

# Eurodac Supervision Coordination Group



Eurodac SCG

## Activity Report 2022-2023

June 2025

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## 1. Introduction and background

Eurodac is an information system established for the comparison of fingerprints of asylum applicants and irregular migrants. It facilitates the application of the Dublin III Regulation<sup>1</sup>, which aims at determining the Member State responsible for examining an application for asylum.

Eurodac was originally created by Council Regulation (EC) No 2725/2000 of 11 December 2000<sup>2</sup>, as completed by Council Regulation (EC) No 407/2002 of 28 February 2002<sup>3</sup>. In the interest of clarity, those two texts were recast in Regulation (EU) No 603/2013 of 26 June 2013<sup>4</sup> ('the Eurodac Regulation'), which became applicable on 20 July 2015. The system has been operational since 15 January 2003 and is currently used by the EU Member States as well as Iceland, Liechtenstein, Norway and Switzerland.<sup>5</sup>

As established in the Eurodac Regulation, data protection supervision of the Eurodac system is carried out at national level by the national Data Protection Authorities ('DPAs'), while for the central (EU) level, the European Data Protection Supervisor ('EDPS') is competent. The coordination between the two levels is ensured by the Eurodac Supervision Coordination Group (hereinafter 'the Eurodac SCG' or 'the Group') composed of representatives of the DPAs and the EDPS.

The need for thorough data protection supervision of Eurodac is evident when considering the category of persons affected by the Eurodac system: asylum seekers and (to a lesser extent)

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<sup>1</sup> Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, OJ L 180, 29.6.2013, p. 31–59.

<sup>2</sup> Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention, OJ L 316, 15/12/2000, p. 1 - 10.

<sup>3</sup> Council Regulation (EC) No 407/2002 of 28 February 2002 laying down certain rules to implement Regulation (EC) No 2725/2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention, OJ L 62, 5/3/2002, p. 1 - 5.

<sup>4</sup> Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, OJ L 180, 29.6.2013, p. 1 - 30.

<sup>5</sup> When Eurodac was established, it was used in the then EU-15 Member States (except Denmark), as well as in Norway and Iceland. Since then, the system has been joined by the ten new Member States following the 2004 enlargement, by Denmark (2006), Bulgaria and Romania following the 2007 enlargement, as well as Switzerland (2008). Finally, a protocol between the European Union, Switzerland and Liechtenstein, allowing the latter to join the system, entered into force on 1 April 2011.

irregular migrants. This need is also reinforced by the evolution of policies in the area of freedom, security and justice in recent years. Asylum policies need to be better coordinated, and, as a result, so does the protection of the rights and freedoms of asylum seekers.

Data protection is also a key factor for the success of the operation of Eurodac, and consequently for the proper functioning of the Dublin system. Elements such as data security, quality of data and lawfulness of consultation of Eurodac data all contribute to the smooth functioning of the system.

The architecture of the Eurodac mirrors that of VIS: a central unit ('central Eurodac') managed by the European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice<sup>6</sup> ('eu-LISA') (Article 26) and connected to national access points in the Member States via sTESTA.

On 4 May 2016, the Commission issued another proposal to recast the Eurodac Regulation and to extend the scope of Eurodac for the purposes of identifying irregularly staying third-country nationals and contribute to the return procedure. This proposal notably proposes the following main changes: lowering of the minimum age from which fingerprints must be taken from 14 to 6 years old, the storage of biographical data and facial images in the Central System to allow the use of facial recognition software, and the possibility to transfer Eurodac data to third countries for return purposes. The European Parliament and the Council both adopted their negotiating positions and trilogues started in September 2017.

On 23 September 2020, the European Commission announced in its Work Programme 2020 its intention to launch a New Pact on Asylum and Migration. As part of the legislative package, the Commission presented a revised proposal for the Eurodac Regulation.

On 7 September 2022, the European Parliament and five rotating Council Presidencies signed an agreement regarding the conduct of negotiations between the co-legislators with a view to reforming EU migration and asylum rules by February 2024.

On 12 December 2022, the Committee of Civil Liberties, Justice and Home Affairs endorsed an updated negotiating mandate on the Eurodac Regulation, which permitted the European Parliament and Council to start inter-institutional negotiations, and the first trilogue took place on 15 December 2022.

On 20 December 2023, a provisional agreement was reached on the Eurodac regulation.

As foreseen, the new instrument now allows the identification of children from 6-years-old, the storage of facial images and alphanumeric information. Information on decisions to remove and return the person or relocate them, as well as whether a person could present a security

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<sup>6</sup> The Commission was responsible for the operational management of the Eurodac for a transitional period until the establishment of a new permanent IT Agency, eu-LISA, which became fully operational in December 2012.

threat is also included. Moreover, persons disembarked in a Member State following a search and rescue operation are recorded for statistical purposes.

On 8 February 2024, the Council approved the provisional agreement of 20 December 2023<sup>7</sup>.

On 10 April 2024, the European Parliament plenary approved the regulation with 404 votes to 202 and 16 abstentions.

The Council adopted the act on 14 May 2024<sup>8</sup>.

The final act was published in the Official Journal on 22 May 2024. It shall apply from 12 June 2026. However, Article 26, dedicated to the collection and transmission of biometric data of third-country nationals or stateless persons registered as beneficiaries of temporary protection, shall apply from 12 June 2029.

Every two years the Eurodac SCG elects a Chair and a Vice-Chair among the members of the Group in accordance with the Group's Rules of Procedure. The Group has been chaired by Ms Elisabeth Jilderyd (from the Swedish DPA), and Ms Mariya Mateva (from the Bulgarian DPA) acting as Vice-Chair. Since November 2019 Ms Eleni Maragkou (from the Hellenic DPA) was elected as Chair of the Eurodac SCG, while Mr Pablo Mateos Gascueña (from the Spanish DPA) was elected as Vice-Chair in November 2022. Meanwhile, the Secretariat of the Group is provided by the EDPS. However, as soon as the new Regulation applies, namely from 12 June 2026, the national supervisory authorities and the European Data Protection Supervisor shall meet within the framework of the European Data Protection Board<sup>9</sup>.

