

European Databases: Setting Limits under Judicial Scrutiny



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The EU immigration databases landscape

SIS II

VIS

Eurodac

EES
Entry/Exit

RTP(?)

**Residence
Permits
Repository**

Interoperability

**ETIAS
(US ESTA)**

**Long-
stay visas**

New developments in existing databases

SIS II: Mandatory insertion of entry bans and return decisions (interaction with Return Directive?)

VIS: Relaxation of conditions for LEA + lowering the age limit for fingerprinting

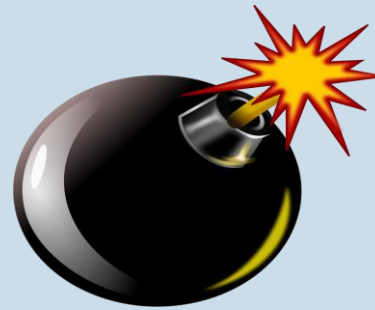
Eurodac: complete change in rationale and use of the system for 'wider migration purposes'

Judicial scrutiny?

Systematic collection and storage → interference

Surveillance case law of the CJEU

1. *Digital Rights Ireland*
2. *Schrems*
3. *Watson and Tele2 Sverige*



Biometrics

Schwarz

Immigration databases and privacy

Surveillance of movement
Complete profiles?
Collection of biometrics
LEA

Interference

Legitimate aim

Art. 7 EUCFR
Art. 8 EUCFR
Art. 52 EUCFR

Eurodac necessity
Necessity of LEA

Necessity

Proportionality

Personal scope
Categories of data
Biometric data
Retention period
Authorities
LEA

Some conclusions

Data collection steadily growing

Serious privacy concerns on multiple grounds

Blunt disregard to landmark CJEU judgments

ALL third-country nationals under surveillance

Normalisation of surveillance of movement

Are EU nationals next in line1(?)

CJEU guardian of privacy