Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

20 December 2012 [shall come into force on 23 January 2013];

28 May 2015 [shall come into force on 1 July 2015];

1 November 2018 [shall come into force on 28 November 2018];

23 September 2021 [shall come into force on 28 December 2021].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*1 has adopted and

the President has proclaimed the following law:

**Law on the Operation of the Schengen Information System**

**Chapter I**

**General Provisions**

**Section 1. Terms Used in the Law**

The following terms are used in the Law:

1) **Member State**– a country which applies the provisions of the Schengen acquis in respect of the use of the Schengen Information System;

2) **Schengen Information System** (hereinafter – the System) – an information system which has been established in accordance with the legal acts of the European Union in order to strengthen public order and safety in the territory of the Member States, ensuring that alerts are available to the competent authorities and institutions of the Member States;

3) **SIRENE information system**– a data processing system in which supplementary information is processed and with the help of which alerts are processed;

4) **alert**– a set of data to be entered in the System regarding a person or an object;

5) **supplementary information**– the information specified in Article 3(2) of Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (hereinafter – Regulation 2018/1862);

6) **discreet check**– an activity carried out by an official of the competent authority in accordance with Article 37(3) of Regulation 2018/1862;

7) **specific check**– an activity carried out by an official of the competent authority in accordance with Article 37(5) of Regulation 2018/1862;

8) **interview**– an activity carried out by an official of the competent authority in accordance with Article 37(4) of Regulation 2018/1862;

9) **object**– the object referred to in Article 38(2) of Regulation 2018/1862 in respect of which an alert is entered in the System.

[*20 December 2012; 23 September 2021*]

**Section 2. Purpose and Scope of Application of the Law**

(1) The purpose of this Law is to ensure the use of the System for strengthening public order and safety in the Member States.

(2) This Law prescribes the procedures for the maintenance and use of the System and the SIRENE information system in Latvia, the authorities and institutions responsible for ensuring the operation thereof, and also the functions of the abovementioned authorities and institutions.

**Section 3. Use of the System**

(1) The authorities and institutions specified in this Law are entitled to enter alerts in the System and to have access to the alerts entered in the System so that, in conformity with the principles of the operation of the System, they would circulate and receive information necessary for the performance of their functions.

(2) The division of the State Police – SIRENE Bureau of Latvia (hereinafter – the Bureau) shall use the System in order to supervise the conformity of the alerts to be entered with the laws and regulations governing the operation of the System and to facilitate the action that is necessary for the achievement of the objective for which alerts are entered in the System.

**Section 4. Supervision of the Use of Information**

(1) Information that is entered in the alerts and supplementary information shall be used only for such objectives for which it has been provided.

(2) The supplementary information existing in the archives of the Bureau may be used for the prevention and detection of criminal offences.

(3) The personal data processing provided for in this Law shall be supervised by the Data State Inspectorate.

**Chapter II**

**Maintenance of the System and the SIRENE Information System**

**Section 5. Ensuring of the Operation of the System**

(1) The technical operation of the System in Latvia shall be ensured by the Information Centre of the Ministry of the Interior (hereinafter – the Centre).

(2) The Centre shall perform the functions of the System manager in relation to the State of Latvia’s section of the System in conformity with the conditions of this Law.

(3) The Centre shall supervise the conformity with the technical requirements laid down in the laws and regulations governing the operation of the System.

(4) If the authorities or institutions which enter alerts in the System or which have access to the alerts existing in the system cannot ensure the conformity with the technical requirements, the Centre may deny them access to the System until elimination of deficiencies.

**Section 6. Ensuring of the Operation of the SIRENE Information System**

(1) The technical operation of the SIRENE information system in Latvia shall be ensured by the Centre.

(2) The Centre shall perform the functions of SIRENE information system manager in conformity with the conditions of this Law.

(3) The access to the SIRENE information system is granted only to the Bureau for the performance of the functions thereof.

**Chapter III**

**Inclusion of Alerts in the System**

**Section 7. Decision on Inclusion of an Alert in the System**

(1) The Office of the Prosecutor General shall take a decision that an alert on persons wanted for arrest with a view of extradition is to be entered in the System.

(2) The decision on inclusion of an alert in the System shall be taken by a person directing proceedings within the scope of specific criminal proceedings or by a judge within the scope of controlling the enforcement of a judgement regarding a person where there are no grounds for requiring arrest with a view of extradition, but who is sought after in order to ascertain the permanent location thereof for the performance of procedural actions.

(3) The decision on inclusion of an alert in the System shall be taken by a person directing proceedings within the scope of specific criminal proceedings or by a body performing operational activity within the scope of operational activity procedure regarding an unidentified person in order to perform procedural actions or operational activity measures.

