



English Version

Pursuant to article 58 of the SIS II Council Decision (formerly article 109 CISA) and article 41 of the SIS II Council Regulation, both in conjunction with section 19 of the Federal Data Protection Act, every natural person has the right to apply to the BKA to verify whether and, if so, which data are stored about her/him in the Schengen Information System (SIS).

The right to demand information only applies to private individuals. Legal persons have no right to demand information, because they do not constitute data subjects in the sense of data protection law.

In accordance with the right of self-determination over personal data, information can only be provided about the subject's own data.

Formal conditions under which private individuals have the right to demand information:

Since the information requested may only be disclosed to the person who is entitled to it, the BKA must check the identity of the person making the request and ensure that only they receive the response. You, being the data subject, should refer to the BKA by post and include the following documents:

- personally signed (informal) request for information
- clearly legible copy of a valid identity document.

The response is then delivered to you personally by registered post or the information requested is handed over and thereby disclosed in a sealed envelope by way of inter-authority assistance with the help of the appropriate police office at the entitled person's place of residence. The local police office will affirm the subject's identity before handover and make a note of the delivery. If the response is sent to the nearest police office, we will inform the entitled person accordingly.

Address:

Bundeskriminalamt
DS-Petenten,
65173 Wiesbaden

Formal requirements for the right to demand information if represented by a lawyer:

The BKA must also verify the identity of the person requesting information if he is represented by a lawyer. The following documents are needed to handle the requests for information:

- (informal) request for information
- a valid power of attorney quoting the request and signed by the data subject
- clearly legible copy of a valid identity document
- lawyer's affirmation that their client and the data subject (holder of identity document) are the same person

If sent to a lawyer, the protective effect of a registered letter handed over to the addressee only cannot apply. To avoid delivery of information to unauthorised third persons, but with special regard to the lawyer's function as an independent organ of the administration of justice, the lawyer's affirmation that the data subject and their client are identical is considered sufficient.

If the identity is not confirmed, the response is delivered to the client personally by registered post or the information requested is handed over and thereby disclosed in a sealed envelope by way of inter-authority assistance with the help of the appropriate police office at the client's place of residence. The local police office will affirm the subject's identity before delivery and make a note of the handover. The practice applied by the BKA is consistent with the judgment passed by Wiesbaden administrative court on 28/12/2016, file no. 6 K 332/16.WI. The requirement to present a copy of the identity card was also confirmed by Wiesbaden administrative court. Thus, if the lawyer does not or cannot affirm that their client is identical with the identity card holder, they are requested to provide their client's postal address.

If the response is sent to the nearest police office, we will inform the authorized lawyer accordingly.

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