In accordance with Article 32 of the Eurodac Regulation (EU) No 603/2013, the Eurodac SCG is also to draw up a report of activities every two years that shall be sent to the European Parliament, the Council, the Commission and the European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice ('eu-LISA'). The present document reports on the activities of this Group for the period from 2022 to 2023.

Section 2 of this report presents the main principles of the coordinated supervision for Eurodac and summarises the four meetings that took place during the reporting period.

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<sup>7</sup> This paragraph and the three following ones refer to legislative steps which occurred in 2024 (and not in the 2022-2023 period), in order to have a general understanding of the new legal framework.

<sup>8</sup> Regulation (EU) 2024/1358 of the European Parliament and of the Council of 14 May 2024 on the establishment of 'Eurodac' for the comparison of biometric data in order to effectively apply Regulations (EU) 2024/1351 and (EU) 2024/1350 of the European Parliament and of the Council and Council Directive 2001/55/EC and to identify illegally staying third-country nationals and stateless persons and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, amending Regulations (EU) 2018/1240 and (EU) 2019/818 of the European Parliament and of the Council and repealing Regulation (EU) No 603/2013 of the European Parliament and of the Council, OJ L, 2024/1358, 22.5.2024

<sup>9</sup> Article 46 of Regulation 2024/1358

Section 3 describes in more details the issue and main achievements discussed by the Eurodac SCG in the years of 2022 and 2023.

Section 4 lists the Members' activity report for the two years of 2022 and 2023.

Section 5 concludes the report by giving a brief general overview of activities to come in the next reporting period to the extent they can already be anticipated.

## **2. Organisation of coordinated supervision**

### ***2.1. Main principles***

As in previous years, the cooperation took the form of meetings held on a regular basis with all DPAs in charge of supervising Eurodac at national level and the EDPS, acting together as the Eurodac SCG. The main purpose of these meetings is to discuss common problems related to supervision and find common solutions or approaches whenever possible. In practice, these meetings take place at least twice a year in accordance with Article 32(4) of the Eurodac Regulation No 603/2013. The Commission and eu-LISA are also invited to parts of the meetings in order to update the Group on new developments regarding Eurodac.

### ***2.2. The supervision coordination meetings***

In the period 2022-2023, four supervision coordination meetings were organised on the following dates:

- 2 June 2022
- 22 November 2022
- 13 June 2023
- 28 November 2023

As usual, they were organised back-to-back with the VIS and SIS II SCG<sup>10</sup> meetings in order to ensure consistent, horizontal supervision policies of those large-scale IT systems where possible.

Typically, the first part of the meeting is devoted to a presentation by the European Commission and eu-LISA on recent developments regarding Eurodac that impact data protection. This helps to ensure that the Group is always kept up-to-date in order to ensure effective supervision. The second part is devoted to discussions between DPAs on issues that

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<sup>10</sup> From March 7th, 2023, the Schengen Information System (SIS) came under the purview of the Coordinated Supervision Committee (CSC). However, the principle of back-to-back meetings has been maintained.

are in need of checking at national level or on new developments of interest for Eurodac supervisors.

The following paragraphs quickly recapitulate the topics discussed and actions taken at the four meetings.

### **Meeting of 2 June 2022**

Eu-LISA updated the Group on recent developments regarding Eurodac. In particular, the slides on false hits reporting were discussed, and eu-LISA clarified that there was not integrated mechanism to report to eu-LISA, which meant that it is up to each Member State to verify if the first candidate among the list of potential candidates generated in the context of marked full fingerprint searches- is the right one. The Commission forwarded to the Secretariat a written update, concerning the amended Eurodac proposal: the aim was to get a mandate for negotiations by the end of June. The Members of the Group adopted a document on the Eurodac Common Reporting, which aims at establishing a common template for reporting the outcome of inspections performed by DPAs in the context of Eurodac. They also adopted a letter to be sent out to the European Parliament, in order to raise concerns regarding the amended proposal of September 2020. The Eurodac SCG Work Programme 2022-2024 was adopted, too. The Members of the Group updated their colleagues with information about relevant developments at national level. Finally, Ms Eleni Maragkou was elected as Chair of the Group for another term.

### **Meeting of 22 November 2022**

The Chair read out two notes sent by the Commission, respectively on the Eurodac Regulation and on the Pact for Migration. As regards the latter, it was indicated that, on 7 September an agreement was found between European Parliament and rotating Presidencies in the Council on a Roadmap setting out the way forward on the Pact, where the representatives of the two institutions confirmed their commitment to make all efforts towards the adoption of the legislative proposals before the end of the 2019-2024 legislative period. The eu-LISA's DPO gave her presentation, which raised a number of questions from several DPAs (PT, EL, EDPS, ES). She indicated that she would check internally and reply in writing. The access of law enforcement authorities to Eurodac is one of the specific activities to be carried out during the period 2022-2024: the Group agreed to prepare a questionnaire in order to examine further why the number of requests to access the system by law enforcement authorities is so low. Information was shared by some Members of the Group with their colleagues about relevant developments at national level. The EDPS took the floor to report on its audit to the Eurodac system. Mr Pablo Mateos Gascueña was elected as Vice-Chair of the Eurodac SCG.

## **Meeting of 13 June 2023**

The eu-LISA DPO presented as usual a PowerPoint document, which gave rise to a number of questions. The replies by eu-LISA were forwarded to the Group by email on the 27th of June. The Chair read out a written update sent by the Commission, indicating that the trilogues had been ongoing since the 15th of December 2022. As regards the access of law enforcement authorities to Eurodac, the PT DPA, in charge with the FR DPA of the elaboration of the questionnaire, indicated the draft should be circulated for comments before the summer break. The Chair invited Members to send their contributions to the activity report 2020-2021 by the 15th of September 2023. The Members of the Group updated their colleagues with information about relevant developments at national level.

