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

8 November 2016 [shall come into force from 11 November 2016].

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

Republic of Latvia

Cabinet

Regulation No. 296

Adopted 17 May 2016

**Regulations Regarding Information System of Fingerprints of Asylum Seekers**

*Issued in accordance with*

*Section  5, Paragraph six of the Asylum Law*

**I. General Provisions**

1. This Regulation prescribes the extent of information to be included in the information system of fingerprints of asylum seekers (hereinafter – the system), the procedures for inclusion, the conditions for use and the time periods for storage, the institutions to be granted access to the information in the system, and also the institutions, which are entitled to request comparison of fingerprints with the central database of fingerprint data of Eurodac (hereinafter – the central database), and the procedures for requesting such comparison.

2. The system shall be a part of the Biometric Data Processing System. The manager and holder of the system shall be the Information Centre of the Ministry of the Interior.

3. The system shall ensure establishment of the National Access Point referred to in Article 3(2) of Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of “Eurodac” for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (hereinafter – Regulation).

4. The system shall ensure exchange of information with the central database in accordance with Regulation.

5. The information referred to in Articles 9, 11, 14, 15, 17 and 18 of Regulation shall be included and updated in the system by the State Border Guard pursuant to Chapters II and III of this Regulation.

**II. Extent of Information to be Included in the System and Procedures for Inclusion Thereof, Conditions for Use and Time Periods for Storage of Information**

6. The State Border Guard shall ensure obtaining the fingerprints of the persons referred to in Article 9(1) and Article 14(1) of Regulation and shall immediately, but not later than within 48 hours after receipt of a submission of the persons referred to in Article 9(1) of Regulation regarding granting refugee or alternative status, or the persons referred to in Article 14(1) of Regulation are detained, include the following information in the system:

6.1. regarding a person:

6.1.1. the original form of the surname transliterated in Latin alphabet;

6.1.2. the original form of the given name (names) transliterated in Latin alphabet;

6.1.3. the sex;

6.1.4. the date of birth;

6.1.5. the nationality and type thereof;

6.2. a digital photo set of the face of the person (frontal view, right profile and left profile. If a person wears glasses for vision correction – frontal view, right profile and left profile with glasses shall be included in addition to the abovementioned pictures), and the date of taking thereof;

6.3. the fingerprints of the person and the date and time of obtaining thereof;

6.4. in the relevant case – the place, date and time when a submission regarding granting refugee or alternative status is received in the Republic of Latvia;

6.5. identification number of the system entry;

6.6. the place, date and time of detention, if a third country national or stateless person is detained for illegal crossing of the State border;

6.7. the date and time when the information is sent to the central database;

6.8. the operator user ID;

6.9. in the relevant case – in accordance with Article 10 of Regulation:

6.9.1. the date of arrival of the person after successful transfer;

6.9.2. the date on which the relevant person has left the territory of that Member State which applies Regulation (hereinafter – the Member State);

6.9.3. the date on which the relevant person has left the territory of the Member State or has been removed from it;

6.9.4. the date when a decision to examine a submission regarding granting refugee or alternative status is taken;

6.10. the date when a decision to grant the refugee or alternative status in the Republic of Latvia is taken.

7. If pursuant to the conditions of Article 17(1) of Regulation it is necessary to carry out a check, or a a submission regarding granting refugee or alternative status is received in other Member State, the State Border Guard shall ensure obtaining the fingerprints of the person referred to in Article 17(1) of Regulation and the information indicated in Sub-paragraphs 6.1, 6.2, 6.3, 6.5, 6.7 and 6.8 of this Regulation shall be included in the system regarding the relevant person.

8. In order to ensure examining issues in relation to complying with the provisions for entry and stay of persons, and also grating refugee or alternative status, access to the information included in the system shall be granted to the State Border Guard and the Office of Citizenship and Migration Affairs.

*[8 November 2016]*

9. In order to ensure prevention, disclosing and proving criminal offences, permanent online access to the information included in the system shall have the following:

9.1. the Security Police;

9.2. the Constitution Protection Bureau;

9.3. the State Police;

9.4. the State Border Guard;

9.5. [8 November 2016]

10. The information shall be stored in the system:

10.1. regarding the persons referred to in Article 9(1) of Regulation – 10 years from the day when the fingerprints are obtained;

10.1. regarding the persons referred to in Article 14(1) of Regulation – three years from the day when the fingerprints are obtained;

10.3. regarding the persons referred to in Article 17(1) of Regulation  – until the check of the results of comparison of fingerprints referred to in Article 25(4) of Regulation is carried out (an expert opinion is received).

11. Information shall be automatically deleted from the system:

11.1. after the end of the time period for storage referred to in Sub-paragraphs 10.1 and 10.2 of this Regulation;

11.2. after receipt of the expert opinion referred to in Sub-paragraph 10.3 of this Regulation.

**III. Use of the Central Database and Supervision of Data Processing**

12. The State Border Guard has the right to compare fingerprints of the persons referred to in Article 9(1) and Article 17(1) with the information present in the central database in order to ensure solving issues within the framework of asylum procedure.

13. The results obtained after comparison of fingerprints in accordance with Paragraph 12 of this Regulation shall be checked by the State Border Guard pursuant to the requirements referred to in Article 25(4) of Regulation.

14. Officials authorised by the Security Police, the State Border Guard and the State Police have the right to request comparison of fingerprints with the information present in the central database pursuant to Article 5(1) and (2) of Regulation.

15. The functions of the verifying authority pursuant to Article 6 of Regulation shall be carried out by the structural units assigned for verification by the State Police and the Security Police.

16. The authorised officials of the institutions referred to in Paragraph 14 of this Regulation shall access the information included in the central database pursuant to Article 6(2) of Regulation in the following way:

16.1. the structural units assigned for comparison of fingerprints by the State Border Guard and the State Police – by intermediation of the structural unit assigned for verification by the State Police;

16.2. the structural unit assigned for comparison of fingerprints by the Security Police – by intermediation of the structural unit assigned for verification by the Security Police.

17. The results obtained after comparison of fingerprints in accordance with Paragraph 14 of this Regulation shall be verified by the institutions referred to in Paragraph 15 of this Regulation pursuant to the requirements referred to in Article 25(4) of Regulation.

18. The institutions referred to in Paragraph 15 of this Regulation pursuant to Article 36(2) of Regulation shall maintain and update the list of officials authorised by the institutions referred to in Paragraph 14 of this Regulation where the given name, surname, position and contact information of the relevant official are indicated.

19. The Data State Inspectorate shall carry out the audit provided for in Article 32(2) of Regulation. The State Police shall prepare the annual report referred to in Article 40(7) of Regulation in co-operation with the State Border Guard and the Security Police.

**IV. Closing Provision**

20. Sub-paragraph 6.2 and Paragraphs 14, 15, 16, 17 and 18 of this Regulation shall come into force on 1 January 2018.

Prime Minister Māris Kučinskis

Minister for the Interior Rihards Kozlovskis