



EDPS Formal comments on the draft Commission Implementing Decision on the automated search and exchange of police records through EPRIS in accordance with Regulation (EU) 2024/982 on the automated search and exchange of data for police cooperation, and amending Council Decisions 2008/615/JHA and 2008/616/JHA and Regulations (EU) 2018/1726, (EU) No 2019/817 and (EU) 2019/818 of the European Parliament and of the Council (the Prüm II Regulation)

THE EUROPEAN DATA PROTECTION SUPERVISOR,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ('EUDPR')¹, and in particular Article 42(1) thereof,

HAS ADOPTED THE FOLLOWING FORMAL COMMENTS:

1. Introduction and background

1. On 2 December 2025, the European Commission issued a draft Commission Implementing Decision on the automated search and exchange of police records through EPRIS in accordance with Regulation (EU) 2024/982 on the automated search and exchange of data for police cooperation, and amending Council Decisions 2008/615/JHA and 2008/616/JHA and Regulations (EU) 2018/1726, (EU) No 2019/817 and (EU) 2019/818 of the European Parliament and of the Council (the Prüm II Regulation) ('the draft Implementing Decision').
2. Regulation (EU) 2024/982 establishes a framework for automated search and exchange of certain categories of data for cross-border police cooperation between Member States, including police records.
3. The draft Implementing Decision aims to specify the technical procedure for automated search and exchange of police records, which will be done via the European Police Record Index System (EPRIS).
4. The draft Implementing Decision is adopted pursuant to Article 31 and Article 44(6) of Regulation (EU) 2024/982.

¹ OJ L 295, 21.11.2018, p. 39.



5. The EDPS recalls that he issued Opinion 4/2022 on the Proposal for a Regulation on automated data exchange for police cooperation², where he commented, among others, on the envisaged exchange of police records via EPRIS.
6. The present formal comments of the EDPS are issued in response to a consultation by the European Commission of 2 December 2025, pursuant to Article 42(1) of EUDPR. The EDPS welcomes the reference to this consultation in Recital 9 of the draft Implementing Decision.
7. These formal comments do not preclude any additional comments by the EDPS in the future, in particular if further issues are identified or new information becomes available, for example as a result of the adoption of other related implementing or delegated acts³.
8. Furthermore, these formal comments are without prejudice to any future action that may be taken by the EDPS in the exercise of his powers pursuant to Article 58 of the EUDPR and are limited to the provisions of the draft Implementing Decision that are relevant from a data protection perspective.

2. Comments

9. According to 43 of Regulation (EU) 2024/982, the queries of Member States and Europol for the purpose of searching national police record indexes via EPRIS should contain at least two of the following sets of data: (a) first name or names; (b) family name or names; and (c) date of birth. Where available, the following sets of data may also be used: (a) alias or aliases and previously used name or names; (b) nationality or nationalities; (c) country of birth; (d) gender.
10. The EDPS notes that that Section 3 of the Annex of the draft Implementing Decision introduces two ‘search concepts’: comparison of police records in an exact manner (strict search) and in an inexact manner (tolerant search). These search concepts would be further determined by Europol.
11. While the EDPS understands that the second option (tolerant search) may refer to so-called ‘fuzzy searches’ that deal with possible typos and misspellings in the query, he notes that these search concepts are not referred in the Prüm II Regulation and are not defined in the draft Implementing Decision. Therefore, in the interest of legal certainty, the EDPS recommends providing definitions of ‘strict search’ and ‘tolerant search’ in Article 1 of the draft Implementing Decision.

² EDPS Opinion 4/2022 on the Proposal for a Regulation on automated data exchange for police cooperation, issued on 2 March 2022, available at https://www.edps.europa.eu/system/files/2022-03/22-03-07_opinion-4-2022_prum_en.pdf.

³ In case of other implementing or delegated acts with an impact on the protection of individuals’ rights and freedoms with regard to the processing of personal data, the EDPS would like to remind that he needs to be consulted on those acts as well. The same applies in case of future amendments that would introduce new or modify existing provisions that directly or indirectly concern the processing of personal data.

12. The EDPS also considers that draft Implementing Decision should clarify how each search type would be selected in practice, in principle reserving the choice to the requesting entity.
13. In addition, the EDPS notes that, pursuant to Section 4 of the Annex of the draft Implementing Decision, the result of the search sent back by the requested entity should include 'information about the quality of the match'. In this regard, the EDPS invites the Commission to specify in the draft Implementing Decision how the quality of the match result will be calculated.

Brussels, 26 January 2026

(e-signed)

Wojciech Rafał WIEWIÓROWSKI