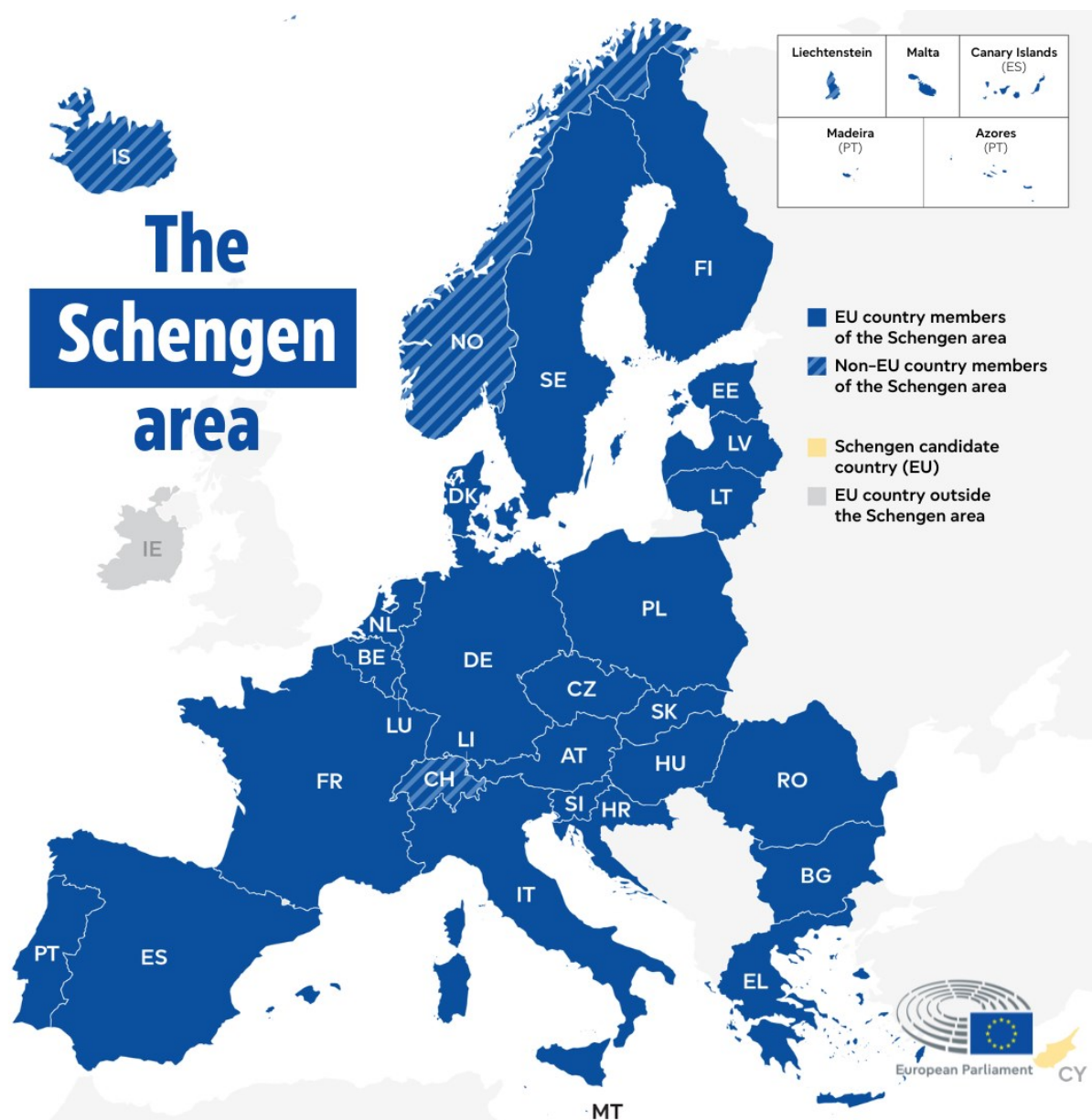




Schengen visas and your personal data



What is the Central Visa Information System (C-VIS)?



