

V I S S C G

Visa Information System Supervision Coordination Group



Activity Report 2023-2024

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Table of Contents

1. Introduction and background	3
2. Organisation and Coordinated Supervision	5
2.1 Main principles.....	5
2.2 The Supervision Coordination meetings	5
3. 2023-2024: Main achievements	6
3.1 Monitoring the implementation of the revised VIS Regulation	6
3.2 Review of the digitalisation of the visa procedure	7
3.3 Revision of the Schengen Evaluation Mechanism	8
3.4 VIS Common Inspection Plan	8
3.5 Report on advance deletion of data in VIS	8
4. Members' Reports.....	9
4.1. Austria	9
4.2. Belgium	9
4.3. Bulgaria	10
4.4. Croatia	11
4.5 Cyprus	12
4.6. Czech Republic	13
4.7. Denmark	13
4.8. EDPS	14
4.9. Estonia.....	15
4.10. Finland.....	15
4.11. France	16
4.12. Germany	17
4.13. Greece.....	20
4.14. Hungary.....	20
4.15. Iceland	21
4.16. Italy.....	21
4.17. Latvia.....	22
4.18 Liechtenstein	24
4.19. Lithuania.....	24
4.20. Luxembourg	25
4.21. Malta.....	25
4.22. Netherlands.....	26
4.23. Norway	27
4.24. Poland.....	27
4.25. Portugal	31
4.26. Romania	31
4.27. Slovak Republic	31
4.28. Slovenia.....	32
4.29. Spain.....	32
4.30. Sweden	33
4.31. Switzerland.....	34
Annex: List of documents adopted	35

1. Introduction and background

The Visa Information System ('VIS') is a system for the exchange of visa data between Member States. It was created by Council Decision 2004/512/EC of 8 June 2004¹ as completed by Regulation 2008/767/EC of 9 July 2008² ('VIS Regulation'). In 2021, the VIS legal framework was reformed to enable cross-checking with other databases through the adoption of Regulation (EU) 2021/1134³ (the revised VIS Regulation) and Regulation (EU) 2021/1133⁴.

The Visa Information System Supervision coordination group ("VIS SCG") is the body set up by the VIS Regulation to ensure a coordinated supervision in the area of personal data protection of the VIS large-scale information system. The VIS SCG consists of representatives of the National Supervisory Authorities of the Member States responsible for data protection and the European Data Protection Supervisor.

To this end, representatives of the National Supervisory Authorities and the EDPS meet on a regular basis to exchange experiences, discuss problems regarding the interpretation or the application of the VIS legal framework, analyse difficulties regarding the supervision or the exercise of the rights of data in order to share best practices and, where possible, find common solutions.

The revised VIS Regulation, which amends the VIS Regulation as well as other legislative acts, including the Visa Code has brought a number of important changes, notably:

1. it widens the scope of VIS to include long stay visas and residence permits' applicants (Article 1 of the revised VIS Regulation);
2. it modifies the categories of personal data processed by: lowering the fingerprinting age of child applicants for short stay visas from 12 to 6 years old (Article 13 paragraph 7 of (EC) No 810/2009 as amended by Regulation (EU) 2021/1134), processing live facial images upon the submission of applications, instead of scanning the photographs (Article 5(1)(b)); adding the scan of the biographic data page of the travel document⁵ (Article 5(1)(ca));

¹ Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System (VIS), OJ L 213, 15.06.2004, p. 5.

² Regulation 2008/767/EC of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas, OJ L 218, 13.8.2008, p. 60.

³ Regulation (EU) 2021/1134 of the European Parliament and of the Council of 7 July 2021 amending Regulations (EC) No 767/2008, (EC) No 810/2009, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1860, (EU) 2018/1861, (EU) 2019/817 and (EU) 2019/1896 of the European Parliament and of the Council and repealing Council Decisions 2004/512/EC and 2008/633/JHA, for the purpose of reforming the Visa Information System, OJ L 248, 13.7.2021, p. 11–87.

⁴ Regulation (EU) 2021/1133 of the European Parliament and of the Council of 7 July 2021 amending Regulations (EU) No 603/2013, (EU) 2016/794, (EU) 2018/1862, (EU) 2019/816 and (EU) 2019/818 as regards the establishment of the conditions for accessing other EU information systems for the purposes of the Visa Information System, OJ L 248, 13.7.2021, p. 1–10.

⁵ Under the previous rules the scan of biographic data was collected at the national level, with no requirement for it to be done at the EU level.

3. it introduces a risk assessment to be carried out on visa and residence permits' applicants by enabling checks of the data provided against other EU information systems for third-country nationals, certain other databases and lists.

Regulation (EU) 2021/1134 amends with different application dates, among others, Regulation (EC) No 767/2008 (VIS Regulation). Among its amended provisions, Article 43(3) VIS Regulation mandates that the cooperation between the supervisory authorities and the European Data Protection Supervisor shall take place within the framework of the European Data Protection Board. As a consequence, the coordinated supervision of the VIS is now to be carried out within the European Data Protection Board and its Coordinated Supervision Committee (CSC).

As a result, the coordinated supervision of the VIS SCG will be aligned with Article 62 of Regulation (EU) 2018/1725 (EUDPR)⁶, that provides for a harmonised model of coordinated supervision, applicable where the relevant act of Union law refers to this Article. Pursuant to Article 62, the EDPS and the National Supervisory Authorities, each acting within their respective competences, must cooperate actively within the framework of their responsibilities to ensure effective supervision of large-scale IT systems and of Union bodies, offices and agencies. They must meet for these purposes within the framework of the European Data Protection Board (EDPB).

This is executed in practice by the CSC⁷, that operates within the framework of the EDPB. Consequently, the coordinated supervision of the VIS will be handed over to the EDPB and its CSC. The target date for such hand over is now set on 10 December 2024. From this date the EDPB Secretariat will provide the support necessary for the CSC to carry out its activities.

Therefore, the present document represents the last activity report of the VIS SCG and provides an overview of the activities carried out by the VIS SCG for the period 2023 - 2024. Ms Ines Walburg and Ms Eszter Horvath were respectively Chair and Vice Chair during the reporting period.

Section 2 of this Activity Report presents the main principles of the coordinated supervision for the VIS and summarises the three meetings that took place during this period.

Section 3 presents the main issues discussed and the main achievements of the Group during those two years.

Section 4 reports on the activities of each Member of the VIS SCG carried out at national level.

⁶ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (Text with EEA relevance.), OJ L 295, 21.11.2018, p. 39.

⁷ See Article 43 of the VIS Regulation as amended by Article 1 point 42 of Regulation (EU) 2021/1134.

2. Organisation and Coordinated Supervision

2.1 Main principles

The cooperation took the form of meetings held on a regular basis with all DPAs in charge of supervising the VIS at national level and the EDPS, acting together as the VIS SCG. The main purpose of these meetings was to discuss common problems related to supervision and find common solutions or approaches whenever possible. According to Article 43 (3) of the VIS Regulation, as well as Article 5 of the Group's Rules of Procedure, these meetings must take place at least twice a year. The Commission and eu-LISA are also invited to parts of the meetings in order to update the Group on new developments regarding the VIS.

2.2 The Supervision Coordination meetings

In the period 2023- September 2024, three meetings took place on the following dates:

- 13 June 2023;
- 28 November 2023;
- 2 June 2024.

The first two meetings took place in hybrid format, while the last one took place in person. They were organised back-to-back with the Eurodac SCG meeting in order to reduce the financial, travel and administrative burdens and to ensure consistent, horizontal supervision policies of those large-scale IT systems, where possible.

The first part of the meetings was always devoted to a presentation by the European Commission and eu-LISA on recent developments regarding VIS that impact data protection. This approach helped to ensure that the Group was always kept up-to-date in order to ensure effective supervision. The second part of the meeting was devoted to discussions between DPAs on issues that are in need of checking at national level or on new developments of interest for VIS supervisors.

