 1. Do you store biometric data from legal migration cases (i.e. work, family, study) in a national database or in the chip of the residence permit card only?
2. 2. Is the biometric data captured at the embassy or upon arrival in the MS, before or after a decision has been reached?
3. 3. For what purposes are your national authorities allowed to access the data?
4. 4. If you are permitted to store and use biometric data from legal migration cases what is your legal basis (please provide a link or an excerpt of the legislation)?

Responses

| | Country | Wide r Disse minat ion | Response |
|---|----------------|---|---|
|  | Austria | No | |
|  | Belgium | Yes | <ol style="list-style-type: none">1. Belgium does not take fingerprints in the framework of an application for a visa D, with the exception of the fingerprints of African students who submit their application in a Belgian diplomatic or consular post in Africa. These data are stored in a national database (“AFIS”).2. These data are taken in the Belgian diplomatic or consular posts (at the embassy) on the moment of the visa application. |

| | | | |
|---|----------|-----|--|
| | | | <p>3. The Law determines for what purposes national authorities can make use of the data (article 30bis, paragraph 4 of the Belgian Immigration Act, see question 4 below): - To identify a person or to verify the identity of a person; - To examine if the person is a danger for public order and national security; - To respect European obligations.</p> <p>4. Legal basis: - Article 30bis of the Belgian Immigration Act (Law of 15 December 1980 regarding the entry, residence, settlement and removal of foreign nationals) authorizes to take a photograph and digital fingerprints of a person when he or she applies for a long stay, whether the application is issued from abroad or from the Belgian territory (The Belgian Immigration Act is available online in French on https://dofi.ibz.be/sites/dvzoe/FR/Documents/19801215_F.pdf) - The Executive Decree (Royal Decree) of 21 April 2007 determines a delay of 10 years, during which the data can be stored (text available in French on: http://www.ejustice.just.fgov.be/doc/rech_n.htm) - Council Regulation (EC) No 1030/2002 — uniform format for residence permits for non-EU country nationals. (text available on: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32002R1030)</p> |
|  | Bulgaria | Yes | <p>1. According to BULGARIAN PERSONAL DOCUMENTS ACT biometric data are the image of the citizen's face and his fingerprints, which are used for identification and verification of the requested identity. Such data are stored in a national automated information fund for Bulgarian personal documents - the "National register of the Bulgarian personal documents" and in the chip of the residence permit.</p> <p>2. The taking of the face photo and fingerprints of the citizen shall take place after receiving a right of residence and upon submission of an application for a residence permit. The Legal Migration and Bulgarian Citizenship Department within Migration Directorate – Ministry of Interior has access only to the person's photo after obtaining a right of residence and after filing the application for a residence permit.</p> <p>3. According to BULGARIAN PERSONAL DOCUMENTS ACT, Art. 69 (1) The administrative bodies issuing the Bulgarian personal documents shall use the data kept in the informational funds for administrative services of the population. (2) Admitted shall be the use of data from the informational funds by an order established by a law in case of threat for the national security, for discovering, prevention and interruption of crime, as well as in case of violation of the public peace.</p> |