## **Meeting of 28 November 2023**

Neither the Commission nor the eu-LISA DPO were available to participate in the meeting. The Chair showed the presentation sent by eu-LISA and invited Members to raise questions to be sent to eu-LISA after the meeting. The note sent by the Commission and read out by the Chair mentioned that one last trilogue should take place (likely on 7 December) to wrap-up the negotiations. All the legislative proposals put forward in 2016 and 2020 (including Eurodac) should be adopted before the end of the current legislature. The FR DPA presented the document prepared in the context of the activity dedicated to the access of law enforcement authorities to Eurodac. The Chair invited the Members to send their comments before the 10th of January 2024. The Chair also invited Members who had not done so yet to send their contributions for the activity report 2020-2021. The Members of the Group updated their colleagues with information about their national inspections or other relevant developments at national level. Finally, the Chair confirmed the choice of physical meetings as a matter of principle, the remote participation being only accepted on an exceptional basis. She also accepted the suggestion made by the Secretariat as regards the use of Circabc for the dissemination of relevant documents.

## **3. 2022-2023: Issues discussed and main achievements**

### ***3.1. Eurodac SCG Work Programme 2022-2024***

The Work Programme was adopted in the meeting of the 2nd of June 2022. Based on the results achieved under the former Work Programme and on recent developments, the new Work Programme includes the following specific activities to be carried out during this period:

- Monitoring the European Commission's proposal amending the 2016 recast of the Eurodac Regulation;
- Access of law enforcement authorities (including Europol) to the system.

Other issues might be explored:

- The suggestion of topics to be covered during inspections of Eurodac at national level, in order to provide guidance to the DPAs;
- The follow-up of special searches;
- The marking of data;
- The issue of false HITs;
- The activity of the Eurodac SCG within the coordinated supervision in the framework of the EDPB;
- The entry into force and implementation of the Interoperability Regulation, and its effect and interaction with the Eurodac Regulation.

Besides the activities foreseen, the Eurodac SCG decided to work on a permanent basis on the follow-up of policy and legislative developments, any ongoing issues, exchange of experiences and mutual assistance.

### ***3.2. Monitoring of the recast of the Eurodac Regulation***

In its Work Programme 2019-2021, the Eurodac SCG agreed to work on a permanent basis on the follow-up of policy and legislative developments, any ongoing issues, exchange of experiences and mutual assistance. During the meeting of the Eurodac SCG of November 2021, the Group agreed that it would await for the EDPS to publish its Opinion before proceeding on the work of the monitoring of the recast of the Eurodac Regulation. In this regard, the Group decided to draft a letter in response to the Recast Proposal. The objective of the letter was to restate the concerns that the Members had already expressed in 2017 in the letter related to recast, as well as to raise concerns regarding the amended proposal of September 2020.

On 26 April 2022, a draft letter was circulated among Members, for their comments.

At the meeting of the 2nd of June 2022 the letter was adopted by the Eurodac SCG and the SEC informed the Group that the letter would be sent out to the European Parliament following the meeting.

### ***3.3. Towards a structured way to report on national audits***

During the meeting of June 2020, the Group discussed the possibility to find a more harmonised and structured way to report the national audits on the system, following the Members' obligation to do so.

A common template for reporting the outcome of inspections performed by DPAs in the context of Eurodac was adopted in the meeting of the 2nd of June 2022.

### ***3.4 Access of law enforcement authorities to the Eurodac System***

This topic is one of the specific activities to be carried out during the period 2022-2024, following the adoption of the Work Programme by the Group during the last meeting, in June 2022.

In particular, Chapter VI of the Eurodac Regulation (EU) No 603/2013 provides for a procedure allowing the comparison and data transmission of fingerprints with those contained in Eurodac for law enforcement purposes. However, due to the fundamental right to privacy, law enforcement agencies are only allowed to use Eurodac for comparisons where there are reasonable grounds that doing so will substantially assist them in preventing, detecting or investigating a terrorist offence or a serious criminal offence, and only as a last resort after several other checks have been carried out first.

In light of the future changes affecting the Eurodac Regulation, the Group considered that it might be of interest to assess the current use of this procedure by Europol and national law enforcement authorities. According to the eu-LISA report on the annual Eurodac Statistics, the number of searches was 208 in 2020.

Against this background a questionnaire was prepared, in order to examine further, why the number of requests seems so low. In the meeting of the 28th of November 2023, the FR DPA presented the document to the Group, specifying that the checklist was made for national DPAs, and that it is not prescriptive: auditors could choose among different elements. The Chair invited the Members to send their comments before the 10th of January 2024, with the aim of adopting it in 2024.

## **4. Members' Reports**

### **4.1. Austria**

- **Overview: state of play and developments**

. During the reporting period, the website of the Austrian Data Protection Authority was revised, and the information provided regarding EURODAC, data subject rights and the right to lodge a complaint was updated.

- **Inspections**

During the reporting period, the Austrian Data Protection Authority conducted a data protection audit, which concerned, inter alia, the VIS and EURODAC systems. As a first step, a comprehensive questionnaire was submitted to the Austrian Federal Ministry of the Interior. Subsequently, an oral hearing was held in the presence of representatives of the respective controllers, including the Austrian Federal Ministry of the Interior and the Austrian Ministry of Foreign Affairs. As no infringements were identified during the reporting period, the data protection audit was closed.

- **Complaints**

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- **Remarks**

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## 4.2. Belgium

- **Overview (state of play and developments) and inspections**

The Belgian Act of 3 December 2017 establishing the Data Protection Authority provides for the establishment of an Inspection Service, which is the investigative body of the Belgian DPA. On 24 April 2019, the new DPA was installed, with the new Inspector General being appointed and the Inspection Service becoming fully operational. After the installation of the new members of the Executive Committee of the DPA, the Inspection Service started with the drawing of an audit plan. This audit plan takes into scope the supervision of the Eurodac processing by the Belgian Immigration Office, which is the Belgian National Access Point for Eurodac. An audit methodology was designed with the use of standard questionnaires, on-site checks and standard reporting templates.