The following paragraphs briefly summarise the topics discussed and actions taken at the three meetings.

Meeting of 13 June 2023

The Group invited representatives of the Commission and the DPO of the eu-LISA. The data protection officer of eu-LISA updated the group on the overall performance of the VIS and the latest developments related to the quality of data in the system, including certain issues and incidents. The Commission then presented the latest updates concerning (i) the state of play of the initiative on the digitalisation of the visa procedure and (ii) the implementing and delegated acts related to the VIS Regulation.

The Group exchanged views on the work on a VIS Common Inspection Plan. The Group also discussed the issue of advanced deletion of data by the national VIS authorities as well as the draft Activity Report for the period 2021-2022.

Meeting of 28 November 2023

The Group invited representatives of the Commission and VIS Product Owner of eu-LISA. The VIS Product Owner of eu-LISA updated the group on the overall performance of the VIS and the latest updates and developments related to the quality of data in the system. The Commission then gave a presentation of the revised VIS Regulation which was adopted in July 2021 and includes important changes from a data protection perspective. The Commission also presented to the Group the latest updates on the Proposal for the digitalisation of the visa procedure.

During this meeting, the Group continued the discussions on the Common Inspection Plan and approved the report on advance deletion of data by the national VIS authorities as well as the Activity Report for 2021-2022.

Meeting of 2 July 2024

The Group invited representatives of the Commission and the VIS Product Owner of eu-LISA. The VIS Product Owner of eu-LISA updated the group on the overall performance of the VIS, the latest updates / developments and issues regarding data in the system and the application of VIS. The Commission gave an update on the implementation status of the revised VIS Regulation as well as on the experience during Schengen evaluations carried out under the new mechanism and discussed possible implications for VIS data protection supervision.

Additionally, the Group adopted the VIS Common Inspection Plan by written procedure in February 2024.

3. 2023-2024: Main achievements

3.1 Monitoring the implementation of the revised VIS Regulation

The revised VIS Regulation⁸ was adopted on 7 July 2021 and introduces major changes to the current VIS legal framework from a data protection perspective. It widens the scope of VIS and modifies the categories of personal data processed. It also introduces the obligation to carry out a

⁸ Regulation (EU) 2021/1134 of the European Parliament and of the Council of 7 July 2021 amending Regulations (EC) No 767/2008, (EC) No 810/2009, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1860, (EU) 2018/1861, (EU) 2019/817 and (EU) 2019/1896 of the European Parliament and of the Council and repealing Council Decisions 2004/512/EC and 2008/633/JHA, for the purpose of reforming the Visa Information System, OJ L 248, 13.7.2021, p. 11–87.

risk assessment of visa and residence permit applicants, which will be done by cross-checking applicants' information against other databases, in line with the interoperability framework⁹.

The VIS SCG monitored the implementation of the revised VIS Regulation by regularly inviting European Commission's representatives to present relevant updates, in particular focussing on the following issues: (1) the fingerprinting of children, (2) law enforcement access, (3) the extension of the scope of the system to also cover long-stay visas and residence permits, and (4) the supervision architecture.

3.2 Review of the digitalisation of the visa procedure

On 27 April 2022 the European Commission adopted a legislative proposal on the digitalisation of visa procedures¹⁰.

The proposal aims to streamline and make more efficient the visa application procedure for applicants and Member States by developing an EU visa application platform that would rely on a decentralised storage of applications in national systems and to increase the security of the Schengen area through the digitalisation of the visa sticker and digitalised application procedures.

First-time applicants, repeat applicants every five years, applicants travelling with children and applicants who will be travelling on a different travel document than the one used for previous visa applications, would still need to present themselves to the consulate or visa application centre to provide biometrics and for identification purposes, or provide additional information, when necessary.

The single EU platform should automatically determine which Member State is competent to examine an application. Member States will only need to check whether the tool determined the correct competent Member State.

Checking of digital visas at the border should rely on the existing and upcoming EU system architecture for border management and should consist of the visa holder's information stored in the VIS. This information should be verified with biometric data by Member States authorities.

⁹ Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA, OJ L 135, 22.5.2019, p. 27–84.

Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816, OJ L 135, 22.5.2019, p. 85–135

¹⁰ Proposal for a regulation of the European Parliament and the Council amending Regulations (EC) No 767/2008, (EC) No 810/2009 and (EU) 2017/2226 of the European Parliament and of the Council, Council Regulations (EC) No 1683/95, (EC) No 333/2002, (EC) No 693/2003 and (EC) No 694/2003 and Convention implementing the Schengen Agreement, as regards the digitalisation of the visa procedure, 27.4.2022, COM(2022) 658 final.

On 18 October 2023, the Parliament adopted its position at first reading. After the adoption by the Council, the final act was signed on 22 November 2023. The regulation (EU) 2023/2667 was published in the Official Journal on 7 December 2023.

The VIS SCG analysed the proposal and invited the European Commission to present any further development on a regular basis.

3.3 Revision of the Schengen Evaluation Mechanism

On 2 June 2021, the Commission presented a proposal to amend the Regulation on the Schengen evaluation and monitoring mechanism (SEM). The proposal was part of a broader effort to update and strengthen the Schengen system, which also includes the publication of new Strategy for the future of Schengen and a forthcoming proposal to amend the Schengen Borders Code.

The Council adopted the Regulation on 9 June 2022 and the Regulation entered into application on 1 October 2022.

Taking into account the main changes that the revised Schengen Evaluation Mechanism brought, the VIS SCG discussed with the Commission's representatives the experiences gained during the Schengen evaluations carried out under the new mechanism and discussed possible implications for VIS data protection supervision.

3.4 VIS Common Inspection Plan

The VIS SCG adopted a Common Inspection Plan for the Visa Information System (the VIS Common Inspection Plan). The purpose of the VIS Common Inspection Plan is to provide an assistance tool for supervisory authorities (SAs) to perform their supervisory role. It also provides for a common approach to the inspections, allowing a better analysis and comparison of results. The VIS Common Inspection tool has been conceived in such a way as to allow flexibility and tuning at national level, according to the specifics of the federal structures, national procedures or methodologies.

3.5 Report on advance deletion of data in VIS

The VIS system provides for strict time limits on the retention of data. The time limits are different for each category of data, but the principle is the same: the deletion is automatically carried out by the VIS Central Unit upon expiry of the legal retention period.

However, advance deletion in VIS is not always ensured in an adequate and consistent manner at national level. This problem has been identified by DPAs in the context of their contributions to the first coordinated inspection. Therefore, the VIS SCG decided to examine whether and how advance deletion is realised by the national VIS authorities, and whether there is a need to improve existing procedures. To this end, the VIS SCG adopted a questionnaire in June 2021. The

questionnaire was divided into two parts: the first part was addressed to national competent authorities and the second to national DPAs. The replies to the questionnaire were provided by 26 States between June 2021 and October 2022 and in November 2023 the VIS SCG adopted the report summarising the main findings.

4. Members' Reports

4.1. Austria

Overview: state of play and developments

The AT SA has actively cooperated with the respective AT VIS authorities to ensure an adequate level of protection of personal data.

Inspections

In 2024, the Austrian SA conducted inspections related to N.VIS. This included several on-site inspections at embassies, along with interviews of the responsible personnel (recommended Questionnaire of CSC was used). In addition, a general data protection inspection of the N.VIS including EURODAC system was carried out and a spot check of selected log files.

Complaints

The Austrian SA did not receive any formal complaints in relation to VIS.

Remarks

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4.2. Belgium

Overview: state of play and developments

In accordance with article 91 of the Belgian DPA's internal Rules of Procedure of 1 June 2024 pursuant to Article 11 of the Act of 3 December 2017 establishing the Data Protection Authority, the Inspection Service carries out the periodic supervision and/or audits that must be performed in accordance with the various European regulations, and in particular the VIS audit.