| | | | |
|---|----------------|-----|---|
| | | | <p>4. The collection of this information is regulated in the Bulgarian Personal Documents Act. http://www.lex.bg/laws/ldoc/2134424576</p> |
|  | Croatia | No | |
|  | Czech Republic | Yes | <p>1. In cases which are defined by the law, the Czech Republic issues the card which includes the chip with biometric data. Once the document is handed over, the biometric data is stored in the database, for their possible use in the future.</p> <p>2. After reaching a positive decision.</p> <p>3. Biometric features are taken to verify the authenticity of the residence permit or the identity of the asylum seeker (Act No. 325/1999 Coll., On Asylum) and to verify the authenticity of the residence card or identity (Act No. 326/1999 Coll., On Residence of Foreign Nationals in the Territory of the Czech Republic).</p> <p>4. It is based on the following acts: - Act No. 325/1999 Coll., on Asylum and the Amendment of Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended (the Asylum Act). - Act No. 326/1999 Coll., on Residence of Foreign Nationals in the Czech Republic and on Amendments to Certain Acts.</p> |
|  | Estonia | Yes | <p>1. Yes, biometric data is also stored in a national database (Register of residence and work permits).</p> <p>2. Biometric data may be captured at the embassy during visa application or is captured by Police and Border Guard Board officials during the proceedings of residence permits.</p> <p>3. National authorities are allowed to access the data stored in the register for purposes stated in Article 38 of the Regulation of the register of residence and work permits. The authorized officials of Police and Border Guard Board are allowed to access the data for performing their work related duties.</p> <p>4. According to the Aliens Act, Article 228 (1), the register of residence and work permits is a database established by the Government of the Republic of Estonia. Furthermore, the minister responsible for the area shall establish by a regulation the statutes for maintenance of the database. Aliens Act, Article 228 (in English):</p> |



| | | | |
|---|---------|-----|--|
| | | | <p>https://www.riigiteataja.ee/en/eli/513032017005/consolide Regulation of the register of residence and work permits (in Estonian): https://www.riigiteataja.ee/akt/114012017020?leiaKehtiv</p> |
|  | Finland | Yes | <p>1. In Finland the fingerprints are recorded in the card as well as in a central database.</p> <p>2. Principally, a first residence permit shall be applied for abroad before entering Finland. Biometric identifiers are taken at the embassy at the same time as the application is made. If the application is made online, the applicant has to visit the embassy to verify his/her identity. Biometric identifiers are, however, taken in Finland from those applicants who are entitled by law to apply for the first residence permit in Finland after having entered the country with visa/visa free. This exception mainly concerns the family members of Finnish citizens.</p> <p>3. Fingerprint data may be used by the Finnish Immigration Service, the police, the border control authorities as well as Finnish embassies. Fingerprint data may be used exclusively for the purposes of verifying the authenticity of the residence permit card and the identity of the holder of the residence permit, as well as for the purposes of the processing, issue of decisions on and supervision of matters concerning aliens' entry into and departure from the country and their residence and employment, and the protection of national security. Furthermore, the police may use the fingerprint data in case it is necessary in connection with severe accidents and for identifying victims. The data captured for comparison purposes may only be used for the duration of the comparison and must be destroyed immediately thereafter.</p> <p>4. Section 3b of the Act on the Register of Aliens applies to the use and comparison of the fingerprint data recorded in the sub-register of applications associated with the Register of Aliens. In Swedish http://www.finlex.fi/sv/laki/ajantasa/1997/19971270 Also the Aliens Act includes sections on the registering and comparing biometric identifiers (60 d§ and 60 d§). Aliens Act in Swedish: http://www.finlex.fi/sv/laki/ajantasa/2004/20040301</p> |
|  | France | Yes | <p>1. Regarding an application for a visa at a consulate outside French territory, applicant's personal data are collected in a national database called "VISABIO". Consular services collect the applicant's alphanumeric and biometric data (photography and fingerprints of the ten fingers of the applicant). Regarding an application for a residence permit at an administrative authority in France (prefecture), applicant's personal data are collected in a national database called "AGEDREF". Prefectures in charge of the application store the applicant's biometric data once the application is</p> |


accepted (photography and fingerprints of the ten fingers of the applicant). The current system does not allow the storage of the fingerprints for applicants who have not obtained a residence permit. In this case, only the alphanumeric data are stored in the “AGEDREF” database. The chip of the issued residence permit also includes the fingerprints of two fingers and a photography. This system was implemented in order to comply with Council Regulation (EC) 380/2008 of 18 April 2008 amending Regulation (EC) No 1030/2002 establishing a uniform format for residence permits for TCNs.



