On the basis of the inspection plan for 2018, the Office carried out an inspection, the subject of which was the processing of personal data in the national part of the Visa Information System ("VIS"). The protection of personal data in the VIS is governed in particular by Regulation (EC) No. 767/2008 of the European Parliament and of the Council of 9 July 2008 on the Visa Information System (VIS) and on the exchange of data on short-term visas between Member States (the VIS Regulation) and the decision Council No. 2004/512/EC of June 8, 2004 on the establishment of the Visa Information System (VIS). Pursuant to Article 41, paragraph 1 of Regulation (EC) No. 767/2008, the Office as a national supervisory authority has the obligation to independently supervise the legality of personal data processing and, pursuant to paragraph 2 of the same article, the obligation to conduct a review of data processing in the national system at least once every four years YOU KNOW. As part of this inspection, the inspectors focused in particular on the processing of personal data carried out during the processing of applications for the granting of short-term visas of up to 90 days (so-called Schengen visas). The VIS is based on a centralized architecture and consists of a central information system, an interface in each Member State that enables the connection of the relevant central national authority of that Member State, and a communication infrastructure between these parts. The responsibility for the operation of the central part of the VIS, the national user interface in each Member State and the communication infrastructure rests with the European Union. Member States are responsible for the establishment and functionality of the national part of the VIS. All operations with data in the VIS (i.e. in particular insertion, update, deletion, search) then take place through the national part of the VIS, i.e. member states do not access the central part directly. In addition to the central database, a database of fingerprints of visa applicants, the so-called Biometric Matching System, is also established at the central level. The execution of the visa agenda is entrusted to the controlled person by Act No. 326/1999 Coll., on the residence of foreigners in the territory of the Czech Republic and on the amendment of certain laws, by Act No. 150/2017 Coll., on foreign service and on the amendment of certain laws (Foreign Service Act) , and further by Regulation (EC) No. 767/2008 and Regulation (EC) No. 810/2009 of the European Parliament and of the Council of 13 July 2009 on the Community Code on Visas (Visa Code). Data on applicants for Schengen visas, which the controlled person collects and further enters into the VIS, is by its very nature data enabling the direct identification of a specific applicant (data subject). Biometric identifiers collected when submitting an application (photos and fingerprints) are then biometric data processed for

the unique identification of the applicant. From the point of view of personal data protection, the controlled person is in the position of a personal data administrator. The legal title for the processing in question is the performance of a task in the public interest according to Article 6 paragraph 1 letter e) Regulation (EU) 2016/679, in relation to special categories of personal data, according to Article 9 paragraph 2 letter g) in conjunction with Article 6 paragraph 1 letter e) of this regulation (significant public interest). In some countries, in accordance with Article 43 of Regulation (EC) No. 810/2009, applicants have the option of submitting a visa application through an outsourcing company, which then acts as a processor of personal data. The controlled person has a processing contract with this processor that meets the requirements of Article 28 of Regulation (EU) 2016/679.

The inspectors also checked the technical and organizational measures taken to ensure the security of processed personal data, both on the organizational side (internal regulations, handling of documentation, employee training, duty of confidentiality) and technical measures, including logging. Part of the control was also a local investigation at a selected consulate of the Czech Republic, during which the implementation of the measures in practice, including the physical security of the premises, was verified. The Office further evaluated the procedures of the inspected person in providing information to data subjects, keeping records of processing activities and fulfilling the obligation to appoint a personal data protection officer. The Office did not detect any violations of the obligations arising from the relevant legal regulations in connection with the processing of personal data in question. The inspection was conducted by inspector Mgr. et Mgr. Božena Čajková.

Recommendation: The purpose of the visa information system is to improve the implementation of the common visa policy of EU member states, consular cooperation and ensuring consultation between central visa authorities, in particular facilitating the processing of visa applications, preventing the simultaneous submission of multiple visa applications to different member states (so-called . "visa shopping"), facilitating the fight against fraud, facilitating checks at border crossings. More about the processing of personal data in the visa information system can be found on the website https://www.uoou.cz/vis-vizovy-informacni-system/ds-3281/p1=3281.

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