C-VIS is a system for exchanging visa data within the Schengen area. It comprises a central IT system (C-VIS) and a communication infrastructure that connects the central system with the national visa systems of the Member States (N-VIS). The C-VIS links consulates in third countries, the national migration authorities and all border crossing points at the external borders of the Schengen area. The database currently contains information on visas for short-term stays in the Schengen area (maximum 90 days per 180-day period). The system is used for identification and verification, and for carrying out biometric fingerprint comparisons.

The C-VIS was created by Council Decision 2004/512/EC of 8 June 2004 and supplemented by Regulation (EC) No 767/2008 of 9 July 2008 (VIS Regulation). In 2021, the legal framework of the VIS was reformed by the adoption of Regulation (EU) 2021/1134 (revised VIS Regulation) and Regulation (EU) 2021/1133 to enable cross-checking with additional information systems. The C-VIS contains the visa data of all states for which Regulation (EC) No 767/2008 is in force (Art. 109a para. 1 Foreign Nationals and Integration Act, FNA, SR 142.20).

What is the national visa information system (ORBIS) and what data does it contain?



ORBIS is Switzerland's national visa information system (A, C and D visas). It is used to process visa application data, transmit data (A and C visas) to the C-VIS and provides access to C-VIS data (see Art. 4 Visa Information System Ordinance, VISO, SR 142.512). ORBIS contains data on visa applicants, visas applied for, granted, annulled, revoked or extended, applications withdrawn or refused, facial images and links to other visa applications. The stored data are kept for a maximum of five years (Art. 26 para. 1 VISO).

Which authorities can access the Visa Information System?



The following authorities can access C-VIS data online (Art. 109a para. 2 FNA):

- State Secretariat for Migration SEM, Swiss representations abroad and missions, the cantonal migration authorities responsible for visas and the communal authorities to which the cantons have delegated these responsibilities, the State Secretariat and the Directorate of Political Affairs of the FDFA, the Border Guard [now the Federal Office for Customs and Border Security, FOCBS] and the border posts of the cantonal police authorities: during the visa procedure;
- SEM: to determine the state responsible for assessing an asylum application under Regulation (EC) No. 604/2013 and when assessing an asylum application if Switzerland is responsible for its processing;
- the Border Guard [now the FOCBS] and the cantonal police authorities responsible for checks at the Schengen external borders: to conduct checks at the external border crossing points and on Swiss sovereign territory;
- the Border Guard [now the FOCBS] and the cantonal and communal police authorities that conduct checks on persons: to identify persons who do not or who no longer fulfil the requirements for entry into Swiss sovereign territory or for a stay in Switzerland.

The following authorities may request specific C-VIS data from the central access point (fedpol Operations Centre) in accordance with Decision 2008/633/JI in order to prevent, detect or investigate terrorist offences or other serious criminal offences:

- the Federal Office of Police (fedpol);
- the Federal Intelligence Service (FIS);
- the Office of the Attorney General of Switzerland;
- the cantonal police authorities, the police authorities of the cities of Zurich, Winterthur, Lausanne, Chiasso and Lugano and the prosecution authorities via the cantonal police authorities.

What rights do you have as a data subject in relation to the data processed in C-VIS and ORBIS?



Information provided under Article 32 VISO

When your personal data, including biometric data, are collected, you are informed in writing of the identity and contact details of the controller, the purpose of processing the data in ORBIS and C-VIS, the recipients or categories of recipient to whom the personal data are disclosed, the duration of the storage of the data in ORBIS and C-VIS, the fact that recording the data is mandatory in order to verify the application, that there is a right to information, correction and deletion, and the procedures for asserting these rights and for contacting the Federal Data Protection and Information Commissioner (FDPIC). The information is also provided on the application form for a Schengen visa.

Right to information under Article 31 paragraph 1 VISO in conjunction with Article 41 Federal Act of Data Protection (FADP)

You are entitled to information as to whether data relating to you are being processed in C-VIS and/or ORBIS and, if so, to inspect these data. The request can be submitted to a competent authority in any Schengen state.

Information may be restricted or refused, in particular if this is necessary because of overriding public interests, especially protecting the internal or external security of Switzerland, or if providing the information jeopardises a criminal investigation or other investigative proceedings.