2. Regarding an application for a visa at the consulate, consular services examine the identity of the applicant by collecting its alphanumeric and biometric data before the decision of granting the visa. Regarding an application for a residence permit at a prefecture in France, the current system does not allow the storage of fingerprints of applicants who have not been granted a residence permit. In case of a refusal decision for an applicant, only its alphanumeric data remain stored in the AGEDREF database.


3. Regarding the VISABIO database storing the data relating to visa applicants, the data are accessible to: - The Ministry of Foreign Affairs, the consular authorities and agents of the prefectures in charge of the issuance of residence permits and visas; - Police and military officers in operations of checking the authenticity of visas and the regularity of the stay and during the return process; - Customs officers in the framework of borders inspection missions; - Agents of the French Office of Immigration and Integration (OFII) in charge of admission procedures to ensure that the TCN is the legitimate holder of the visa. Regarding the AGEDREF database storing information relating to residence permits, the data are accessible to prefectures, agents of the Ministry of the Interior, consulates, police and gendarmerie officers, managers of detention facilities, the border police, the OFII and the French Office for the Protection of Refugees and Stateless Persons (OFPRA). These authorities have access to these data in order to ensure the processing of TCN applications and the issuance of residence permits, to fight against illegal entry and stay of TCNs, to manage various stages of the migration procedure and to produce statistics.



4. These national databases are based on two articles from the Code on Entry and Residence of Foreign nationals and Right of Asylum (CESEDA): Article L. 611-6 of the CESEDA: In order to better guarantee the legal residence of TCNs and to fight against illegal entry and residence of TCNs in France, fingerprints and a photography of TCNs who apply for a visa at consulates or at the external border of the States parties to the Schengen Convention may be stored, under the conditions set in the law n ° 78-17 of 6 January 1978. This storage is compulsory if a visa is issued. Article R.


| | | | |
|--|---------|-----|---|
| | | | 611-1 of the CESEDA: The creation of an automated data processing called AGDREF is legal. The purpose of this database is to guarantee the right of residence of TCNs and to fight against illegal entry and stay in France. |
|  | Germany | Yes | <p>1. The photographs of third country nationals who have migrated lawfully are stored in the Central Register of Foreigners and on the chip of electronic residence permits. Section 3 subsection 1 of the Central Register of Foreigners Act (Ausländerzentralregistergesetz) and Section 78 of the Residence Act (Aufenthaltsgesetz) provide the legal basis for doing so. Fingerprints are stored in a separate AFIS (Automated Fingerprint Identification System) database at the Federal Criminal Police Office. Please see also the attached Flyer.</p> <p>2. Biometric data is collected both within the framework of the visa procedure and when an application is filed for a residence permit. However, data is only collected within the framework of the visa procedure for the purpose of checking the person's details. The data is only stored permanently in the Central Register of Foreigners and at the Federal Criminal Police Office once the third country national has filed an application for a residence permit at the foreigners authority.</p> <p>3. German authorities are allowed to access the data held in the Central Register of Foreigners for residence-related and asylum-related purposes.</p> <p>4. See answer to question 1.</p> |
|  | Hungary | Yes | <p>1. According to the Paragraph i) of Subsection (1) of Section 96 of the Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals (hereinafter RRTN) the immigration authority shall process the following data of third-country nationals in connection with applications for residence permits and the residence permits issued: facial images and fingerprint images taken in accordance with Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals and Council Regulation (EC) No. 380/2008 of 18 April 2008 amending Regulation (EC) No. 1030/2002 laying down a uniform format for residence permits for third-country nationals. According to the Paragraph a) of Subsection (5) of Section 181/B of the Government Decree 114/2007 (V. 24.) on the Implementation of the RRTN (hereinafter Government Decree) in connection with the issue of local border traffic permits and residence permits, interim permanent residence permits, national permanent residence permits, and EC permanent residence permits, and with the exchange or replacement of permanent residence permits or immigration permits the Office shall carry out the personalization of local border traffic permits, residence permits, interim</p> |