As a recently launched Inspection Service, the SIS processing operations, in collaboration with the Supervisory Body for police information, and the VIS processing operations have been prioritized with several audits from both the MoFA (embassies and central IT service) and the FIO. In the audit plan the initial schedule of an audit was postponed in 2022-2023. First preparations for an audit in Eurodac, based on the final act that was published in the Official Journal on 22 May 2024, and CIS were started in 2024. In 2025 a first audit will be planned. The Inspection Service remains in close contact with the DPO office of the Belgian Immigration Office.

The Supervisory Body for police information (SB) is in charge of monitoring the management of police information and also the data controller for the Belgian integrated police service (federal police and local police services). Under Article 32 of Regulation 603/2013, the SB is responsible for carrying out an annual review of the processing of personal data by police authorities for the comparison of fingerprints with those stored in Eurodac for law enforcement purposes, including an analysis of a sample of justified electronic requests.

On 10 December 2020, the SB visited the Judicial Identification Service (GID) of the Central Directorate of Technical and Scientific Police of the Federal Police, the verifying authority for law enforcement purposes within the meaning of Article 6 of the Regulation 603/2013. The investigation was closed after finding that, due to technical and legal reasons, the GID did not use the procedure related to comparison of fingerprint data for law enforcement purposes in Eurodac.

On 9 January 2024, the SB sent a letter to the Judicial Identification Service (GID) of the Central Directorate of Technical and Scientific Police of the Federal Police to get an overview of the situation. The answers provided are currently being examined.

- **Complaints**

Neither the DPA nor the SB have received any formal complaint in 2022-2023.

- **Remarks**

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#### **4.3. Bulgaria**

- **Overview: state of play and developments**

The competent authorities with regard to the national system Eurodac are the State Agency for Refugees with the Council of Ministers and the Research Institute of Criminology and Forensics at the Ministry of Interior. The latter provides the technical support and the network of the system. The Commission for Personal Data Protection is the supervisory authority with regard to personal data processing in the national system Eurodac.

All the commitments regarding the compliance with Regulation (EU) No 603/2013 have been fulfilled. The national system Eurodac is fully compliant with the provisions laid down in the Eurodac Regulation.

- **Inspections**

For the reporting period of 2022-2023, the Bulgarian SA carried out an inspection of the State Agency for Refugees (SAR) with the Council of Ministers. The subject of the inspection was related to concerning the findings on ad hoc inspection the General Inspectorate with the Council of Ministers, and the related findings of possible unlawful provision of information on unaccompanied foreign minors and their representatives. With an Order of the Chair of the Bulgarian SA, an inspection of the SAR was carried out in order to establish whether the provisions of Regulation (EU) 2016/679 and the Personal Data Protection Act (PDPA) are complied with when processing personal data of natural persons in the activities of the SAR. In the course of the inspection, the findings of the previous inspection of the SAR (carried out in the period of 2020-2021) were confirmed, which has established that the SAR complies with the general and specific rules of Regulation (EU) 603/2013 of 26.06.2013, in force since 20.07.2015, and with the PDPA when processing personal data of natural persons in its activities and when working with the National Eurodac system, and the findings were complemented with new facts and circumstances.

- **Complaints**

There are no complaints submitted with the Bulgarian DPA for the period of 2022-2023.

- **Remarks**

In line with the priority task of Bulgaria's full membership in the Schengen area, a leaflet on the "Large-scale IT systems of the European Union", was drafted and published on 09.03.2022. It provides information on the Schengen Information System, the Visa Information System, the Eurodac Information System, the system for cooperation in the area of law enforcement in the EUROPOL Agency (EUROPOL), the Entry/Exit System, the European Travel Information

and Authorisation System (ETIAS), the European system for information regarding convictions of third-country nationals or stateless persons (ECRIS-TCN), and the system of EU for cooperation in criminal justice (EUROJUST).

#### 4.4. Croatia

- **Overview: state of play and developments**

The establishment of the national Eurodac system in the Republic of Croatia started in 2012 and the National Access Point has been in operation since 1 July 2013. All "hit" results received for Eurodac have been verified by the Forensic Science Centre Ivan Vucetic. The National Access Point is established within the Ministry of Interior, within the Service for international protection. Till June 2019, the National Access Point and Dublin procedure were organized within the Department for Asylum. During 2019, The Ministry of the Interior in Croatia underwent a major re-organization in the area of asylum, as a result of which a separate Department for Dublin Procedures was established under the new Service for International Protection. Therefore, since June 2019 the National Access Point falls within the respective Department

Croatia has 39 Eurodac workstations (6 stationary and 33 mobile) with fingerprint live-scan equipment which are placed in all of 20 police administrations, Reception Centre for Foreigners Jezevo, Transit Reception Center for Foreigners in Tovarnik and Trilj, as well as in Reception Centers for applicants for international protection (including both locations in Kutina and Zagreb). The supply of 30 Eurodac workstations was financed by the Transition Facility and 9 mobile workstations were financed through AMIF.

Since 2019, trainings for Eurodac workstations (educations on the use and functionalities of EURODAC) have been organized by the Border Police Directorate in cooperation with the Police Academy.

Eurodac workstations are used for processing and transmitting fingerprints to the National Access Point. All transmissions to the Eurodac Central Unit are centralized and are done through the Department for Dublin procedure.

At the moment, the law enforcement authorities are not authorized to request comparisons with Eurodac since they do not have access to the VIS and Prum databases.

Data subjects are informed about the Dublin procedure and purpose of fingerprinting and storing their fingerprints in EURODAC database. Each person receives detailed information in writing, with the presence of the interpreter if necessary. Written information is translated into languages all asylum seekers understand. The written information is made available before the fingerprinting or when the intention to seek international protection is expressed.

Leaflets prepared by the Commission in accordance with Regulation 604/2013 are translated to Arabic, Turkish, Farsi, English, French, Urdu and Croatian language.

Also, data subjects have a right to request access to personal data processed in the Eurodac (art. 29(4) of Regulation 603/2013). There were no such requests till now.