In connection with C-VIS, you will also be informed as to which Member State transmitted your data to C-VIS. However, information on data is only provided by one Member State.

In Switzerland, the request can be submitted in writing directly to the State Secretariat for Migration (SEM). You must provide proof of your identity (copy of passport or identity card); the answer will be given in writing and is free of charge. An application submitted to a Swiss consulate will be forwarded to SEM.



State Secretariat for Migration (SEM)
Datenschutzberater
Quellenweg 6
CH-3003 Bern

<https://www.sem.admin.ch/>

In Switzerland, an answer is normally given within 30 days of a request being validly submitted (i.e. in writing and accompanied by a copy of an identity document).

An online form for requesting information is available here:
<https://www.edoeb.admin.ch/en/schengen-dublin-3>

Right to correction or deletion of data (Art. 31 para. 4 VISO)

You have the right to have incorrect personal data stored in C-VIS and/or ORBIS corrected or deleted.

A request to have incorrect data stored in C-VIS corrected can be submitted to a competent authority in any Schengen state. If the request is made to a state other than the state that recorded the data, the authorities in the requested state have to contact the authorities in the responsible Member State within 14 days. The state responsible is allowed one month to check the accuracy of the data and the legality of their processing. The state responsible must either confirm in writing the correction or deletion of the data to the data subject or explain why it cannot correct or delete the data. In the latter case, the Member State responsible must also inform the data subject of the authority to contact if they wish to take further legal action and whether national law provides for assistance from the national data protection authority.

In Switzerland, SEM is the authority responsible for correcting or deleting data in ORBIS, so requests should be sent there (see address above).

An online form for requesting information is available here:
<https://www.edoeb.admin.ch/en/schengen-dublin-3>

Who can you contact if you need support with a request for information, correction or deletion or if your request is refused?



If your request is rejected, you will receive an official ruling from the State Secretariat for Migration (SEM). You can appeal this ruling within 30 days to the Federal Administrative Court (first instance) and, if necessary, to the Federal Supreme Court (second instance).

If you require assistance in connection with a request for information or the correction or deletion of your data, you can contact the Federal Data Protection and Information Commissioner.



Federal Data Protection and Information Commissioner (FDPIC)
Feldeggweg 1
CH-3003 Bern

Tel. +41 (0) 58 462 43 95
<https://www.edoeb.admin.ch>

Contact form
<https://www.edoeb.admin.ch/en/contact-form-other-concerns>

Who monitors data processing in C-VIS and ORBIS?



In each Schengen State, a national supervisory authority monitors the legality of the processing of personal data in the C-VIS within the State concerned and the transmission of data to and from the C-VIS. In Switzerland, the Federal Data Protection and Information Commissioner is responsible for supervising the data processing by federal authorities. The cantonal and communal authorities are subject to the supervision of their respective cantonal data protection authorities.

Where can you get more information?



The Federal Data Protection and Information Commissioner and the cantonal data protection authorities will answer any further questions you may have about data protection:

- The Federal Data Protection and Information Commissioner:
<https://www.edoeb.admin.ch/en/schengen-dublin-3>
- Contact form for reporting data breaches:
<https://www.edoeb.admin.ch/en/contact-form-for-schengendublin-concerns>
- Contact form for other enquiries:
<https://www.edoeb.admin.ch/en/contact-form-other-concerns>
- Cantonal data protection authorities:
<https://www.privatim.ch/de/privatim/>

Further information on the Schengen area:

- Federal Department of Foreign Affairs FDFA:
<https://www.eda.admin.ch/europa/en/home/dienstleistungen-publikationen/fag/fag-schengen-dublin.html>
- State Secretariat for Migration SEM:
<https://www.sem.admin.ch/sem/en/home/themen/einreise/datenschutz.html>
- Brochure on Schengen/Dublin:
https://www.eda.admin.ch/content/dam/europa/de/documents/fs/11-FS-Schengen-Dublin_de.pdf (German only)
- European Data Protection Supervisor:
https://www.edps.europa.eu/data-protection/european-it-systems/visa-information-system_en