| | | | |
|---|-------|-----|---|
| | | | <p>permanent residence permits, national permanent residence permits, and EC permanent residence permits, as well as permanent residence permits or immigration permits and the loading of data into the storage medium containing biometric identifiers (hereinafter referred to as “storage medium”). According to Subsection (3) of Section 96 of the RRTN the immigration authority shall be allowed to process the data referred to in Paragraph j) of Subsection (1) insofar as the binding and enforceable decision is adopted relating to the application for residence permit, or until the humanitarian residence permit specified in Paragraphs a)-b) and d)-f) of Subsection (1) and in Subsection (1a) of Section 29 is issued, after which the data in question must be deleted immediately. According to the above-mentioned the biometric data is stored in the chip of the residence permit card.</p> <p>2. According to the Subsection (2) of Section 181/B of the Government Decree in connection with residence permit applications, the biometric identifiers specified in Paragraph j) of Subsection (1) of Section 96 of the RRTN shall be recorded by the consulate officer if the application is submitted at a foreign mission, and by the regional directorate if submitted in the territory of Hungary.</p> <p>3. According to the Subsection (10) of Section 181/B of the Government Decree third-country nationals holding local border traffic permits, residence permits, interim permanent residence permits, national permanent residence permits, and EC permanent residence permits, or permanent residence permits or immigration permits may request the regional directorate at any time to check the data on the storage medium containing biometric data during the document’s period of validity.</p> <p>4. The Immigration and Asylum Office is allowed to process the biometric data according to above-mentioned Subsection (3) of Section 96 of the RRTN but cannot store or use this kind of data from legal migration cases.</p> |
|  | Italy | Yes | <p>1. In Italy there is an obligation to detect and record fingerprints (photodactyloscopic surveys) of immigrants when they require the release or renewal of the residence permit. The responsible body is the Police Headquarter (Questura), after the appointment after the application for a residence permit. Photodynamic surveys are stored in the national residence permit database.</p> <p>2. Detection of fingerprints is carried out in Italy when the person requests or renews the residence permit in the Police Headquarter (Questura).</p> |

| | | | |
|--|--------|-----|--|
| | | | <p>3. The database has been created with the purpose to allow national authorities to monitor the migration scenario and to promptly react in case of public security dangers.</p> <p>4. The legal basis is art. 5 of Legislative Decree 286/1998; the link to the Decree.: http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=1998-08-18&atto.codiceRedazionale=098G0348&queryString=%3FmeseProvvedimento%3D%26formType%3Dricerca_semplice%26numeroArticolo%3D%26numeroProvvedimento%3D286%26testo%3D%26annoProvvedimento%3D1998%26giornoProvvedimento%3D&currentPage=1</p> |
|   | Latvia | Yes | <p>1. The biometric data is stored in the Biometric Data Information System.</p> <p>2. The biometric data is captured upon arrival in Latvia, embassies are not entitled to gather this data. Sometimes, if documents for obtaining a residence permit are submitted in the territory of Latvia, the biometric data can be submitted simultaneously with residence permit application. In case of negative decision, the biometric data would be deleted from the system.</p> <p>3. According to the Article 13 of Biometric Data Processing System Law, the data can be used to ensure: 1) prevention of the use of another person's identity; 2) verification of the identity of the person in the process of issue of personal identification documents, and also in the process of issue of other documents referred to in this Law or figuring out of the person's identity in the process of issue of personal identification documents; 3) determination of the identity of the person during intelligence, counter-intelligence, operative activity, and also during analysis of the obtained information; 4) prevention of criminal offences and other infringements of the law; 5) detection of criminal offences and search of persons who have committed a criminal offence; 6) verification of the identity of detained, suspected, accused and convicted persons; 7) verification of the identity of the person, when carrying out border check of persons; 8) verification of the identity of the person when carrying out the control of conditions for residing of foreigners; 9) verification of the identity of asylum seekers; 10) biometric identification of non-identified dead bodies (comparison of a sample with all biometric data samples included in the Biometric Data Processing System in order to find out match with one of the biometric data samples included in the Biometric Data Processing System and, if such match is established, in order to find out the identity if the owner of a sample to be compared); 11) searching of missing persons; 12) verification of the identity of the person, when providing a public service to the person, for the provision of which in accordance with the requirements of the laws and regulations it is necessary to carry out verification of the identity of the person. The verification above-mentioned in this Paragraph, when comparing data of the person whom the</p> |




