

## THE DATA SUBJECTS' RIGHTS IN SCHENGEN AREA

### 1) *European legislation of data subject's rights*

The protection of data subject's rights is regulated in the Schengen area by the following EU legal acts:

- Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) – **Article 41**
- Council decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen information System (SIS II) – **Article 58**

### 2) *Every data subject has these rights:*

- **right of access to data**  
meaning: the right to information on whether the data about data subject is processed in Schengen information system – SIS II
- **right of information**  
meaning: the right of information on which data are processed, reason for creating them and who entered them into the SIS II
- **right to correction of inaccurate data and right of deletion of unlawfully stored data**  
meaning: the right to rectify or deleted of inaccurate data relating to data subject stored in the SIS II
- **right to lodge a complaint**  
meaning: the right, which data subject shall apply to national supervisory authority – Office for Personal Data Protection of the Slovak republic, if he or she considers that his or her data is being processed unlawfully in the relevant national component of the SIS II
- **right to bring an action**  
meaning: the right of data subject to apply to the court or the authority competent under the national law of any Member State relating to alert of personal data in the SIS II which concern to:
  - a) access,
  - b) correct,
  - c) delete,
  - d) obtain information or
  - e) obtain compensation.

### 3) *Slovak legislation*

- The Constitution of the Slovak Republic in Article 19 (3) guarantees the right of every person to be protected against unjustified
  - **collection, disclosure and other misuse of his or her personal data**
- Act No. 18/2018 Coll. on Protection of Personal Data and Amending of other acts
- Act No. 171/1993 Coll. on the Police force as amended

### 4) *Method of delivery the requests for exercise from data subjects:*

- **personally,**
- **in written form to address:**

Ministerstvo vnútra Slovenskej republiky/ Ministry of interior of Slovak republic

Prezídium Policajného zboru

Úrad medzinárodnej policajnej spolupráce

Národná ústredňa SIRENE

Pribinova 2

812 72 Bratislava

Slovenská republika

- **electronically, signed by a guaranteed electronic signature or by email to: sirene@minv.sk**

***5) Competence of the Office for personal data protection of the Slovak Republic - for SIS II***

The Office for Personal Data Protection of SR is the competent authority to review personal data processing within the national part of the SIS II in these cases:

- a) where there is suspicion of an unlawful procedure**  
or
- b) where the data subject has not received a satisfactory response from Ministry of Interior of Slovak Republic.**