



An Garda Síochána

Policy Document

Schengen Information System (SIS)

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Policy Owner	Assistant Commissioner, Garda National Crime & Security Intelligence Service

Purpose

Schengen Convention and *Acquis*, 1985 provided for, *inter alia*, the abolition of internal border controls between States participating in the Schengen Information System.

The Schengen Information System (SIS) is the most widely used and largest information sharing system for security and border management in Europe. This pan-European database passes real-time information between the Schengen Area Members States in the form of “Alerts” relating to people and property (objects and vehicles), and is accessible by law enforcement agencies through their national applications (e.g. PULSE).

The main purpose of SIS is to make Europe safer. The system assists the competent authorities in Europe to preserve internal security in the absence of internal border checks.

SIS will provide the following benefits:

- **Access to real-time data** and circulation of information between SIS Member States in the form of Alerts. The subjects of these Alerts can be wanted and missing persons and/or vehicles and objects which are lost or stolen. Alerts can also relate to serious crime and terrorist related activities.
- **Enhanced PULSE software updates** on persons, vehicles and objects with additional functionalities introduced, to include automatic querying of the SIS database when PULSE is searched, the return of results from both databases and the capability to create and maintain Irish SIS Alerts.
- **Increased security** through strengthened data and intelligence sharing, and collaboration with SIS participating countries.

Council Decision 2002/192/EC (Council Decision of 28 February 2002 concerning Ireland’s request to take part in some of the provisions of the Schengen *acquis*) outlines the specific provisions of the Schengen *acquis* which Ireland shall participate in.

Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 governs the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters.

Scope

This Policy and all associated documentation apply to all members of An Garda Síochána and Garda staff. It also applies to Police Officers from the Police Service of Northern Ireland (PSNI) seconded to An Garda Síochána in accordance with Section 53 of the Garda Síochána Act, 2005.

Policy Statement

The management and supervision functions in relation to SIS in Ireland come under the responsibility of An Garda Síochána.

The scope of SIS is defined by **Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018** on the establishment, operation and use of the Schengen Information System (SIS) in the field of police and judicial cooperation in criminal matters. Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 amends and repeals Council Decision 2007/533, Justice and Home Affairs (JHA) (Law enforcement cooperation), and repeals Regulation (EC) No 1986/2006 of the European Parliament (Cooperation on vehicle registration) and of the Council and Commission Decision 2010/261/EU.

SIS Alerts on persons or objects falling under Article 26, Article 32, Article 34, Article 36, Article 38 and Article 40 of the **Regulation (EU) 2018/1862** apply to Ireland, and reflect the scope of the commitments made by Ireland in regard to the Schengen *acquis*.

Article 26		Person Wanted for Arrest: This is used to locate persons for whom a European Arrest Warrant or Extradition Request has been issued.
Article 32		Missing Persons: This is used to locate missing persons, including children, in order to place the person under protection, if lawful and necessary, once located; or for children who, because they are at risk of abduction, trafficking in human beings, gender-based violence, involvement in terrorism or conscription should be prevented from travelling; or for vulnerable adults who, because they are at risk of trafficking in human beings or gender-based violence, should be prevented from travelling.
Article 34		Person Sought to Assist with a Judicial Procedure: This is used to establish the place of residence or domicile of persons sought to assist with criminal judicial procedures.
Article 36		Persons or Objects for Discreet Checks: This is used to obtain information on persons or related objects for the purposes of prosecuting criminal offences and for prevention of threats to public or national security.
Article 38		Objects for Seizure or for Use as Evidence in Criminal Proceedings: This is used to locate objects being sought for the purposes of seizure or for use as evidence in criminal proceedings.
Article 40		Alerts on Unknown Wanted Persons for the Purposes of Identification Under National Law: This is used to circulate dactyloscopic data, either complete or incomplete sets of fingerprints or palm prints discovered at the scenes of terrorist offences or other serious crimes under investigation, in order to identify the person.

In accordance with Article 21 of the Regulation (EU) 2018/1862 ('Proportionality'), all cases shall be adequate, relevant and important enough to warrant the entry of an Alert in SIS.