| | | | |
|---|-----------|-----|--|
| | | | <p>service is provided, with the data of this person already accumulated in the Biometric Data Processing System, shall be carried out only upon consent by the person; 13) determination of the identity of the person, if it is necessary for the provision of emergency medical care.</p> <p>4. The residence permit, according to the Personal Identification Documents Law, section 5 (http://vvc.gov.lv/export/sites/default/docs/LRTA/Likumi/Personal_Identification_Documents_Law.pdf), is the personal identification document. Biometric Data Processing System Law, Section 5 stipulates what kind of data shall be stored in this system: “The data obtained from the following sources shall be included in the Biometric Data Processing System: 1) when issuing personal identification documents; 2) (...)”.</p> |
|  | Lithuania | Yes | <p>1. Yes, in both. Fingerprints are stored in the Population Registry Department of the Republic of Lithuania and electronically incorporated into a residence permit or a residence card of a family member of a Union citizen.</p> <p>2. Photographs (facial image) and fingerprints – are usually captured in the territory of Lithuania, when the decision to issue the residence permit is approved. If person requests, the biometric data can be captured before the decision has been reached.</p> <p>3. According to Article 11(5) of the Law of the Republic of Lithuania on the Population Register, Lithuanian resident’s registry data – photograph (facial image) and fingerprints – can be accessed by the Law Enforcement institutions, Country's Intelligence and by the agencies issuing identity documents. Photographs and signatures for issuing legal documents are provided only with person’s consent. Photographs are provided to financial institutions of those individuals for whom it is planned to provide financial services related to risk taking. Photographs are also provided to health care institutions to confirm and (or) determine patient’s identity, as well as, notaries and bailiffs – to perform functions that are provided by law, when it is needed as means for additional person’s identification.</p> <p>4. According to Articles 24(2), 99(2) and 104(6) of the Law of the Republic of Lithuania on the Legal Status of Aliens, biometric identifiers (the facial image and two fingerprints) of an alien and of the family member of the citizen of the EU Member State who is not citizen of an EU Member State shall be electronically incorporated into a residence permit and residence card of a family member of a Union citizen to confirm the alien’s identity, with the exception of the cases provided for in Regulation (EC) No 1030/2002. The Law of Republic of Lithuania on the Population Register: https://www.e-tar.lt/portal/lt/legalAct/TAR.DCBDC82E26CD/buRaninnmh . The Law of the Republic of</p> |