The Inspection Service of the Belgian DPA started a new audit cycle in 2023, following its audit plan 2019-2022, regarding the Ministry of Foreign Affairs (MFA) and the Federal Immigration Office (FIO). This audit plan takes into scope the VIS processing at national level and in the foreign embassies and consulates of the MFA. In that respect, the Belgian DPA follows an audit methodology designed with standard questionnaires and standard reporting templates.

The Inspection Service continued its audits of embassies that are important in terms of visa issuance or that have specific points of interest. It also started a legal audit of the VIS processing of the FIO at national level.

Inspections

As regards the supervision of the VIS processing, the DPA undertook the following audits at its own initiative:

Audit	Year	Status
Belgian Embassy in Rabat and its External Service Provider in Casablanca (Morocco)	2023	Finalized
Legal services of FIO	2024	Ongoing
Belgian Embassy in Kinshasa and the European Visa Center (Congo)	2024	Ongoing

Complaints

The Belgian DPA did not receive any formal complaints about data processed in the VIS.

Remarks

An expert of the Belgian DPA also participated in the Schengen Evaluation (Scheval) of Slovakia in October 2024.

4.3. Bulgaria

Overview: state of play and developments

In 2023 and 2024, the Bulgarian Commission for Personal Data Protection continued its active participation in the SCG VIS and the discussions on the relevant topics, such as:

- EU-Lisa reports for the overall performance of the VIS and the latest developments related to the quality of data in the system, including certain issues and incidents;
- preparation and discussion of the Visa Common Inspection Plan;
- the revised VIS Regulation and the data protection related changes in it;
- the Schengen evaluations carried out under the new mechanism;
- the digitalization of the Visa application procedures;
- the national application of the advanced deletion of data.

In 2023-2024, experts from the CPDP took part in the Schengen evaluation missions in Finland (2023) and Czech Republic and Slovakia (2024).

Inspections

The Bulgarian DPA is the competent supervisory authority to monitor independently the lawfulness of the processing of personal data, including the transmission to and from the VIS, pursuant to Article 41 of Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation).

Pursuant to its obligation to carry out audits of the data processing in the SIS and VIS on every 4 years, the CPDP includes such audits in its plan for the relevant year. Inspections plans are approved at a CPDP's plenary meeting.

The Data Protection Authority (DPA) carries out periodic inspections and audits of the activities of the National Visa Centre (NVC). The Commission for Personal Data Protection audits the activity of data processing in N.VIS at least every 4 years. As part of this audits are checked the content, the log files and their retention. Such information can be obtained also in case of complaint, related to data subject's personal data processing that requires checking of log files. In this case the CPDP requires the relevant information to be provided by the Ministry of Foreign Affairs, which is the personal data controller with regard to N.VIS.

In 2024, three inspections were carried out – in the General Consulate of the Republic of Bulgarian in Istanbul, Turkiye and in the Consulate to the Bulgarian embassy in Belgrade, Serbia and on the external service provider VFS Global in Istanbul.

Two corrective measures under Art. 58 (2) (d) GDPR have been issued to the consulates, which have not been appealed and are in the process of being implemented. The deadline for the implementation of the compliance measures has not expired.

With regard to VFS Global after a comprehensive audit was carried out, the Commission for Personal Data Protection was of opinion that the company, in its capacity as data processor and external service provider, meets the personal data protection requirements.

A new system for visa processing is implemented in the consulates and embassies, which is due to be inspected and will be included in the new plan for control activity.

Complaints

At this stage, no complaints about the personal data processing in the national VIS unit were received.

Remarks

The CPDP will continue to work with other DPAs on the data processing in VIS matters within the SCG VIS and be active part of the discussions on the relevant data protection issues. The Commission will also continue to provide the necessary information and undertake the relevant actions with regard to the N.SIS and N.VIS systems taking into account all relevant changes and the forthcoming Schengen evaluation after the full access of the Republic of Bulgaria to the Schengen area.

4.4. Croatia

Overview: state of play and developments

At the very beginning of 2023 (January 1), the HVIS was successfully connected to the central visa system - CVIS. During 2023 and 2024, the system continued to operate within the Schengen environment in accordance with the so-called "Legacy VIS" project (ICD 3.0.0.0.). In the initial, mentioned post-production period, several minor improvements were made to the HVIS with the aim of improving the user experience as well as optimizing, i.e. improving their efficiency.

According to the feedback received from the competent agency EU LISA, the HVIS is working as expected, and in some ways, this is confirmed by the Schengen evaluation carried out at the end of 2023.

In addition to the above, during the period in question, preparations continued for the entry into operation of the HVIS based on the "VIS4EES" project, which is being implemented by EU LISA at the EU level. According to the latest information, the system compliant with ICD 3.28 should enter operation in mid-2025.

Inspections

During 2023. Agency conducted inspection of processing of personal data within premiss of Ministry of Foreign and European Affairs (MFEA) which included inspection of data centre, checking activity logs, video surveillance system and data subject rising awareness.

During 2024. Agency conducted inspections in Embassy in Belgrade, Serbia and Embassy in Sarajevo, BiH

Complaints

In 2023 the Ministry of Foreign and European Affairs (MFEA) received one complaint from data subject regarding the processing of his/her personal data in the VIS ("CVIS") and in 2024 same body received also one complaint on same matter.

During the reporting period, the Croatian DPA did not receive any complaints regarding the processing of personal data in the VIS ("CVIS").

Remarks

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4.5 Cyprus

Overview: state of play and developments

The development of Ministry of Foreign Affairs' (MFA's) new N-VIS is at its final stages, expected to be inspected by the Commission within 2025. It will start operating after the EU Council adopts and publishes a relevant Decision.

Inspections

Inspections will be carried out before (to check the MFA's operational readiness) and after (to check the system's operation and performance) the CY N-VIS starts operating.

Complaints

No complaints have been submitted to the DPA insofar.

Remarks

Our Office has been consulted on the draft bill for the establishment and operation of the CY N-VIS.

4.6. Czech Republic

Overview: state of play and developments

In 2023-2024, the Czech SA independently monitored the lawfulness of the processing of personal data in the VIS, both by carrying out inspections and by handling VIS-related requests and complaints of data subjects. The Czech SA also actively cooperated with the Czech VIS authorities to ensure an adequate level of protection of personal data.

Inspections

During the reporting period, the Czech SA initiated a total of 3 VIS-related inspections:

In the period July 2023 – January 2024, an inspection of the processing of personal data in the VIS at the Ministry of Foreign Affairs was carried out. This inspection focused on the compliance with the personal data protection rules during the visa process at the embassies of the Czech Republic in Astana and Abu Dhabi and their use of visa application centres. The inspection revealed deficiencies in the fulfilment of the obligation to inform data subjects and in the regular monitoring of external service providers, as well as deficiencies in the measures to ensure the security and availability of personal data. Following the inspection, the Ministry has already taken steps to remedy the deficiencies identified.

In July 2024, another inspection focused on the protection of personal data was launched at a selected Czech embassy in a third country, the conclusions of which are still being formulated. Finally, in October 2024, an inspection of the Police of the Czech Republic was initiated in relation to VIS and is still ongoing.

Complaints

In 2023 and 2024, the Czech SA received 19 enquiries concerning the visa policy of the Czech Republic. As the Czech SA is not competent to provide information on visas, nor can it accept visa applications or make appointments, it was necessary to inform the enquirers about the division of competences in the field of visas and how to contact the competent authorities.

The Czech SA received a total of 5 submissions concerning the VIS. 3 of these submissions were complaints that the Czech SA processed in cooperation with the Police of the Czech Republic and the Ministry of Foreign Affairs as the controllers of the N.VIS. In the other cases, which involved requests for access to or deletion of personal data in the VIS, the data subjects were referred to the respective data controllers.

Remarks

None

4.7. Denmark

Overview: state of play and developments

Inspections

The Danish Data Protection Authority (Danish DPA) conducted five inspections on the Visa Information System (VIS) in the reporting period 2023-2024.