A SIS Alert contains information regarding a particular person or object, and also outlines clear instructions on the steps to be taken when the person or object relevant to the alert has been encountered (i.e. the 'Requested Action'). Members of An Garda Síochána shall take appropriate action when they encounter a subject of an SIS Alert and have confirmed that the person or object is the subject of the SIS Alert (i.e. a confirmed 'hit'). Action can only be taken in accordance with national law.

Irish SIRENE Bureau

To meet the legal requirements set out in Article 7 of the Regulation (EU) 2018/1862 ('N.SIS Office and SIRENE Bureau'), Ireland has established an authority as a single point of contact for exchanging supplementary information related to SIS Alerts. This contact point is referred to as SIRENE – Supplementary Information REquest at the National Entries (SIRENE). The Irish SIRENE Bureau is located in the Liaison section of Liaison & Protection, Garda Headquarters, and is responsible for managing SIS Alerts and communicating between the Bureaux of SIS Member States. The SIRENE Bureau is fully operational on a 24/7 basis to support and assist end users in submitting and

acting upon alerts. It is staffed by experienced specialist (SIRENE Case Officers) with expertise in international co-operation and the nation rules on police, criminal and immigration law.

Compliance

Compliance with this Policy and accompanying associated document(s) is mandatory for all members of An Garda Síochána and Garda staff.

Related Documents

- An Garda Síochána's Schengen Information System (SIS) Procedure.
- An Garda Síochána's Schengen Information System (SIS) Training Materials.
- European Union Council Decision of 25 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (Council Decision 2002/192/EC).
- Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU.
- Article 2(2) of the Council Framework Decision 2002/584/JHA of 13 June 2002 (EAW Framework - 2002/584/JHA: Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States).
- Commission Implementing Decision of 18 November 2021 laying down detailed rules for the tasks of the SIRENE Bureaux and the exchange of supplementary information regarding alerts in the Schengen Information System in the field of police cooperation and judicial cooperation in criminal matters (notified under document C (2021) 7901) ('SIRENE Manual – Police').
- An Garda Síochána Data Protection Code of Practice.

Legal & Human Rights Screening

This Policy has been legal and Human Rights screened in terms of the respective obligations placed on An Garda Síochána for the subject area concerned.

Ethical Standards & Commitments

Every person working in An Garda Síochána must observe and adhere to the standards and commitments set out in the [Code of Ethics](#) for An Garda Síochána and uphold and promote this Code throughout the organisation.

Policy & Procedure Review

This Policy and associated documents will be reviewed 12 months from its date of effect and every three years thereafter.

General Data Protection Regulation (GDPR) & Police and Criminal Justice Authorities Directive (LED) as Transposed by the Data Protection Act 2018.

Personal data shall only be processed for the purposes specified in this policy, and within a clearly defined lawful basis under the (EU) General Data Protection Regulation (GDPR) ((EU) 2016/679) and the Data Protection Acts 1988/2018. All necessary measures will be put in place to ensure that personal data is kept safe and secure. Only authorised personnel shall have access to personal data. Only relevant personal data will be processed, and will not be retained for longer than is necessary.

In respect of the personal data processing activities associated with this Policy, a Data Protection Impact Assessment (DPIA) has been completed in accordance with the requirements of the General Data Protection Regulation and the Data Protection Act 2018.

Data Protection & Rights of Data Subjects in Relation to SIS

Every individual has a right to access personal data held by An Garda Síochána about them, and a right to request rectification or erasure of their personal data. Any person who believes that his or her personal information is recorded on the SIS may make an access request to any of the contracting parties to the Schengen Acquis.

Any individual seeking to access personal information held by An Garda Síochána about them should complete the 'Data Access Request Form' (F20).

The Data Protection Commission (DPC) has oversight responsibility for the application of the data protection elements of SIS in Ireland. The DPC may be contacted by web-form through the DPC website; <https://www.dataprotection.ie>, with telephone and postal address details also provided on the website.

Comprehensive information on access rights to data processed in SIS is available from 'Guide for exercising the right of access' on the DPC website.

Any individual who suspects that he/she is the potential victim of misused identity may present at any Garda Station to report this matter. An Garda Síochána shall appropriately deal with this matter in accordance with SIS procedures.

Disclaimer

This document is not intended to, nor does it represent legal advice to be relied upon in respect of the subject matter contained herein. This document should not be used as a substitute for professional legal advice.