| | | | |
|--|------------|-----|---|
| | | | Lithuania on the Legal Status of Aliens: https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/57df8b40839211e5bca4ce385a9b7048?jfwid=-wd7z84f0n . |
|  | Luxembourg | Yes | <p>1. The biometric data is stored in the chip of the residence permit card. The biometrical data gathered (fingerprints and photo) for the issuing of the residence permit are stored until the handing over of the residence permit to its holder, or at the most six months after the production of the residence permit.</p> <p>2. In Luxembourg, the biometric data of residence permit is only captured after the authorisation of stay has been approved by the Minister in charge of Immigration. The biometric data is only collected in the offices of the Directorate of Immigration.</p> <p>3. The Minister in charge of Immigration is allowed to access the data in order to verify if the conditions for entering and staying on the territory are fulfilled.</p> <p>4. Article 2 of the Grand-Ducal regulation of 19 May 2011 that modifies: 1. the Grand-Ducal regulation of 5 September 2008 on the execution of certain dispositions on administrative formalities foreseen by the Law of 29 August 2008 on free movement of persons and immigration 2. the Grand-Ducal regulation of 26 September 2008 on the creation of a database for treating personal data for the execution of the Law of 29 August 2008 on free movement of persons and immigration Memorail A N°102, of 20 May 2011</p> |
|  | Malta | Yes | <p>1. The biometric data is stored in the chip of the residence permit card and within the national database.</p> <p>2. The biometric data is only captured in Malta at the offices of Identity Malta which is the national authority responsible of expatriate affairs. The data is captured upon the submission of the application.</p> <p>3. The data may be accessed for verification purposes by the national authorities, only with the consent of the residence card holder. The use of such biometric data for any other purpose including criminal investigation is prohibited and shall constitute a breach of the Data Protection Act.</p> <p>4. The legal basis for the storage and use of biometric data are laid down in the Identity Cards Act, Chapter 258 of the Laws of Malta.</p> |

| | | | |
|---|--------------------|------------|--|
|  | <p>Netherlands</p> | <p>Yes</p> | <p>1. Since 1 march 2014 there is national (Dutch) legislation that makes it possible to store the biometric data (10 fingerprints and a picture) of third country nationals in a national database shared by the organizations cooperating in the immigration process in the Netherlands (“Basisvoorziening vreemdelingen” (BVV)). Based on Council Regulation (EC) No 380/2008 of 18 April 2008 the Dutch residence permits (the temporary and permanent regular residence permits and asylum residence permits) of aliens that are 6 years old and above, contain a picture and two fingerprints in an electronic component on the residence permit.</p> <p>2. Biometric data in the asylum procedure are captured at first contact with the applicant in the Netherlands, prior to the decision. Within the context of legal migration purposes (i.e. non asylum or irregular migration), the collecting of biometric data is generally performed by the Dutch embassy or consulate abroad.. American, Australian, New Zealand, Canadian, Japanese, South Korean, Monaco and Vatican city nationals, who intend to stay in the Netherlands for three months or more, are not required to apply for a Regular Provisional Residence Permit upon arrival to the Netherlands. They need to apply for a Regular residence permit in the Netherlands, At that moment it’s required to provide biometric data (photograph and 10 fingerprints) at the Dutch Immigration and Naturalisation Service (INS). Additional information Before a third country national can apply for a residence permit in the Netherlands, he or she must usually be in possession of an MVV. Within the context of the so-called Entry and Residence procedure (Toegang en Verblijf (TEV)), an MVV application is usually initiated by the sponsor in the Netherlands. While the Immigration and Naturalisation Service (IND) registers the administrative personal data of the applicant in the BVV, the actual identification and collecting of biometric data in this procedure are performed by the Dutch embassy or consulate abroad.</p> <p>3. The organizations cooperating in the immigration process in the Netherlands have the right to collect and store biometric data, and access the database which contains these data. They will do so for identification and verification purposes, and solely within the context of the implementation of the Aliens Act and the Netherlands Nationality Act. In addition, there are a limited number of purposes which exceed the implementation of the Aliens Act and the Netherlands Nationality Act, such as: the identification of victims of disasters and accidents and the detection and prosecution of criminal offenses.</p> <p>4. The articles 106a and 107 of the Dutch Aliens Act hold legal basis for the capturing, storage and use of biometric data. Article 106a refers to the categories from which biometric data can be collected, the purposes for which this is done (identification and verification) and the organizations which are authorized to collect this information. Article 107 contains a limited number of purposes which exceed the implementation of the Aliens Act and the Netherlands</p> |
|---|--------------------|------------|--|