In 2023, an audit on the Danish National Police was carried out with a focus on searches in VIS for law enforcement purposes in accordance with the VIS Decision Article 4 and 5. The Danish DPA found that, in a number of cases, the Danish National Police had not, or had not sufficiently, carried out a legal check of whether the conditions for access laid down in Article 5 were met before the search was carried out. Against this background, the Danish DPA found ground for reprimanding the Danish National Police's failure to comply with the VIS Decision.

Furthermore, the Danish DPA carried out an audit of the Ministry of Immigration and Integration in the end of 2023 and in 2024. The Danish DPA found ground for reprimanding the Ministry, as the inspection revealed a lack of control over automatic deletion, a lack of immediate deletion under the VIS Regulation Article 25(1) and a lack of notification under Article 25(2).

Complaints

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

Remarks

The Danish DPA revised the information regarding VIS on its website.

4.8. EDPS

Overview: state of play and developments

The EDPS continued to play an active role in the VIS SCG/CSC during the reporting period, drawing on its role as supervisor of eu-LISA, as laid down in Article 42 of the VIS Regulation. The EDPS is tasked with ensuring that all the personal data processing activities concerning VIS, by Union institutions, bodies and agencies, are carried out in accordance with this Regulation as well as with the EUDPR (Regulation (EU) 2018/1725).

Inspections

In December 2024, the European Data Protection Supervisor (EDPS) conducted an audit of the central system of the Visa Information System (VIS), managed by eu-LISA, in accordance with Regulation (EU) 2018/1725 and Regulation (EU) 767/2008. The audit was carried out following international standards, with a focus on the operational management and security of the VIS central system and its internal communication infrastructure. The audit report, containing key findings and recommendations, will be submitted to eu-LISA, as well as to the European Parliament, the Council, the European Commission, and the national Data Protection Authorities (DPAs), in compliance with Article 42 of the VIS Regulation (EU) 767/2008.

In October 2024, the EDPS completed a follow-up audit to assess the implementation of recommendations issued in the EDPS Audit Report 2023 for the Visa Information System (VIS).

The results of this follow-up audit were formally communicated to eu-LISA. The EDPS maintains ongoing oversight of eu-LISA's implementation of audit recommendations through a standardized reporting schedule to ensure continuous compliance and improvement.

In October 2023 the EDPS inspected access to VIS by the European Union Agency for Law Enforcement Cooperation (Europol), to verify whether searches of VIS performed by Europol are in compliance with the VIS legal framework. This included assessing whether Europol's requests to search the VIS are duly reasoned and only submitted when necessary for the performance of its tasks, as well as verifying the role of the Central Access Point (CAP) in ensuring strict compliance with the conditions for access. The EDPS issued its inspection report to Europol in July 2024.

Complaints

The EDPS did not receive any complaints related to processing of data in the VIS (central system) during the reporting period.

4.9. Estonia

Overview: state of play and developments

The EE DPA had regular activities within the VIS SCG and a supervisory and consultative role at national level for authorities and the public.

Inspections

The EE DPA has previously started VIS audit in 2022. The EE DPA conducted 3 on-site visits and had number of meetings with the Data Controller and Processors. The audit questionnaires were based on two available modules.

The audit was finalised in 2023.

Complaints and access requests

A data subject filed for an access request with the EE DPA to receive his personal data in the VIS. We forwarded his request to the Estonian authority that is responsible for the national part of VIS. The data subject was informed accordingly and the proceedings did not go any further.

Remarks

None.

4.10. Finland

Overview: state of play and developments

The Office of the Data Protection Ombudsman has an annual audit plan including audits of the VIS. The Office of the Data Protection Ombudsman shall cooperate with the authorities using the VIS and the relevant ministries to monitor and develop the data protection of the VIS. Based on

2022 VIS inspection The Office of the Data Protection Ombudsman has followed up on the recommendations made to the controller.

Inspections

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Complaints

The Office of the data protection Ombudsman has not received any complaints regarding data processing in the VIS in the period 2023-2024.

Remarks

In May-June 2023 Finland was evaluated on the application of the Schengen acquis in the field of data protection (Schengen evaluation).

4.11. France

Overview: state of play and developments

In France, the Ministry of Interior and the Ministry of Foreign Affairs share competences with regards to the common visa policy. The CNIL is competent for the supervision of the VIS related processings by the competent authorities in France. The data collected for the processing of visa applications is used to provide data for ‘France-Visas’, ‘VISABIO’ and VIS.

- The ‘France Visas’ processing system enables visa applications to be processed. It was initially created to gradually replace the “Réseau Mondial Visas” (RMV 2) processing system, created in 2001 and that did not comply with the SIS II Regulation (n° 1987/2006) and the GDPR, which collects the data needed to process visa applications. The “France Visas” processing is designed to deal with the rise of visa applications, to make the application process as efficient as it is possible (rationalising means dedicated by the French administration) and to ease this process for visa applicants. The “France Visas” processing is also used to fight against false documents.
 - The French data protection authority published two opinions about “France Visa” processing : the first one in 2017 (délibération n° 2017-151 of the 9th of May 2017) ; the second one in April 2024 (délibération n° 2024-033 of the 25th of April 2024). In this last opinion, the French DPA points out: (1) the necessity of paying attention to the compliance of interplays between “France Visas” and the other processings that are involved into the visa application process (for instance, the “wanted persons database” – “fichier des personnes recherchées” ; (2) the need to limit the number of recipients and to make sure they do not get already access the data processed by other means ; (3) the quality of the information to be provided to data subject.
- ‘VISABIO’ is another system used to centralise and store the biometric data of all visa applicants and to check visas at external borders and on national territory. “VISABIO” can be used in the visa application process to check whether previous applications exist and so, to make sure the administration did not already collect the applicant’s biometric data.

Biometric data collected by the mean of VISABIO are then stocked into “France Visas” database in order to process the visa application.

- The French data protection authority published two opinions about “VISABIO” processing: in September 2009 (délibération n° 2009-494 of the 17th of September 2009), in September 2012 (délibération n° 2012-293 of the 13 of September 2012) and in March 2020 (délibération n° 2020-035 of the 19th of March 2020). These opinions especially focus on the right level of cybersecurity to prevent from the risk of data breaches.
- ‘VIS’ is used to centralise and to ease the share of information about short-term visas applied to the consulates of the Schengen countries.

The data processed in France-Visas is entered into either VIS or VISABIO, depending on the visa category. VISABIO is also involved in the processing of visa applications insofar as it is queried, from France-Visas, to check the existence of previous visas (long-stay or overseas) and biometric data that may have been previously collected. At national level, France-Visas is used to process visa applications, while VISABIO is used to store visa data. VISABIO is also used, for example, for checks and verifications carried out by the national police and gendarmerie.

With regards to visa statistics, provided by the French Ministry of Interior:

- In 2023, 2 980 445 visa applications were received.
- In 2024, 3 486 275 visa applications were received.

The CNIL took part in all activities and meetings of the VIS SCG and fulfilled its supervisory and consultative role at the national level.

Inspections

No inspections were carried out by the CNIL out for the 2023-2024 period. However, following inspections carried out prior to the period covered by this report, the CNIL issued a reprimand to the Ministry of the Interior and the Ministry of Foreign Affairs (Délibération SAN-2023-017: <https://www.cnil.fr/fr/gestion-des-visas-dans-lespace-schengen-la-cnil-sanctionne-deux-ministeres> ; https://www.legifrance.gouv.fr/cnil/id/CNILTEXT000049059221?init=true&page=1&query=SAN-2023-017&searchField=ALL&tab_selection=all)

Complaints

No complaints were received by the CNIL in 2023 and 2024.

4.12. Germany

Overview: state of play and developments

The Federal Foreign Office has extended its digital Consular post service to more consular posts and more types of visa application.

Furthermore, the Federal Foreign Office has established a joint controllership arrangement (Article 26 GDPR) with the Federal Office of Administration in response to an inspection carried out in 2022, which identified deficiencies in controllership regarding the processing of data according to the VIS regulation.

