

THE DATA SUBJECTS' RIGHTS IN VISA INFORMATION SYSTEM - VIS

Basic information about VIS

- established by Council Decision 2004/512/EC establishing the Visa Information System (VIS)
- its purpose and functions are defined in Regulation No 767/2008 of the European Parliament and of the Council concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation)
- the aim: to improve the implementation of the common visa policy, consular cooperation and consultation between central visa authorities by:
 - facilitation of the visa application procedure,
 - prevention of lodging more visa applications concurrently to different Member States,
 - facilitation of the fight against fraud,
 - facilitation of checks at external border crossing points and within the territory of the Member States,
 - assisting the identification of any person who may not, or may no longer fulfil the conditions for entry to, stay or residence on the territory of the Member States,
 - identification of conditions and procedures for exchange of request information about short-stay visas up to 90 days for stay, i.e. Schengen visa.

VIS contains these categories of data:

- alphanumeric data on the applicant, on visas requested, visas issued, refused, annulled, revoked or extended,
- photographs,
- fingerprints data,
- links to previous visa applications and to application files of the persons travelling together.

The Data subject rights in the VIS:

1. every person has the right to obtain access to his or her personal data processed in the VIS,
2. right for information about the Member State which stored the personal data in the VIS,
3. right for correction or deletion,
4. right to lodge a complaint and bring an action.

1) The right to access the data

- the right of data subject to information, whether or which personal data of the data subject is stored in the VIS

2) The right of information

- every person has the right to obtain information about his or her personal data were recorded in the VIS and information of the Member State which transmitted personal data to VIS
- the access to data in the VIS may be granted only by the Member State that recorded data into the system.

3) The right of correction or deletion of personal data

- any data subject is guaranteed the right of correction or deletion of his or her personal data stored in the VIS when inaccurate or recorded unlawfully,
- responsible Member State shall carry out correction or deletion of personal data recorded personal data to the system VIS.

4) The right to lodge a complaint or bring an action

- the data subject exercise the rights at the personal data controller firstly,
- where, after consultation with controller data subject considers, that his or her personal data is processed in contrary with current legislation, or, where the controller did not provide satisfying response, the data subject has a possibility to lodge a complaint to Office for Personal Data Protection of Slovak Republic
- every data subject has the right to bring an action before the competent authorities or courts of that Member States, where data subject considers that Member State refused the right of access, the right of correction or deletion of his or her personal data – Article 40 (1) and (2) regulation on VIS.