| | | | |
|---|-----------------|-----|---|
| | | | Nationality Act. Please see the following link for more information (in Dutch): http://wetten.overheid.nl/BWBR0011823/2017-01-01/0/#Hoofdstuk8_Paragraaf1 |
|  | Poland | Yes | <p>1. Biometric data are collected in a national collection of registers, records and lists of foreigner's cases. The data are following: fingerprints and photo of the face. After collection of the abovementioned biometric data, fingerprints which are collected for issuing the Residence Card are removed from the registry, while the photo of the face is still remaining. Photos and fingerprints are saved in the residence card's chip issued to the foreigners.</p> <p>2. Biometric data are collected by the Border Guard, the Office for Foreigners, Voivodes and Polish consulates.</p> <p>3. Data processed in a national collection of registers, records and lists of foreigner's cases referred to in article 449, § 2 points 1, 12, 16 and 17 are made available to entities for the implementation of their statutory tasks. We would like to point out that fingerprints collected from foreigners are not shared. Fingerprints are collected for issuing a residence card and then they are being removed from the registry.</p> <p>4. Head of the Office for Foreigners runs a national collection of registers, accounting records and lists which contain data on foreigners' cases based on Chapter no 3 of the Aliens Act.</p> |
| | Slovak Republic | Yes | <p>1. Yes.</p> <p>2. The biometric data is recorded upon arrival by the respective Police department.</p> <p>3. Only the Police can access this data in order to carry out their work duties.</p> <p>4. Based on the Council Regulation (EC) No 1030/2002 of 13 June 2002 as well as the Articles 128 and 129 of the Act No 404/2011 on Residence of Aliens and Amendment and Supplementation of Certain Acts – please find the unofficial translation below: Article 128 (Act No 404/2011 on Residence of Aliens) Personal and Other Data Processing in Border Control (1) The police department shall be authorized to process the following personal and other data in order to ensure the border control: a) name, surname, surname at birth, previous surnames, date of birth, sex, place and state of birth, citizenship, nationality, family status, data on travel document, other document authorizing to cross the external border, data on visas, biometric data, country of destination, b) names, surnames, previous surnames of family members, date and place of birth of family members, their citizenship, domicile of family members, previous</p> |

| | | |
|--|--|--|
| | | <p>permanent residences of family members, c) data on the place and time of entry and departure through the external border, mean of transport, co-passengers in one mean of transport, period of time and the purpose of residence, d) data on unauthorized crossing of the state border, prohibition on entry, rejection of entry and denial of entry. (2) The police department shall keep the data on passengers sent by the air carrier pursuant to Art. 108 par. 4 in a temporary file. The police department shall be obliged to dispose of these data within 24 hours of the time they are received following the entry of passengers; the same shall not apply if the data are necessary to fulfil other assignments of the Police Force.</p> <p>Article 129 (Act No 404/2011 on Residence of Aliens) Personal and Other Data Processing in Case of Visas and Residence (1) For purposes of visa proceedings the police department, representative office and the Ministry of Foreign Affairs shall be entitled to process the following personal data a) name and surname of the visa applicant, his/her surname at birth, previous surnames, date of birth, sex, place and country of birth, citizenship, family status, data on travel documents, biometric data, b) occupation of the visa applicant; name and surname of his/her father; name, surname and maiden name of his mother; name, surname and surname at birth of his/her spouse; date and place of birth of his/her spouse, name, surname and date of birth of his/her child, previous residence of the visa applicant in the Slovak Republic, c) previous citizenship of the visa applicant, data on his/her domicile, data on his/her employer, country of destination, visa kind, requested number of entries, period of time of residence, data on visas granted by the Slovak Republic, purpose of the journey, arrival date, departure date, type of a mean of transport, place of the first entry, data on the contact person in the Slovak Republic, method of financial coverage in the Slovak Republic, d) name, surname, date of birth, domicile and identity document number of the inviting person and the relation of the inviting person to the visa applicant. (2) For purposes of residence proceedings the police department, representative office and the Ministry of Foreign Affairs shall be authorized to process personal data of the third country national under paragraph 1 a) and b); and a) his/her degree, nationality, purpose of residence, the highest education achieved, data on employment prior to and following the arrival to the Slovak Republic, place and state of the domicile, address of the last domicile, domicile in the Slovak Republic, name of the accommodation provider, b) previous surnames, country of birth, citizenship, permanent domicile and domicile in the Slovak Republic of his/her spouse, c) date of birth and citizenship of his/her parents, place of birth, citizenship, permanent domicile and domicile of his/her child in the Slovak Republic, names, surnames, date and place of birth, citizenship and permanent domicile of his/her siblings. (3) For purposes of registration, the police department shall be authorized to process the personal data of the Union citizen and the family member of the Union citizen under paragraph 1 a) and data on the highest education achieved, address of permanent domicile abroad, domicile in the Slovak Republic and data on the accommodation provider. (4) For purposes of administrative expulsion proceedings and detention proceedings, the police department shall be authorized to process personal data under paragraph 1 a) and data on the address of the permanent domicile of the alien.</p> |
|--|--|--|