(4) The decision on inclusion of an alert in the System shall be taken by a person directing proceedings within the scope of specific criminal proceedings regarding the objects referred to in Article 38(2) of Regulation 2018/1862 in order to ensure that they are seized or used as evidence in criminal proceedings in conformity also with other laws and regulations governing the operation of the System.

(5) The decision on entering an alert in the System shall be taken by the subject of the operational activity within the scope of the particular process of operational activity in relation to the alert regarding:

1) a missing person who is sought in order to determine the location thereof;

2) a missing person who is sought in order to provisionally place him or her under protection for the prevention of threats;

3) a person in order to obtain information thereon through the discreet check, specific check, or interview as specified in Article 36(1) of Regulation 2018/1862;

4) the object or non-cash means of payment referred to in Article 36(1) of Regulation 2018/1862 in order to obtain information thereon through the discreet check or specific check.

(6) The decision on entering an alert in the System shall be taken by a departmental examiner within the scope of the particular departmental examination of the police in respect of the alert on the following:

1) a missing person who is sought in order to determine the location thereof;

2) a missing person who is sought in order to provisionally place him or her under protection for the prevention of threats.

(7) The decision on entering an alert in the System shall be taken by an official of the Office of Citizenship and Migration Affairs or the State Border Guard in the case referred to in Article 3(1) of Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals.

(8) An official – the Minister for the Interior, the Director of the Consular Department of the Ministry of Foreign Affairs, or an official of the diplomatic or consular mission of the Republic of Latvia who is authorised to perform consular functions, the head of the Office of Citizenship and Migration Affairs or an authorised official thereof, the Chief of the State Border Guard or an authorised official thereof – who takes the decision to include a foreigner in the list of the foreigners for whom entry in the Republic of Latvia is prohibited may, on a case-by-case basis, take the decision to enter an alert in the System in order to prevent entry and stay of the relevant foreigner in the Member States that apply the Schengen acquis in respect of the abolition of border control at internal borders.

[*23 September 2021*]

**Section 7.1 Appeal of the Decision on Inclusion of an Alert in the System**

(1) A foreigner in respect of whom the Minister for the Interior has taken the decision to include an alert in the System has the right to appeal it in accordance with the same procedures as those laid down in the Immigration Law for appeal of the decision of the Minister for the Interior to include a person in the list of the foreigners for whom entry in the Republic of Latvia is prohibited. The decision on inclusion of an alert in the System which has been taken by another official may be contested or appealed by the foreigner in accordance with the procedures laid down in the Administrative Procedure Law.

(2) Contesting and appeal of the decision on inclusion of an alert in the System shall not suspend the execution thereof.

(3) A court shall examine an application regarding the decision of the Minister for the Interior referred to in Paragraph one of this Section in accordance with the same procedures as those laid down in the Immigration Law for examination of the application regarding the decision of the Minister for the Interior to include a person in the list of the foreigners for whom entry in the Republic of Latvia is prohibited. An application regarding the decision taken by another official shall be examined in accordance with the procedures laid down in the Administrative Procedure Law.

[*20 December 2012*]

**Section 8. Ensuring of Supplementary Information**

(1) The officials referred to in Section 7 of this Law, when taking the decision on entering an alert in the System, shall ensure that supplementary information is accessible to the Bureau for transmission to the Member States.

(2) The procedures by which availability of the supplementary information shall be ensured to the Bureau and the procedures by which authorities and institutions shall exchange supplementary information shall be determined by the Cabinet.

(3) If the transmission of supplementary information to Member States through the SIRENE information system is not permissible in accordance with the laws and regulations governing the protection of information, the officials referred to in Section 7 of this Law may not take the decision on entering an alert in the System.

**Section 9. Entering Alerts in the System, Correction and Deletion**

(1) An alert shall be included in the System, corrected, and deleted by the following:

1) the State Revenue Service, the Corruption Prevention and Combating Bureau, the Military Police, the Prison Administration, the Internal Security Office, units of the Office of the Prosecutor, the State Security Service – for the objectives referred to in Section 7, Paragraphs one, two, three, four, and five of this Law;

2) the State Police – for the objectives referred to in Section 7, Paragraphs one, two, three, four, five, and six of this Law;

3) the Constitution Protection Bureau and the Military Intelligence and Security Service – for the objectives referred to in Section 7, Paragraph five, Clauses 3 and 4 of this Law;

4) the Office of Citizenship and Migration Affairs – for the objectives referred to in Section 7, Paragraphs seven and eight of this Law;

5) the State Border Guard – for the objectives referred to in Section 7, Paragraphs one, two, three, four, five, seven, and eight of this Law.