- **Inspections**

As a Schengen evaluation in Croatia was planned for 2024, supervisory activities in relation to the obligations under the SIS Regulation were intensified in the reporting period. At the same time, due to a significant increase in complaints received from the data subject regarding a violation of GDPR, the need for the engagement of DPA staff significantly increased. Taking

into account that no complaints were received from the data subject nor was there information available about a possible violation of the provisions of the EURODAC Regulation, supervisory activities related to EURODAC were prolonged for implementation in the next reporting period 2024/2025.

- **Complaints**

In the reporting period there were no complaints on the processing of personal data in Eurodac lodged to the Ministry of Interior as a Data Controller for Eurodac or to the national DPA (Croatian Personal Data Protection Agency).

- **Remarks**

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#### 4.5. Cyprus

- **Overview: state of play and developments**

Nothing to report

- **Complaints**

No complaints have been received.

- **Inspections**

No inspections have been carried out during 2022-2023.

- **Remarks**

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#### 4.6. Czech Republic

- **Overview: state of play and developments**

In 2022-2023, the Czech SA independently monitored the lawfulness of the processing of personal data in Eurodac, both through an inspection and by being available to all data subjects to deal with their possible requests and complaints. The Czech SA also actively cooperated with the Czech Eurodac authorities to ensure an adequate level of protection of personal data, for example by arranging for the distribution of information leaflets prepared by the European Union Agency for Fundamental Rights (FRA) to the authorities responsible for taking fingerprints for the Eurodac system.

- **Inspections**

From July to December 2023, the Czech SA carried out an inspection at the Ministry of the Interior focusing on the access of law enforcement authorities to personal data stored in Eurodac. The inspection revealed minor formal shortcomings in the identification of the roles of the relevant authorities and their proper notification to the Commission. Following the inspection, the Ministry of the Interior notified the Commission of the amendments and, in cooperation with the Police of the Czech Republic, started the process of redefining the respective roles.

- **Complaints**

The Czech SA has not received any Eurodac-related complaints.

- **Remarks**

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#### 4.7. Denmark

- **Overview: state of play and developments**

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- **Inspections**

The Danish DPA conducted one inspection regarding Eurodac during the period of 2022-2023. The inspection concerned article 20 of the Eurodac regulation.

- **Complaints**

The Danish DPA did not receive any complaints regarding the processing of data in Eurodac during the period of 2022-2023.

- **Remarks**

In 2023 the Danish DPA organized a cooperation meeting with the Danish National Police (the authority in DK responsible for the national access point) regarding EURODAC. The agenda for the meeting was, among other things, general information on the procedures for the Danish Police's case handling in EURODAC and the competences of the national police in regards to Eurodac. Due to busy schedules, the meeting first took place in January 2024.

#### 4.8. EDPS

- **Overview: state of play and developments**

One of the key responsibilities of the European Data Protection Supervisor (EDPS) is to ensure the protection of personal data and privacy within the framework of large-scale IT systems operating in the Area of Freedom, Security and Justice. In line with this mandate, the EDPS

conducts a periodic audit of the Eurodac system every three years to verify its compliance with applicable data protection and privacy regulations.

- **Inspections**

In October 2022, the EDPS carried out an on-site audit of the Eurodac system at the premises of eu-LISA—the European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice—in Strasbourg. The audit focused on assessing the methodologies and practices employed by eu-LISA in the development and testing of systems, particularly regarding the implementation of security and the principles of data protection by design and by default.

The audit also reviewed IT security governance measures, the management of security incidents and personal data breaches, as well as the implementation of recommendations issued following our previous Eurodac audit in 2019.

The final audit report, issued in September 2023, included several new recommendations for eu-LISA and confirmed the closure of most of the recommendations from the 2019 audit. eu-LISA provides quarterly updates on the implementation status of the EDPS recommendations.

As part of his ongoing supervisory activities, the EDPS conducts an annual follow-up audit to assess the progress and effectiveness of the implementation of his recommendations and formally reports the findings to eu-LISA management.

- **Complaints**

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- **Remarks**

On 14 July 2022, the EDPS sent a written reply to some Members of the European Parliament, in response to their letter concerning the amended Proposal for a recast of Eurodac Regulation. The questions related to the establishment of a security flag, search and rescue operations, access by Europol, Frontex and EUAA, interoperability, minors, the use of coercion and the ‘data-related’ definitions.

## **4.9. Estonia**

- **Overview: state of play and developments**

Estonian Police and Border Guard Board is the national access point for the Eurodac.

- **Inspections**

No inspections carried out in 2022 or 2023.

- **Complaints**

No complaints received in 2022 or 2023.

- **Remarks**

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#### 4.10. Finland

- **Overview: state of play and developments**

N/A

- **Inspections**

The Office of the Data Protection Ombudsman has an annual audit plan including audits of the Eurodac.

The Office of the Data Protection Ombudsman carried out an audit on Eurodac fingerprint comparisons for law enforcement purposes. This audit did not give cause for any actions by the Office of the Data Protection Ombudsman.

- **Complaints**

N/A

- **Remarks**

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#### 4.11. France

- **Overview: state of play and developments**

In France, the Ministry of Interior, General Directorate for Foreigners, is the national access point for Eurodac. The CNIL is competent for the supervision of Eurodac processing by the competent authorities in France.

The CNIL took part in all meetings of the Eurodac SCG and fulfilled its supervisory and consultative role at the national level during the 2022-2023 period.

- **Inspections**

In 2023, 4 inspections have been carried out by the CNIL between April and December, within an asylum service attached to a directorate-general of the Ministry of the Interior, two prefectures, a gendarmerie brigade and an interregional judicial police directorate. The procedures are still ongoing.

- **Complaints**

The CNIL received 2 complaints in 2022, and 1 complaint in 2023.

## 4.12. Germany

- **Overview: state of play and developments**

In Germany, the Federal Crime Police Office functions as the single National Access Point according to Art. 3 (2) Eurodac Regulation.