| | | | |
|--|----------------|-----|--|
|  | Spain | Yes | <ol style="list-style-type: none"> 1. Biometric data are stored in a national database and in the chip of the residence permit. 2. Upon arrival, after the decision has been reached. 3. Migration and law enforcement purposes. 4. A Ministerial Order declaring the existing databases, their structure, contents, aim, access, etc. |
|  | Sweden | Yes | <ol style="list-style-type: none"> 1. The biometric data captured for the production of residence permits is stored temporarily. When the residence permit card is issued, the data is deleted and only stored on the chip of the card. 2. The normal procedure is for the biometric data to be captured at the time of application at the embassy or consulate. If this has not been done it will be done during the investigation/processing of the case or after the decision has been made. 3. According to the Swedish Aliens Act, Swedish authorities are allowed access the data as part of checks made according to the Schengen Border Code and for internal checks on foreigners. 4. Swedish Aliens Act Chapter 9. http://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/utlanningslag-2005716_sfs-2005-716 |
|  | United Kingdom | Yes | <ol style="list-style-type: none"> 1. Both. Facial image and 2 fingerprints on the residence permit and facial image and 10 fingerprints on the Immigration & Asylum Biometric System (IABS), which is a national biometric database. 2. We normally take biometrics before we make a decision. Overseas – at a Visa Application Centre or in the USA through our partners in the Department for Homeland Security. Within the UK, biometrics taken for immigration purposes are taken either at selected Post Offices or at one of the UKVI’s visa premium service centres. 3. The Secretary of State may use biometrics taken for immigration purpose as follows: (b)in connection with the control of the United Kingdom’s borders; (c)in connection with the exercise of a function related to nationality; (d)in connection with the prevention, investigation, or prosecution of an offence; (e)for a purpose which appears to the Secretary of State to be required in order to protect national security; (f)in connection with identifying victims of an |

| | | | |
|--|--|--|---|
| | | | <p>event or situation which has caused loss of human life or human illness or injury; (g)for the purpose of ascertaining whether any person has failed to comply with the law or has gained, or sought to gain, a benefit or service, or has asserted an entitlement, to which he is not by law entitled.</p> |
|--|--|--|---|

4. Primary legislation <http://www.legislation.gov.uk/ukpga/2007/30/crossheading/biometric-registration> ;
<http://www.legislation.gov.uk/ukpga/2002/41/part/6/crossheading/provision-of-information-by-traveller> ;
<http://www.legislation.gov.uk/ukpga/2014/22/part/1/crossheading/biometrics> . Secondary legislation (without further amendments) <http://www.legislation.gov.uk/uksi/2006/1743/contents/made> ;
<http://www.legislation.gov.uk/uksi/2008/3048/contents/made> .