(2) It shall be permissible to include alerts in the System:

1) if an entry has been made in any State information system regarding the same person or object for the achievement of an objective identical to the objective specified in Section 7 of this Law (hereinafter – the entry equivalent to the alert);

2) in accordance with Section 7, Paragraph two of this Law, also if an entry has been made in any State information system regarding the same person who is sought in order to ensure the application of a compulsory measure involving deprivation of liberty or execution of a punishment but there are no grounds for requiring arrest thereof with a view of extradition (hereinafter – the related entry).

(21) The State Security Service may take the decision not to include an alert in the System in the case referred to in Article 21(2) of Regulation 2018/1862.

(22) In deleting the entry equivalent to the alert or the related entry referred to in Paragraph two of this Section, the alert shall also be deleted in the System. In deleting the alert on the person referred to in Paragraph two of this Section, the alert on the object shall also be deleted.

(3) The Cabinet shall determine the procedures for including alerts in the System as well as for correcting and deleting them.

[*20 December 2012; 28 May 2015; 1 November 2018; 23 September 2021*]

**Section 10. Inclusion of Alerts in the System to Prevent the Use of Invalid Objects, Correction ad Deletion of Such Alerts**

(1) The Office of Citizenship and Migration Affairs shall include alerts in the System on personal identification documents (passports, identity cards), temporary documents, visas, residence permits, and travel documents in order to seize the abovementioned documents if they have been recognised as invalid but their illegal use is possible.

(2) The Registry of Seamen of the Maritime Administration of Latvia shall enter alerts in the System regarding seaman’s discharge books in order to seize seaman’s discharge books if they have been recognised as invalid but their illegal use is possible.

(3) The Road Traffic Safety Directorate and the State Agency for Technical Surveillance shall include alerts in the System on the driving licences, vehicle registration certificates, and State registration number plates of vehicles referred to in Article 38(2) of Regulation 2018/1862 in order to ensure the seizure thereof if the abovementioned objects have been recognised as invalid but their illegal use is possible.

(4) It shall be permissible to include an alert in the System if a State information system contains the entry equivalent to the alert. When deleting the entry equivalent to the alert, the alert in the System shall be deleted as well.

(5) The procedures by which the alerts referred to in Paragraphs one, two, and three of this Section shall be entered in the System, and also corrected and deleted shall be determined by the Cabinet.

[*20 December 2012; 23 September 2021*]

**Section 11. Withdrawal of Alerts**

(1) If the necessity to achieve the objective due to which the alert has been entered in the System has ceased or it is not possible to ensure the achievement thereof, the officials referred to in Section 7 of this Law shall immediately revoke the decision on entering the alert in the System, and also shall delete the alert in the System or shall inform thereof the relevant authority or institution which is responsible for the deletion of the alert.

(2) In withdrawing the decision on inclusion of an alert in the System, an official shall assess whether the entry equivalent to the alert or a related entry is to be retained in any State information system.

[*1 November 2018; 23 September 2021*]

**Section 12. Priority List of Alerts**

(1) [23 September 2021]

(2) If several alerts regarding the same person or object must be included in the System in accordance with the requirements of Section 7 or 10 of this Law, an alert which has been given higher priority as specified in Paragraph three or four of this Section shall be maintained in the System. If the objectives of the alerts are identical, the alert that has been entered earlier in the System shall be regarded as that of higher priority.

(3) Depending on the objective due to which the alerts regarding persons should be entered in the System, the priorities to these alerts are determined in the following order:

1) to arrest with a view of extradition;

2) to refuse entry and stay in the Member States;

3) to return a person according to the decision;

4) to locate a missing person;

5) to temporarily place under protection for the prevention of threats;

6) to obtain information through the specific check – immediate action;

7) to obtain information through the specific check;

8) to obtain information through the interview – immediate action;

9) to obtain information through the interview;

10) to obtain information through the discrete check – immediate action;

11) to obtain information through the discrete check;

12) to locate;

13) to establish the place of permanent residence;

14) to return a person if a decision has not been appended.

(4) Depending on the objectives for which the alerts on objects are to be included in the System, such alerts are given priority in the following order:

1) to seize or use as evidence in criminal proceedings;

2) to seize an invalid travel document;

3) to seize;

4) to obtain information through the specific check – immediate action;

5) to obtain information through the specific check;

6) to obtain information through the interview – immediate action;

7) to obtain information through the interview;

8) to obtain information through the discrete check – immediate action;

9) to obtain information through the discrete check.