The Federal Commissioner for Data Protection and Freedom of Information, together with the responsible Data Protection Supervisory Authorities of the federal states, monitors the lawfulness of the processing of personal data by the German authorities and the transfer of the data to the Central Unit. In addition, data subjects receive support in exercising their rights of correction or deletion of data.

- **Inspections**

- a) Federal Commissioner for Data Protection and Freedom of Information

- The Federal Office for Migration and Refugees

In 2023, the BfDI carried out an inspection at the BAMF by means of a questionnaire regarding the processing of personal data within Eurodac. Only minor shortcomings were identified in the areas of information leaflets, which have been remedied in the meantime.

Furthermore, the inspection showed that the BAMF requires data subjects to assert their data subject rights in person. As a follow up, the BAMF provided a detailed explanation as to these requirements.

- Federal law enforcement authorities

Supervisory activities from the BfDI regarding law enforcement access (LEA) to Eurodac revealed that the federal police forces barely made any use of Eurodac access requests in 2022 and 2023. The BfDI conducted one inspection of the Federal Criminal Office in 2022 and one of the Customs Criminal Office in 2023.

The inspection at the Federal Criminal Office in 2022 was concluded without any complaints or recommendations. The access request was found to be lawful and in compliance with legal obligations.

The inspection at the Customs Criminal Office in 2023 resulted in no cases of Eurodac access requests.

- b) The Bavarian State Commissioner for Data Protection

In accordance with the obligation under Article 33(2) of the Eurodac Regulation, the Bavarian Commissioner has checked whether the Bavarian police implement access to EURODAC data in compliance with the law. For this purpose, relevant random samples of queries were submitted. The focus in terms of data protection law was on examining the formal and substantive requirements of Article 20(1) of the Eurodac Regulation.

On the basis of the submitted application forms submitted for the Eurodac request and in direct exchange with the initiating authorities, the Bavarian Commissioner was able to understand both the query cascade carried out and the substantive requirements, such as the criminal offense, presentation of the necessity and the grounds for suspicion.

As a result, the audited accesses to the European fingerprint identification system by the Bavarian police were not objectionable. All substantive and formal requirements were met.

During the relevant period, the Bavarian Commissioner also subjected a randomly selected Bavarian district administrative authority to an independent audit of data processing in relation to Eurodac (in addition to other information systems such as the Visa Information System (VIS) and the Schengen Information System (SIS II)).

To this end, the Commissioner asked the relevant district administrative authority to explain in detail the specific local conditions for the use of Eurodac using a questionnaire. The questions covered, among other things, the specific technical connection to Eurodac, the allocation of access rights, the clarification of application scenarios and the training of persons authorized to access the system. During this audit, it was unable to identify any fundamental deficiencies in the handling of Eurodac at the district administrative authority concerned.

c) The State Commissioner for Data Protection and Freedom of Information of the Saarland

· 2022 – State reception centre for asylum seekers

In 2022 the Saarland State Commissioner for Data Protection and Freedom of Information carried out an audit at the local state reception centre for asylum seekers („Landesaufnahmestelle“). Since this public authority is not authorized to compare data for law enforcement purposes pursuant to Article 19 Eurodac Regulation, the examination focussed on the collection and use of fingerprint and other data in accordance with Article 9 Eurodac Regulation. The technical equipment for the initial registration of refugees (so-called „PIK-stations“) and the processes of the software-based specialised procedures (so-called „PIK-Client“) were presented during an on-site visit. In addition, the obligation to inform in accordance with Art. 29 Eurodac Regulation was checked.

With regard to the processing of fingerprint and other Article 9 data, no major deficiencies were detected. Initially there were uncertainties concerning the minimum age of the data subjects: While Article 9 (1) Eurodac Regulation (603/2013) refers to an age of 14 years, several German state acts stipulate an age of 6 years. Since the PIK-stations are not used for Eurodac-purposes specifically, corresponding data was collected of every person over six years old. Yet after some investigations, the authority operating the technical infrastructure was able to sufficiently explain that only data of data subjects over the age of 14 is currently transmitted to Eurodac.

The compliance with Article 29 Eurodac Regulation had to be criticized. The public authority used many different leaflets and sheets so that it was hard to extract the relevant information – especially for data subjects who are not familiar with the law. Additionally, the time limits of Article 29 (2) Eurodac Regulation were hardly adhered to. The training material of FRA and Eurodac SCG was also only little known.

· 2023 – State Police of the Saarland

In 2023 the Saarland State Commissioner for Data Protection and Freedom of Information carried out an audit at the state police of the Saarland and examined the data processing in accordance with Article 19 Eurodac Regulation. In the years from 2018 to 2023 only a single Eurodac search (2022) was conducted which did not result in a hit. The authority stated that this was due to the high demands placed on a query. No major deficiencies were detected in this case. During an on-site visit the state police presented the technical infrastructure to access Eurodac, the national automatic fingerprint identification system and the systems of other Prüm Convention states.

The inspection showed that the requirements of mandatory prior requests to databases in accordance with Article 20 (1) Eurodac Regulation were not implemented correctly. In the meantime, the state police has made appropriate changes.

With regard to formalities, it was noted that the latest publication of the list of designated authorities (Article 43 Eurodac Regulation) stemmed from 2021. An online version that correctly contains designated authorities, operating units and verifying authorities and is updated without delay (Article 43 (1) (3) Eurodac Regulation) was not to be found.

d) Thuringian State Commissioner for Data Protection and Freedom of Information

In 2023 an investigations in the form of a data protection audit for the period 2022 to 2023 was carried out by the State Bureau of Criminal. This audit did not reveal any infringements of data protection law.

- **Complaints**

None.

- **Remarks**

More information about Eurodac (in German language) with additional links to relevant websites are provided by the following website:

<https://www.bfdi.bund.de/DE/Fachthemen/Inhalte/Europa-Internationales/EURODAC.html>

#### 4.13. Greece

- **Overview**

The Informatics Division of the Hellenic Police under the Ministry of Citizen's Protection is the National Access Point for the Eurodac system.