Inspections

a) The Federal Commissioner for Data Protection and Freedom of Information (BfDI)

• Embassy in Senegal

In 2023 the German Embassy in Senegal was inspected regarding the cooperation with external trusted lawyers for checking the accuracy of authentic acts and official documents, for example in visa and asylum cases. This often involves the transfer of sensitive data to third countries.

The inspection showed that the internal rules for engaging external lawyers were insufficient. Meanwhile, the Federal Foreign Office has updated its rules and, among other aspects, has established a necessity test when involving external lawyers.

The lack of formal written agreement with the external trusted lawyer that was found during the inspection has also been remedied in the meantime.

• BND (Federal Intelligence Service)

In 2023, the BfDI carried out an inspection on the access requests of the BND to the VIS database. As a result of the inspection, two practical notes were given, which cannot be mentioned due to their confidentiality.

• BKA (Federal Criminal Police Office)

As mentioned in the last VIS Activity Report 2021-2022, the BfDI carried out an inspection of the legality of the BKA's access requests to the VIS database in 2022.

The legitimacy of the access requests was evident in all cases. The BfDI recommended standardising the documentation of requests and results. The inspection was completed in 2023 and was followed by another inspection on documentation in general.

• General Consulate in Istanbul (Turkey)

In 2024 the BfDI carried out an inspection at the General Consulate in Istanbul, including a visit to the local external service provider.

No major deficiencies were found on site. Minor shortcomings were concluded in a report and have been communicated to the Federal Foreign Office.

The Federal Commissioner has received complaints from data subjects about the involvement of external service providers. In response, the DPA has recommended the Federal Foreign Office to

update their website to provide more transparency and inform data subjects about the roles of these external service providers.

b) The Bavarian State Commissioner for Data Protection:

In order to comply with the legal obligation to carry out checks in accordance with Article 8(6) of Council Decision 2008/633/JHA of June 23, 2008, the Bavarian Commissioner checked the queries made by the Bavarian police in the VISA information system during the relevant period. It turned out that in only one criminal case, several searches were carried out for repressive purposes using both personal data and biometric data. The nature of the offense, the purpose of the search and the necessity of the search could be determined from the applications submitted for review and the opinion obtained. As the audit is still ongoing, no conclusive result can be announced. However, it can be stated in advance that due to the generally sparing use of the query option by the police throughout Bavaria, it cannot be assumed that access to the VIS is routinely used.

During the reporting period, the Commissioner also conducted an independent audit of the data processing activities of a randomly selected Bavarian district administrative authority with regard to the Visa Information System (VIS), the Schengen Information System (SIS 3.0) and Eurodac.

The district administrative authority was contacted to explain in detail the specific local conditions for the use of these information systems using a drawn-up questionnaire. The questions included the specific technical connection to the various systems, the allocation of access rights, the clarification of application scenarios and the training of authorized users. The district administrative authority then explained in detail how, in which constellations and to what extent it uses the relevant information systems.

The audit, which is still ongoing and has not yet been completed, has so far revealed that the district administrative authority in question has no direct technical connection to the VIS and that neither entries nor retrievals were made in the VIS during the reporting period. Nor has the Commissioner been able to identify any fundamental deficiencies. However, at the instigation of the Commissioner, the authority has, among other things, made some necessary additions to the authorization concepts and the data protection information.

c) Thuringian State Commissioner for Data Protection and Freedom of information

In 2024 an investigation in the form of a data protection audit was carried out by the State Bureau of Criminal. This audit did not reveal any infringements of data protection law.

d) The Berlin Commissioner for Data Protection and Freedom of Information

During the reporting period, the Berlin Commissioner for Data Protection and Freedom of Information reviewed the use of the Visa Information System (VIS) by Berlin's law enforcement authorities, the Berlin Police, and the State Office for the Protection of the Constitution. No violations were identified.

Complaints

None.

4.13. Greece

Overview

The Hellenic DPA during this period continued to perform its supervisory role in relation to the VIS data processing operations and the controller of N.VIS i.e., the Ministry of Foreign Affairs. Also, it has actively participated in the SCG VIS meetings and followed closely the developments regarding the digitalization of the visa procedure and the implementation of the new legal framework (revised VIS Regulation).

Inspections

In 2024 the Hellenic DPA started a new comprehensive audit of the N.VIS as part of the required four-year audit cycle provided in art. 41 of the VIS Regulation. To this end it has drawn up a questionnaire which was based on the Common Inspection Plan developed and adopted by the VIS SCG and sent it to the controller, the Ministry of Foreign Affairs in order to be filled in. It is planned that in 2025, upon receipt of the replies, the DPA will analyse them and proceed with the on-site inspection.

Complaints

The Hellenic DPA did not receive any complaints in relation to data processing within the VIS.

Remarks

No further remarks.

4.14. Hungary

This Part provides an overview of the activity of the national DPAs as national supervisory authorities for the VIS.

1. **Country:** Hungary
2. **Name of the DPA:** Hungarian National Authority for Data Protection and Freedom of Information
3. **Number of complaints from data subjects:** 8 (2023-3; 2024-5)
4. **Main issues object of complaints:** The DPA received data subjects' requests mostly for information on data stored in VIS or request for general information on VISA application process. The DPA initiated investigations in two of the above mentioned eight cases.
5. **Inspections:** In July 2023 the DPA launched an on-site inspection at the Consulate of Manila, Philippines. In March 2024 the DPA conducted audits at several consular posts via questionnaire (Ankara, Istanbul, Skopje, Tirana, Sofia, Tokyo, Tunis) and also checked the compliance of the data management of the external service providers (AS VISA Ankara, AS VISA Istanbul).
6. **Link for VIS information in the DPA website:**
In Hungarian: [Vízuminformációs Rendszer \(VIS\) - Nemzeti Adatvédelmi és Információszabadság Hatóság \(naih.hu\)](https://www.naih.hu/vizuminformacios-rendszer)

In English: <http://www.naih.hu/visa-information-system---vis.html>

7. **Remarks:** The Schengen evaluation of Hungary took place in June 2024 within the framework of which all competent authorities (data controllers of VIS) were inspected on whether they comply with the data protection provisions of national and EU legislation.

4.15. Iceland

Inspections

In the reporting period 2023-2024, the Icelandic Data Protection Authority carried out an audit of data processing operations in N.VIS in accordance with Article 41(3) of VIS Regulation 767/2008.

Complaints

No complaints relating to VIS have been received during the reporting period.

4.16. Italy

Overview: state of play and developments

In the relevant period, the Italian DPA received the final Report on Schengen evaluation of Italy, on the correct implementation of the Schengen acquis in the field of data protection carried out in September 2021.

At European level, the Italian DPA took part in all meetings of the VIS SCG and had a consultative role at national level for authorities and the public.

Inspections

With respect to the verification activities referred to in Article 41 (1) of the VIS Regulation (EC) 767/2008, in 2023, the Italian DPA concluded the cycle of checks started at the end of 2022. Following the on-site inspection activities carried out between October and December 2022 at the Ministry of Interior (MoI), responsible for issuing visas at the border and for examining asylum applications (air and maritime Border Police Offices of Fiumicino International Airport and port of Civitavecchia; Ministry of the Interior - Central Directorate for Immigration and the Border Police; National Electronic Center of the National Police), in February 2023 the Italian DPA concluded the cycle of supervision activities by carrying out on-site inspections at the Ministry of Foreign Affairs and International Cooperation (MFAIC) that irresponsible for issuing visas abroad, at the MFAIC-Central Office for Visas and at the Central Directorate for Information Systems, at the Embassy and Consulate of Tunis and at an external service provider's offices in Tunis.

The extensive supervision activity concerned the lawfulness of the processing of personal data, the security profiles, the control of access log files at operational units and at areas where the national information systems I-VIS and N-VIS are located.

Complaints

In the relevant period, the Italian DPA received several complaints in cases where a visa was refused, or, in general, concerning the visa application process. In these cases, the DPA informed

the complainants on how to contact the Ministry for Foreign Affairs and exercise data subjects' rights, providing clarifications also on its supervisory competences regarding the VIS.