(5) The alert of a lower priority may be entered or maintained in the System, upon agreement with the official whose competence includes taking of the decision on an alert of higher priority.

(6) The Bureau shall coordinate the actions of authorities and institutions in relation to maintaining of alerts in the System. In an exceptional case, in order to enter an alert of higher priority in the System, the Bureau has the right to delete the alert of lower priority from the System, informing the relevant official referred to in Section 7 of this Law thereof. If the alert of lower priority has been entered in accordance with the requirements of Section 10 of this Law, the Bureau shall delete it without informing.

[*23 September 2021*]

**Section 13. Co-existence of Alerts of the Member States**

(1) If a request of a Member State to delete an alert entered in the System by the Republic of Latvia has been received, the Bureau shall delete it, coordinating the relevant official referred to in Section 7 or the institution referred to in Section 10 of this Law. If the official referred to in Section 7 or the institution referred to in Section 10 of this Law does not agree to the deletion of the alert and substantiates the action thereof, the alert shall be retained in the System.

(2) If the alert of lower priority of a Member State specified in the laws and regulations governing the operation of the System has been entered in the System which prevents the entry of the alert in the System, the Bureau shall send a request to the relevant Member State to delete such alert from the System.

**Chapter IV**

**Ensuring the Execution of the Alerts Entered in the System**

**Section 14. Access to the Alerts Entered in the System**

(1) The following authorities shall have access to all alerts included in the System according to their competence specified in the laws and regulations governing the operation of the System:

1) the State Police;

2) the State Security Service;

3) the State Border Guard;

4) the local government police;

5) the Military Police;

6) the State Revenue Service;

7) the Corruption Prevention and Combating Bureau;

8) the Prison Administration;

9) units of the Office of the Prosecutor;

10) courts;

11) the Constitution Protection Bureau;

12) the Internal Security Office;

13) the Military Intelligence and Security Service.

(2) The Road Traffic Safety Directorate and the State Agency for Technical Surveillance have the right to access the alerts included in the System in accordance with Article 45(1) of Regulation 2018/1862 for the sole purpose of viewing the relevant alerts.

(3) The Office of Citizenship and Migration Affairs, the Consular Department of the Ministry of Foreign Affairs, diplomatic and consular missions of the Republic of Latvia abroad have the right to access the alerts included in the System and conduct a search therein in accordance with Article 34(1) and (4) of Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006 and Article 44 of Regulation 2018/1862.

(4) The Maritime Administration of Latvia and the Civil Aviation Agency have the right to access the alerts included in the System in accordance with Article 46(1) of Regulation 2018/1862 for the sole purpose of viewing the relevant alerts.

(5) In accordance with Articles 44(1)(b) and 46(1) of Regulation 2018/1862, the Naval Forces of the National Armed Forces have the right to access the alerts included in the System regarding boats, boat engines, and the objects referred to in Article 38(2)(l) of Regulation 2018/1862, except for a driving licence, for the sole purpose of viewing the relevant alerts.

(6) The Centre shall grant access to the alerts included in the System to officials of the authorities and institutions referred to in this Section upon a written request from the head of the authority or institution.

[*23 September 2021*]

**Section 15. Assessment of the Alerts Entered by the Member States**

(1) In assessing the alert of a Member State and supplementary information related to it, the Bureau shall take the decision on not taking the action requested in the alert within Latvia if the execution of the alert is contrary to the laws and regulations or if, in relation to the action requested in the specific alert, a decision which does not permit the execution has already been taken in accordance with the procedures laid down in the law.

(2) If, in taking the decision specified in Paragraph one of this Section, the official of the Bureau has reasonable doubts whether the action requested in the alert is permissible, a decision shall be taken in coordination with the authority or institution which is competent to decide on the action that follows the execution of the action requested in the alert after determination of the location of a person.

**Section 16. Execution of Alerts**

(1) Officials of the authorities and institutions referred to in Section 14, Paragraphs one, two, three, and four of this Law who establish a person or an object in respect of which the alert has been included in the System shall, according to their competence, take the measures provided for in the laws and regulations in order to achieve the objective indicated in the alert. The Bureau shall be immediately informed of the established person or object.

(2) The Bureau, after receipt of supplementary information, shall perform the actions referred to in Paragraph one of this Section or shall organise the performance of the abovementioned actions.

(3) In order to achieve the objective due to which the alert has been included in the System, officials of the authorities and institutions referred to in Section 14, Paragraphs one, two, three, and four of this Law may:

1) request the necessary information and explanations;

2) request and receive a specialist consultation;

3) determine an expert-examination and receive an expert opinion;

4) obtain samples and seize objects if it is necessary for the performance of an expert-examination.