- **Inspections**

No inspection was carried out during the specified time frame.

- **Complaints**

The Hellenic DPA has not received any complaints in relation to data processing within the Eurodac system.

- **Remarks**

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#### 4.14. Hungary

- **Overview: state of play and developments**

Name of the DPA: Hungarian National Authority for Data Protection and Freedom of Information

- **Complaints**

The Hungarian DPA did not receive any complaints from individuals regarding EURODAC System in the period of 2023-2024.

- **Inspections**

The DPA launched an inspection at the national authority competent for the operation of the Eurodac System (the Dactyloscopy Institute of the Hungarian Institute for Forensic Sciences) and an on-site visit took place at its premises in 2023.

- **Remarks**

Link for EURODAC information in the DPA website:

In Hungarian: <http://www.naih.hu/eurodac-rendszer.html>

In English: <http://www.naih.hu/european-dactyloscopy-system---eurodac.html>

#### 4.15. Iceland

- **Overview: state of play and developments**

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- **Inspections**

The Icelandic Data Protection Authority did not carry out any inspections/audits related to Eurodac during the reporting period.

- **Complaints**

The Icelandic Data Protection Authority did not receive any complaints related to Eurodac during the reporting period.

- **Remarks**

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#### 4.16. Ireland

During this period, no Eurodac related activity, nor any requests or complaints.

#### 4.17. Italy

- **Overview: state of play and developments**

The designated access point (NAP – National Access Point) is still the Scientific Police Service within the Direzione Centrale Anticrimine della Polizia di Stato. The aforementioned Service is also the SPoC (Single Point of Contact) for the activities related to the management of the IT structure dedicated to communication with the EU central system.

The Italian DPA received and evaluated the answers to the Questionnaire on data subjects rights from the Ministry of Interior. The dialogue with the Ministry concerning the critical issues pointed out by the Italian DPA is still ongoing.

- **Inspections**

The Italian DPA did not carry out inspections regarding the Eurodac system. There are no fingerprints experts within the DPA.

- **Complaints**

The Italian DPA did not receive any complaint from individuals regarding data processing in the Eurodac system.

- **Remarks**

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#### 4.18. Latvia

- **Overview**

The Information Centre of the Ministry of the Interior and State Border Guard (both authorities are subordinated to the Ministry of the Interior) are the competent authorities with regard to the national system Eurodac. The Data State Inspectorate of Latvia is the competent authority with regard to personal data processing activities concerning Eurodac.

- **Inspections**

The Data State Inspectorate of Latvia carried out an audit finished on May 3, 2022. Following the audit, an action plan was drafted in collaboration with the relevant authorities to mitigate risks and incompliance identified. This plan outlines the activities to be undertaken by authorities to enhance compliance with data protection requirements. Activities by the relevant authorities followed the action plan.

No inspections ex officio were carried out in the given timeframe. Aspects of physical and logical data protection measures applied by the end users were evaluated during the course of inspections regarding compliance of use of large scale information systems by end users.

Other aspects that are continuously monitored – how the relevant authorities follow the action plan; and if there are changes in the information that was gathered and evaluated during the audit.

- **Complaints**

The Data State Inspectorate of Latvia did not receive any complaints in relation to data processing within the Eurodac system during the reporting period.

- **Remarks**

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#### **4.19. Liechtenstein**

During this period, no Eurodac related activity, nor any requests or complaints.

#### **4.20 Lithuania**

#### **4.21. Luxembourg**

- **Overview: state of play and developments**

Nothing to report.

- **Inspections**

The Luxembourgish DPA has not carried out any inspections during the period covered by this report.

- **Complaints**

No complaints have been received during the period under review.

- **Remarks**

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#### 4.22. Malta

- **Overview: state of play and developments**

During the period under review, the Maltese DPA held discussions with the Eurodac National Access Point and the relevant stakeholders involved in the asylum procedure.

One of the main topics discussed involved methods to improve the quality of the the fingerprint scan. During this period new personnel were added to the EuroDac team.

- **Inspections**

During Year 2022 - 2023 the new facilitation of appointments for Asylum seekers that have been put in place was again reviewed and found to be functioning efficiently and effectively. Appointments are being logged in and send within a period of 24Hrs.

Training material has been gathered and Eurodac personnel are expected to receive training on fingerprint match during 2023 by Forensic experts.

- **Complaints**

No complaints were received during this period.

- **Remarks**

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#### 4.23. Netherlands

- **Overview: State of Play and Developments**

During the reporting period, the Dutch DPA maintained regular contact with the competent authorities responsible for Eurodac. The Dutch DPA continues to closely monitor developments related to Eurodac.

- **Inspections**

In addition to the general supervision activities mentioned, no specific inspections were conducted by the Dutch DPA during the reporting period. However, the Dutch DPA has included a plan for a future Eurodac inspection in its multiannual inspection framework. In 2023, the Dutch DPA started preparing an investigation into the access of law enforcement authorities, which is conducted in 2024.

Recognising the role of Eurodac as part of the broader interoperable border and security systems, the Dutch DPA is committed to ongoing monitoring and continues to engage in guidance discussions with controllers and processors.

- **Complaints**

The Dutch DPA did not receive any complaints related to Eurodac during the reporting period.

#### **4.24. Norway**

- **Overview: state of play and developments**

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- **Inspections**

The Norwegian DPA has not carried out any inspections during the reporting period.

- **Complaints**

The Norwegian DPA did not receive any complaints during the reporting period.

- **Remarks**

In 2022, the Norwegian DPA updated information on Eurodac on their webpages. This included distribution of guidance from European data protection authorities and the European Union Agency for Fundamental Rights: “Right to information – Guide for authorities when taking fingerprints for Eurodac”.

#### **4.25. Poland**

The Polish DPA has nothing to report in relation to its supervision over Eurodac in 2022-2023.

#### **4.26. Portugal**

The Portuguese DPA has nothing to report in relation to its supervision over Eurodac in 2022-2023.

#### **4.27. Romania**

The Romanian DPA has nothing to report in relation to its supervision over Eurodac in 2022-2023.