Remarks

No specific remarks.

4.17. Latvia

Overview: state of play and developments

To ensure effective supervision of the processing of personal data, during the VIS Activity Report 2023-2024, the Data State Inspectorate of Latvia (hereinafter- the DSI) carried out investigations and other supervisory activities to promote more effective protection of personal data in VIS.

Inspections

2023

- 1. Subject:** Assessment of the adequacy of the processing of personal data in the N.VIS

Respective authority: Embassy of the Republic of Latvia to the Republic of Kazakhstan

Methodology: international auditing standards: ISO/IEC 27001:2022 “Information Security Management System” and ISO/IEC 27002:2022 “Information technology — Security techniques — Code of practice for information security controls” and questionnaire drafted by the VIS Supervision Coordination Group – “Questions to consular posts/embassies”; “Questions to external providers (subcontractors)”.

Nature of inspection: two-day onsite inspection was carried out on the compliance of the processing of personal data by Embassy of the Republic of Latvia to the Republic of Kazakhstan with the lawfulness of the processing of personal data during the examination of visa applications and decision-making when accessing the Visa Information System. During the inspection the DSI also met the external provider (PONY EXPRESS).

In addition to the onsite inspection, the DSI sent a request for additional information to the Ministry of Foreign Affairs in order to obtain information and answers to those questions that were not answered during onsite interviews.

Based on received answers and information gathered during onsite inspection the DSI compared and assessed the compliance of the activities carried out by the respective authority with the controls specified in the international auditing standards.

- 2. Subject:** Assessment of the adequacy of the processing of personal data in the N.VIS

Respective authority: the Ministry of Foreign Affairs

Methodology: questionnaire drafted by the VIS Supervision Coordination Group

Nature of inspection: onsite inspection was carried out using VIS Supervision Coordination Group questionnaire for common inspection plan for the Visa Information System. Scope of the inspection and the nature of the questions was related to relationships and competencies between the controller and data processors (external service providers); data input and data quality (in particular, ensuring the quality of biometric data); staff training; right of information and right of access/rectification/deletion and how many visa applications were processed (including refused visas).

Recommendations and action plan: at the end of the audit the DSI issued a report on its findings with recommendations to the respective authorities. In cooperation with the respective authorities a plan to address identified deficiencies has been drawn and currently being implemented by the respective authorities and monitored by the DSI.

2024

1. **Subject:** Assessment of the adequacy of the processing of personal data in the N.VIS

Respective authority: Embassy of the Republic of Latvia to the Republic of Uzbekistan

Methodology: international auditing standards: ISO/IEC 27001:2022 “Information Security Management System” and ISO/IEC 27002:2022 “Information technology — Security techniques — Code of practice for information security controls” and questionnaire drafted by the VIS Supervision Coordination Group – “Questions to consular posts/embassies”; “Questions to external providers (subcontractors)”.

Nature of inspection: three-day onsite inspection was carried out on the compliance of the processing of personal data by the Embassy of the Republic of Latvia to the Republic of Uzbekistan with the lawfulness of the processing of personal data during the examination of visa applications and decision-making when accessing the Visa Information System. During the inspection the DSI also visited the external providers (VFS Global Uzbekistan) office.

Based on received answers and information gathered during onsite inspection the DSI compared and assessed the compliance of the activities carried out by the respective authority with the controls specified in the international auditing standards.

Recommendations and action plan: at the end of the audit the DSI issued a report on its findings with recommendations to the respective authority.

2. **Subject:** Assessment of the replies to data subjects within the N.VIS

Respective authority: The Office of Citizenship and Migration Affairs

Methodology: Information request to provide 4 anonymised answers based on Article 38 of the VIS Regulation sent to data subjects to the respective authority.

Nature of inspection: An inspection was carried out on the compliance of the standard answers to data subjects used by the Office of Citizenship and Migration Affairs with the laws and regulations

governing the operation of the VIS. As part of the inspection, copies of the standard replies were obtained and analysed for compliance.

Key findings and recommendations: The DSI issued a recommendation to review the standard replies to data subjects and include some additional information to comply with the requirements of Article 38 of the VIS Regulation.

Complaints

There have been no complaints received regarding the data processing in the VIS.

Remarks

N/A

4.18 Liechtenstein

Inspections

The national data protection authority initiated an investigation of the VIS at the migration and passport office in 2024.

Complaints

The national data protection authority did not receive any complaints or was in any contact with data subjects regarding the VIS in the reporting period.

Remarks

4.19. Lithuania

Overview: state of play and developments

During 2024, the Lithuanian Data Protection Authority (VDAI) continued its oversight of personal data processing compliance, particularly in Lithuanian diplomatic institutions and visa services abroad. The authority focused on ensuring adherence to GDPR and national data protection laws through audits and inspections.

Inspections

In 2024, the Inspection conducted an audit on the legality of personal data processing, covering the processing of end-user data at the Lithuanian visa service (Embassy of the Republic of Lithuania in the United Kingdom of Great Britain and Northern Ireland, the Federal Democratic Republic of Ethiopia, the Sultanate of Oman, and the Portuguese Republic) as well as at the Lithuanian Visa Center in the United Kingdom.

The purpose of the audit was to determine whether personal data processing complies with legal requirements. The audit found that the implemented processes generally meet legal and technical requirements. However, recommendations were provided to enhance the protection of electronic communication, ensure compliance with transparency and the right to access personal data, and strengthen both technical and physical security measures.

Complaints

No complaints regarding the functioning of the VIS system have been lodge during the period 2023-2024.

Remarks

No additional remarks were noted regarding personal data protection measures in 2024.

4.20. Luxembourg

Overview: state of play and developments

Following the 2022 Schengen evaluation of Luxembourg and the issued recommendations, the DPA has worked closely together with other concerned national authorities to elaborate and implement the action plan.

Inspections

In 2023, the Luxembourgish DPA carried out a VIS audit at one of its consulates in accordance with article 41 (3) of the VIS Regulation, covering the rights of data subjects, the entry of data into the VIS by the consulate, data quality, biometric data and training. Recommendations on the issues identified during the audit were made to the consulate.

The ongoing audit of the Ministry of Foreign Affairs from 2021 continued, focusing on the data processing in relation to the processing of visa applications, and was concluded with the issuance of recommendations in 2024.

Complaints

No complaints have been received during the reporting period.

Remarks

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4.21. Malta

Overview: state of play and developments

VIS operation

During the period 2023-2024, the VIS operation for Malta was relatively smooth and no major issues or disruptions were encountered with regards to the overall operation of the system, both from a technical point of view and at an organizational level. During 2024, SIS II check facility have been made available from all Maltese missions through the VIS.

Inspections

During 2023 the Maltese DPA carried out physical inspections at the Ministry for Foreign Affairs for VIS user logs, user authentication mechanisms, and user activity inspections were carried out.

During August 2024, inspection was carried out at the Maltese Central Visa Unit, now re-branded as Identita. During this visit the workflow of the entity was audited and inspected.

During the last quarter of 2024, Istanbul Consulate was audited. Part of the audit was a pre-visit questionnaire covering policies, procedures and operational activity at the diplomatic mission. Additional audits are scheduled to other diplomatic missions during 2025/2026.

Complaints

No complaints were received during the period 2023 - 2024.

4.22. Netherlands

Overview: state of play and developments

The follow-up to the VIS audit that took place in 2019-2020 was completed in June 2023. This included an improvement process at the Ministry of Foreign Affairs and the National Police following the deficiencies found, with the necessary improvements being implemented.

The Ministry of Foreign Affairs is currently rolling out a new case-management system that will replace the current system in the course of 2025. The case-management system is connected to the VIS and is replacing the old system to enable the Ministry to work digitally (and phase out the use of physical documents as much as possible). The roll-out was initially planned for 2024 and the inspections on the processing of VIS data were planned to take place accordingly (in 2024). Since the roll-out has been delayed until 2025, so have the inspections by the NL SA.