[*20 December 2012; 23 September 2021*]

**Section 17. Conditions for Processing Supplementary Information**

(1) The Bureau, after receipt of supplementary information, shall initiate an investigation case and shall keep together all materials related to examination of supplementary information and execution of the alert. In initiating the investigation case, it shall be registered in the SIRENE information system, indicating the registration number, the date of the initiation of the case and providing a brief description of the content.

(2) If an investigation case has been initiated and the System contains an alert on the person or object to be investigated, the Bureau shall destroy (delete) such case after one year, counting from the day when the relevant alert has been deleted in the System. If an investigation case has been initiated but the System does not contain any alert on the person or object to be investigated, the Bureau shall destroy (delete) such case after one year, counting from the day when the investigation case has been initiated.

(3) If measures have been taken in Latvia for the achievement of the objective indicated in the alert, the Bureau shall keep the investigation case in its archives for 10 years.

[*23 September 2021*]

**Chapter V**

**Rights of Data Subject**

**Section 18. Rights of Persons to Receive Information**

(1) The data subject (or its authorised person) may receive information concerning himself or herself which is kept in the System and in the SIRENE information system, and also information on the recipients of his or her personal data if it is not prohibited to disclose such information by a law in the field of national safety, protection and criminal law, and also if restrictions of issuing data have not been determined by another Member State.

(2) The procedures for the requesting and issue of information shall be determined by the Cabinet.

(3) If the alerts are entered in the System and supplementary information is entered in the SIRENE information system due to criminal proceedings or proceedings of an operational activity taking place in Latvia, the information shall be provided with the permission of the person directing the proceedings or the relevant subject of operational activity, except for the cases provided for in Section 7, Paragraph four, Clauses 1 and 2 of this Law.

**Transitional Provisions**

1. Section 7, Paragraph five of this Law shall be applicable after the decision of the Council of the European Union on the abolition of border checks at the internal borders of the European Union has entered into effect.

[*28 May 2015*]

2. The Cabinet shall, by 1 September 2007, issue the regulations referred to in Section 8, Paragraph one, Section 9, Paragraph three, Section 10, Paragraph five, and Section 18, Paragraph two of this Law.

3. Section 1, Clause 5, Section 7, Paragraph three, Clauses 1 and 2, and Section 14, Paragraphs two and three of this Law shall be applicable from the day which has been determined by the Council of the European Union as the day of commencement of operation of the second generation Schengen Information System (SIS II).

[*20 December 2012*]

4. Until the day of commencement of operation of the second generation Schengen Information System (SIS II) referred to in Paragraph 3 of the Transitional Provisions of this Law:

1) the supplementary information referred to in Section 1, Clause 5 of this Law shall be the information that is necessary in order to determine whether the alert is to be included in the System or in order to achieve the objective for which the alert has been included in the System, or in order to determine that the achievement of the objective is not possible, and also to ensure the conformity of alerts with the laws and regulations governing the operation of the System and the rights of persons to receive information on themselves;

2) Section 7, Paragraph three, Clauses 1 and 2 of this Law shall only be applicable to the alerts to be included in the System regarding mechanical vehicles, trailers, caravans, vessels, aircraft, industrial installations, outboard motors, and firearms alienated by criminal means or lost;

3) the Road Traffic Safety Directorate has the right to access the alerts included in the System in accordance with Article 1 of Regulation (EC) No 1160/2005 of the European Parliament and of the Council of 6 July 2005 amending the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders, as regards access to the Schengen Information System by the services in the Member States responsible for issuing registration certificates for vehicles;

4) the Office of Citizenship and Migration Affairs, the Consular Department of the Ministry of Foreign Affairs, and diplomatic and consular missions of the Republic of Latvia have the right to access the alerts included in the System in accordance with Article 1(4) of Council Regulation (EC) No 871/2004 of 29 April 2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism.

[*20 December 2012*]

5. Amendments to this Law regarding the supplementation of Section 9, Paragraph one, Clause 1 with the words “Internal Security Office” and the supplementation of Section 14, Paragraph one with Clause 12 shall come into force on 1 November 2015.

[*28 May 2015*]

6. Amendment to Section 9, Paragraph one, Clause 1 and Section 14, Paragraph one, Clause 2 regarding the replacement of the words “Security Police” with the words “State Security Office” shall come into force on 1 January 2019.

[*1 November 2018*]

The Law shall come into force on 1 September 2007.

The Law has been adopted by the *Saeima* on 14 June 2007.

President V. Vīķe-Freiberga

Rīga, 27 June 2007