#### **4.28. Slovak Republic**

- **Overview: state of play and developments**

Nothing to report

- **Inspections**

In 2022 the Slovak Supervisory Authority conducted an inspection of the Ministry of Interior of the Slovak Republic (relevant department responsible for EURODAC). The inspectors did not find any infringements nor deficiencies with regard to personal data protection.

In 2023 the Slovak Supervisory Authority conducted an inspection of the Ministry of Interior of the Slovak Republic (relevant department responsible for EURODAC). The inspectors did not find any infringements nor deficiencies with regard to personal data protection.

- **Complaints**

In 2022-2023 the Slovak Supervisory Authority did not receive any complaint regarding data processing in the Eurodac system.

- **Remarks**

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#### 4.29. Slovenia

- **Overview: state of play and developments**

The Slovenian DPA has good and constant relations with the Eurodac National Access Point.

- **Inspections**

The Slovenian DPA did not carry out inspections in period 2022-2023.

- **Complaints**

In period 2022-2023 the Slovenian DPA did not receive any complaint regarding data processing in the Eurodac system.

- **Remarks**

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#### 4.30. Spain

- **Overview: state of the play and developments**

The information system Eurodac was designed for the handling and storage of registers of fingerprints of asylum-seekers and refugees, it consists of a central unit, managed by the European Commission, which integrates a common repository of fingerprints and a system for transferring information that enables the responsible authorities of each member state and the shipment and search for fingerprint records. National Contact points are managed by National

Immigration Authorities. Access is in principle limited to the authorities that oversee the management of asylum applications and national law enforcement units.

The units involved in the management of the EURODAC IT system are as follows:

- Eurodac National Access Point

Under the direction of the Ministry of Home Affairs, the CGPC, “Comisaría General de Policía Científica” (Scientific Police Head Station) is the Spanish national body in charge of national police’s international relations, including relations with the different EU national home offices and police authorities. It is the Eurodac Spanish National Access Point.

- Data protection National Authority

The data processing activities of personal data by the EU national administrative authorities with access to the Eurodac IT system are supervised by the national supervisory authorities, while those of the central IT system managed by the EU Commission are supervised by the European Data Protection Supervisor (EDPS). In the Kingdom of Spain, the supervision of its EURODAC national point is carried out by the “Agencia Española de Protección de Datos”, Spanish Data Protection Authority.

- Data protection coordinated supervision

The SCG EURODAC is the Monitoring group for the Eurodac coordinated Supervision comprising representatives from the national supervisory authorities and the EDPS, all within the framework of their respective competences, to ensure effective coordination of the supervision authorities in both the processing and the monitoring and oversight policy. Thus, according to article 33 of the Eurodac regulation, the national supervisory authorities, and the European data protection Supervisor of data protection, each acting within the scope of their respective competences, must work through:

- The exchange of relevant information.
- Mutual assistance in conducting inspections and auditing.
- Joint consideration of any problems that arise in the exercise of control independent or in the exercise of the rights of those territories of the data.
- Harmonized preparing proposals for finding common solutions to the problems.
- By increasing knowledge of rights in the field of data protection, insofar as that harmonization is necessary.
- The panel must develop an activity report every two years to be sent to the European commission to the council and the European parliament.

- **Inspections**

In 2023, the Spanish DPA started an audit of the EURODAC National side. This audit is performed during the years 2023 and 2024.

In the context of this audit, an onsite inspection has been carried out by the Spanish DPA in the premises of the CGPC on November 2023.

Under the direction of the Ministry of Home Affairs, the General Directorate for the National Police (Dirección General de la Policía) performed a security audit on the EURODAC environment on December 2023.

#### Complaints

No complains have been lodged during 2022-23

- **Remarks**

The Spanish Data Protection Agency has an audit plan for the Schengen acquis related systems. In this audit plan, an audit of the EURODAC national side of the system has been performed during 2023-24.

#### **4.31. Sweden**

The Swedish DPA has nothing to report in relation to its supervision over Eurodac in 2022-2023.

#### **4.32. Switzerland**

- **Overview: state of play and developments**

Switzerland and the EU signed on 27 June 2019 an agreement concerning Prüm as well as a protocol granting access to the Eurodac database to Swiss prosecution authorities under certain conditions. The Eurodac-Protocol has entered into force by exchange of notes on 1 May 2022. The Prüm Agreement entered into force on 1 March 2023. The law enforcement authorities of Switzerland will not have access to Eurodac until 2026 at the earliest.

- **Inspections**

No inspection took place in 2022 and 2023. As mentioned above, the law enforcement authorities of Switzerland do not yet have access to Eurodac.

- **Complaints**

The Swiss federal DPA did not receive any complaints concerning Eurodac.

- **Remarks**

None.

## **5. What to expect next**

The Eurodac SCG Work Programme for 2022 to 2024 is based on the results achieved under the present Work Programme and on recent developments. It will include specific activities to be carried out during this period, while allowing at the same time sufficient flexibility to add new exercises.

- The access of law enforcement authorities (including Europol) to the system: after the adoption by the Group of the “check list” aiming at monitoring the access of law enforcement authorities to Eurodac data, the Group should continue to work on this topic and in particular assess whether they wish to initiate a coordinated action ;

- The Chair confirmed the need to work both on the Screening Regulation and Eurodac Regulation, and to see how they interact. What could be envisaged is a report or a detailed memo pointing out issues of interest. There is a need to delve into the two regulations and discuss afterwards;
- Other topics might also be considered: the suggestion of elements to be covered during inspections of Eurodac at national level, in order to provide guidance to the DPAs; the follow-up of special searches; the marking of data; the issue of false HITs; the activity of the Eurodac SCG within the coordinated supervision in the framework of the EDPB; the entry into force and implementation of the Interoperability Regulation, and its effect and interaction with the Eurodac Regulation.

Besides these foreseen activities, the Eurodac SCG will work on a permanent basis on the follow-up of policy and legislative developments, any ongoing issues, exchange of experiences and mutual assistance.