Furthermore, the NL SA carried out an investigation regarding the use of a tool by the Ministry of Foreign Affairs, indicating the intensity of the review a visa-application would need. The tool made use of an algorithm that processed VIS data of applicants (including nationality and sex). The investigation (and the report detailing the findings) was finalised in the summer of 2024 and the NL SA is currently in the process of drafting a decision. The decision is expected in Q2 of 2025.

Inspections

In 2024 the Dutch DPA set up its multiannual inspection plan also for a VIS inspection, including visits to two consulates outside the EU. This inspection will take place in 2025. As mentioned above, the new case management system of the Ministry of Foreign Affairs will also be part of the inspection.

Complaints

Whereas several requests for access to data in the VIS were made to the Dutch DPA by mistake, no official complaints were filed in this period. Requests for access to data are in all cases forwarded to the Ministry of Foreign Affairs.

4.23. Norway

Overview: state of play and developments

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Inspections

In the reporting period 2023-2024, the Norwegian Data Protection Authority (Norwegian DPA) carried out an inspection with law enforcement authorities' access to VIS. The inspection uncovered some points in the written procedures which needed clarification. This was resolved without the need of an order from the Norwegian DPA.

Furthermore, the Norwegian DPA carried out an inspection at the Norwegian embassy in London in 2024. The Norwegian DPA looked into various issues under the VIS regulation and the GDPR, including responsibility, internal control and data subjects' rights. The inspection included a visit to the premises of the external service provider.

Following its investigation, the Norwegian DPA did not find any breaches, however it issued some recommendations in regards to written procedures and documentation. The inspection was finalised in June 2024. The report was published on the Norwegian DPA's website.

Complaints

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

Remarks

The Norwegian DPA revised the information regarding VIS on their website.

4.24. Poland

Overview: state of play and developments

The rules and implementation of Poland's participation in the Visa Information System (VIS), including the responsibilities and powers of authorities regarding data entry and consultation via the National IT System (NITS), are defined by the **Act of 24 August 2007 on the participation of the Republic of Poland in the Schengen Information System and the Visa Information System**. This act was amended on 7 March 2023, with the amendments aimed at, among other things, clarifying the scope of training for employees and officers authorized to access the VIS.

As a result of these changes, in 2023, the Minister of Internal Affairs and Administration adopted two executive orders specifying security measures for the National VIS (N.VIS). The first order concerns the training requirements for individuals with access to the NITS and the qualifications of trainers. The second regulation defines access rights and the authorization model for using NITS and processing data through the system.

The **Act of 12 December 2013 on Foreigners** aligns national legislation with the requirements of the VIS Regulation. It establishes the rules and conditions for foreigners' entry into, transit through, stay in, and departure from Poland, as well as the procedures and competent authorities involved.

On 23 September 2024, the **Ministry of Foreign Affairs proposed a draft act** aimed at addressing irregularities in Poland's visa system. The draft focuses on reforming the national visa issuance system for study purposes and the temporary residence permit system for students. The draft aims to streamline the process of handling in-person visa applications, and thus - to counteract the obstruction of some consular offices in the countries of origin of foreigners interested in staying in the territory of the Republic of Poland, which not infrequently benefited primarily from intermediaries offering them paid assistance in obtaining a visa appointment using automated scripts.

On 23 September 2024, the **Ministry of Foreign Affairs proposed a draft act** aimed at addressing irregularities in Poland's visa system. The draft focuses on reforming the national visa issuance system for study purposes and the temporary residence permit system for students. A key objective of the draft is to streamline the processing of in-person visa applications to counteract obstructions at certain consular offices in the countries of origin of foreigners seeking to stay in Poland. These obstructions often primarily benefited intermediaries who charged applicants for assistance in securing visa appointments, frequently using automated scripts to manipulate the booking system.

Regarding **data protection in VIS**, the general legal framework ensuring the application of GDPR in Polish law is set out in the Act of 10 May 2018 on the Protection of Personal Data. Additionally, specific regulations implementing Directive 2016/680 are provided in the Act of 14 December 2018 on the Protection of Personal Data Processed in Connection with Preventing and Combating Crime.

Consultations on legislation

In 2024, the President of the Personal Data Protection Office commented on the **draft act on amending certain laws to eliminate irregularities in the visa system of the Republic of Poland** at the consultation stage. During the consultations, the President emphasized that the proposed act should clearly specify all purposes for processing foreigners' personal data, including that the initial identity verification of a foreigner using personal data takes place during an interview, during which the appointment for submitting a national visa application is also determined.

It was noted that the proposed regulation does not clarify whether the foreigner's personal data processed during the interview is recorded and, if so, in what manner and for how long it is stored—especially in cases where the interview does not result in setting an appointment for the visa application submission.

Additionally, it was observed that the proposed regulation does not specify who decides on conducting the interview with the foreigner—particularly whether this decision is made by the consul or the visa applicant.

In the supervisory authority's opinion, it would be advisable to clarify these aspects in the draft, specifically:

- Whether the foreigner's personal data is subsequently recorded,
- Whether data inferred from the interview is also stored,
- If so, in what manner and under what conditions this data should be retained.

This issue is particularly significant in light of the storage limitation principle outlined in Article 5(1)(e) of Regulation 2016/679 (GDPR). The authority also pointed out inconsistencies present in the document.

The solutions proposed by the Supervisory Authority aimed at ensuring in national legislation the proper application of the content of Article 6(3) of Regulation 2016/679, including the principles of lawfulness, fairness and transparency, the purpose limitation and accountability. The Supervisory Authority's comments provided in the course of legislative work are in the nature of expert guidance for drafters, who decide on the final shape of the legislation to be adopted and are responsible for ensuring its compliance with data protection regulations.

Inspections

In 2023 -2024, the President of the Personal Data Protection Office conducted inspections of data processing operations at the Consular Office at the Polish Embassy in Cairo (Egypt), Tunis (Tunisia), London (United Kingdom), Tashkent (Uzbekistan). The inspections did not reveal any infringements of data protection regulations that would justify administrative proceedings. However, concerns were raised regarding the storage period of visa application data in the Visa-Consul system. As a result, the President of the Office sent a letter to the Minister of Foreign Affairs, emphasizing the need to standardize data retention rules to ensure that data is not stored in an identifiable form for longer than necessary for the purposes for which it is processed, in line with the storage limitation principle.

An inspection was also conducted at the Voivodship Office (the authority that extends visas in the territory of Poland) regarding the implementation of the VIS information obligation. The audit aimed to determine whether visa applicants receive the information required under Article 37(1) of the VIS Regulation. The inspection assessed when, how, and in what form this information is provided, with a particular focus on ensuring that it is:

- Concise, transparent, and intelligible,
- Easily accessible,
- Presented in clear and plain language,
- Provided in writing to applicants at the time of data collection, including facial image and fingerprint data.
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These inspections were conducted in accordance with the Annual Inspection Plan adopted by the President of the Personal Data Protection Office, which is legally binding under Article 78(2) of the Act on the Protection of Personal Data.

Personal data breaches

In 2023-2024, the President of the Personal Data Protection Office reviewed 35 personal data breach notifications submitted by Polish diplomatic missions. The majority of reported incidents involved the loss of passport and visa documents by the postal operator. One case resulted from a break-in at a postal facility, leading to the theft of a consulate-mailed shipment containing personal documents. In addition, there were cases in which consular staff sent documents to the wrong recipient or address, or cases of lost documents.

Following the conducted proceedings, the President of the Office found that diplomatic missions (data controllers) communicated the breaches to the affected individuals. The President also acknowledged that the controllers had taken appropriate measures to minimize the risk of recurrence.

Furthermore, one incident involved the delivery of a damaged and incomplete letter by the postal operator to the recipient. The letter contained personal data and had been sent by the Consulate General of the Republic of Poland at the request of a court. Consequently, the Consulate General of the Republic of Poland formally notified the court of the incident. As a result of its analysis of the case, the President of the Office initiated ex officio proceedings regarding the failure of the District Court, as the data controller, to fulfil its obligations under Article 33(1) and (3) and Article 34(1) and (2) of the GDPR to notify the breach to the Supervisory Authority.

Complaints

No complaints were received about irregularities in the processing of personal data in the Visa Information System.

Data Subjects Right

The President of the Office received one request for information on the processing of personal data in the Visa Information System, which was forwarded to the Chief of Police in accordance with jurisdiction.

Remarks

A Schengen Evaluation of Poland was carried out in March - April 2024 by Commission and Member State experts. It covered key areas of the Schengen acquis including external border management, absence of controls at the internal borders, return policy, police cooperation, the common visa policy, large scale information systems and data protection. Poland overall complies with the data protection requirements. Shortcomings are mainly related to:

- the exclusion from the scope of the Polish law transposing the Law Enforcement Data Protection Directive of certain processing of personal data in some fields of national law and regarding certain authorities as far as this also affects the data processed in the Schengen Information System and the Visa Information System (VIS);
- the lack of staff at the Personal Data Protection Office to ensure the effective performance of its tasks related to the supervision of EU large-scale IT systems;
- Polish law does not reflect the roles and responsibilities of Central Technical Authority of the National IT System (CTA-NITS) and competent authorities as joint controllers with

regards to processing of SIS and VIS personal data with the effect of certain shortcomings in terms of oversight of the whole systems, such as a lack of effective self-monitoring and self-auditing causing security risks;

- the need to improve the self-auditing and self-monitoring of the management and use of the SIS and VIS in particular by a coordinated approach of log checks;
- the need to align the retention period of some VIS-logs with the VIS-acquis;
- several security concerns in the technical management of N.SIS and N.VIS;
- the lack of indirect access to data in the SIS through the Personal Data Protection Office where the access, rectification or erasure of personal data has been refused and that there is no judicial remedy regarding the reply of the controller to data subjects' requests in the context of the SIS and VIS.

Following the adoption of the evaluation report in December 2024, Poland has two months to submit an Action Plan and its implementation will be monitored by the Commission.

4.25. Portugal

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4.26. Romania

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4.27. Slovak Republic

Overview: state of play and developments

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Inspections

In 2023 and 2024, the Slovak DPA conducted five inspections with regard to VIS.

In 2023, there were two inspections. One was conducted at Embassy of the Slovak Republic in Hanoi/Vietnam. The inspection started in July 2023 and was completed in December 2023. It was focused on processing operations within national part of the Visa Information System and compliance with data protection rules. Second inspection was conducted at Foreign police department. The inspection started in April 2023 and was completed in August 2023. It was focused on processing operations of the Foreign police within national part of the VIS and compliance with data protection rules. The Slovak DPA did not find any inconsistencies within personal data processing in Visa Information System.

In 2024, three inspections were conducted. First inspection was conducted at Embassy of the Slovak Republic in New Delhi/India. The inspection started in April 2024 and was completed in July 2024. It was focused on processing operations within national part of the Visa Information System and compliance with data protection rules. Second inspection was conducted at the border crossing point at the airport Košice. The inspection started in May 2024 and was completed in September 2024. It was focused on processing operations within national part of the Visa Information System, compliance with data protection rules and the level of professional training of

the staff. Third inspection was conducted at Central Visa Authority (under the Ministry of Interior of the Slovak Republic). This inspection started in October 2024 and was completed in November 2024. It was focused on processing operations of the Central Visa Authority within VIS, data subject's rights and security of processing under data protection rules at stake. The Slovak DPA did not find any inconsistencies within personal data processing in Visa Information System.

Complaints

In 2023-2024 the Slovak DPA did not received any complaint regarding data processing in Visa Information System.

Remarks

No remarks.

4.28. Slovenia

Overview: state of play and developments

The national VIS database is called VIZIS. The data controller of VIZIS is the Ministry of Foreign and European Affairs. Slovenian users can only access VIS data through VIZIS.

The Slovenian DPA has good and constant relations with the Ministry of Foreign and European Affairs.

Inspections

In the period 2023-2024 several inspections were carried out. A general VIS inspection was carried out at the Ministry of Foreign and European Affairs, as well as an inspection at the Ministry of Interior – Police on access to VIS by law enforcement authorities. Also, inspections at the Slovenian embassies in Serbia and Montenegro were carried out. In addition to that, a desk audit on advance deletion of data was carried out.

Complaints

In the period 2023-2024 the Slovenian DPA did not receive any complaint regarding data processing in the VIS.

Remarks

In the period 2023-2024 the Slovenian DPA was not informed of any problems with the VIS database.

4.29. Spain

Overview: state of play and developments

During the period 2023-24, the Spanish DPA continued with the development of the Schengen Evaluation Action plan 2022-2025. Six visits of inspection were held in Consular Sections of the Ministry of Foreign Affairs of the Kingdom of Spain and the National Police during the years 2023 and 2024.

The Spanish DPA in cooperation with the Ministry of Foreign Affairs and the National Police monitored the application of the measures described in the action plan to meet the requirements set by the Scheval team during the 2022 Scheval Evaluation of the Kingdom of Spain. Thus, two meetings with the Ministry of Foreign Affairs were held to review if the actions on this plan were matched, on the following dates: 6 February 2024, and 12 December 2024.

Inspections

During the year 2023, the Spanish DPA performed visits of inspection in the Consular Section of the Embassy of Spain in United Arab Emirates, the General Police Station for Immigration and Borders, and the Consulate General of Spain in New York (United States of America).

During the year 2024, the Spanish DPA performed visits of inspection in the Maritime Border Post of País Vasco (Bilbao, Spain), Consulate General of Spain in Argel (Algeria), Consulate General of Spain in Manchester (United Kingdom).

Complaints

No complaints regarding the functioning of the VIS system have been lodge during the period 2023-2024.

Remarks

No remarks.

4.30. Sweden

Overview: state of play and developments

An increase of work load on issues in regard to the VIS-regulation has been noted during 2024 with several inspections, complaints and discussions with different stakeholders. The Swedish DPA remains in contact with the Swedish Migration Authority on questions regarding the VIS-system and the upcoming revised regulation.

Inspections

The Swedish Authority for Privacy Protection (IMY) has conducted three inspections regarding endusers of VIS. In Q1-2 of 2024 inspections were carried out of the Swedish general consulate in Istanbul, the Swedish embassy in Bangkok and the border control at Arlanda airport. The inspections included observing case handling in the systems, interviews with employees with a focus on data security and the rights of data subjects. Log checks were also conducted. Final reports and decisions will be finalised during the first half of 2025.

Complaints

The IMY has received two complaints in relation to the VIS system.

Remarks

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4.31. Switzerland

Overview: state of play and developments

At national level, the Swiss DPA continued being in contact with the data protection officer (DPO) of the Swiss State Secretariat for Migration (SEM) and, when necessary, with the DPOs of the Swiss Federal Department of Foreign Affairs (FDFA) and the Federal Office of Police (fedpol). No specific technical or organisational issues were encountered. At European level, the Swiss DPA attended all coordinated supervision meetings and answered all questionnaires of the VIS SCG.

Inspections

In 2022, the Swiss DPA launched an audit on VIS at fedpol as Central Access Point VIS. The audit included, among other issues, an inspection of the processes, the purpose of data processing, training in data security and data protection, the storage of VIS data, and the rights of the persons concerned. The audit was completed in 2024. The Swiss DPA found no unlawful processing of personal data by fedpol as the central access point for the C-VIS.

In 2023/2024, the Swiss DPA also carried out a log file control at the Federal Office for Customs and Border.

Complaints

The Swiss DPA received no complaints in 2023 and 2024.

Remarks

None.

Annex: List of documents adopted

- Report on advance deletion of data in VIS
- VIS Common Inspection Plan
- VIS SCG Activity Report 2021-2022