

Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU

### CHAPTER XIII

#### ***Right of access and review of alerts***

##### *Article 50*

#### **Access to data in SIS by the European Border and Coast Guard teams, teams of staff involved in return-related tasks, and members of the migration management support teams**

1 In accordance with Article 40(8) of Regulation (EU) 2016/1624, the members of the teams referred to in points (8) and (9) of Article 2 of that Regulation shall, within their mandate and provided that they are authorised to carry out checks in accordance with Article 44(1) of this Regulation and have received the required training in accordance with Article 14(1) of this Regulation, have the right to access and search data in SIS insofar it is necessary for the performance of their task and as required by the operational plan for a specific operation. Access to data in SIS shall not be extended to any other team members.

2 Members of the teams referred to in paragraph 1 shall exercise the right to access and search data in SIS in accordance with paragraph 1 through a technical interface. The technical interface shall be set up and maintained by the European Border and Coast Guard Agency and shall allow direct connection to Central SIS.

3 Where a search by a member of the teams referred to in paragraph 1 of this Article reveals the existence of an alert in SIS, the issuing Member State shall be informed thereof. In accordance with Article 40 of Regulation (EU) 2016/1624, members of the teams shall only act in response to an alert in SIS under instructions from and, as a general rule, in the presence of border guards or staff involved in return-related tasks of the host Member State in which they are operating. The host Member State may authorise members of the teams to act on its behalf.

4 For the purpose of verifying the lawfulness of data processing, self-monitoring and ensuring proper data security and integrity, the European Border and Coast Guard Agency shall keep logs of every access to and search in SIS in accordance with the provisions of Article 12.

5 The European Border and Coast Guard Agency shall adopt and apply measures to ensure security, confidentiality and self-monitoring in accordance with Articles 10, 11 and 13 and shall ensure that the teams referred to in paragraph 1 of this Article apply those measures.

6 Nothing in this Article shall be interpreted as affecting the provisions of Regulation (EU) 2016/1624 concerning data protection or the European Border and Coast Guard Agency's liability for any unauthorised or incorrect processing of data by it.

7 Without prejudice to paragraph 2, no parts of SIS shall be connected to any system for data collection and processing operated by the teams referred to in paragraph 1 or by the

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**Changes to legislation:** *There are outstanding changes not yet made to Regulation (EU) 2018/1862 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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European Border and Coast Guard Agency, nor shall the data in SIS to which those teams have access be transferred to such a system. No part of SIS shall be downloaded or copied. The logging of access and searches shall not be considered to be unlawful downloading or copying of SIS data.

8 The European Border and Coast Guard Agency shall allow the European Data Protection Supervisor to monitor and review the activities of the teams referred to in this Article in the exercise of their right to access and search data in SIS. This shall be without prejudice to the further provisions of Regulation (EU) 2018/1725.

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**Changes and effects yet to be applied to :**

- Regulation revoked in part by S.I. 2019/742, reg. 119(2)(h) (as inserted) by [S.I. 2020/1408 reg. 35\(b\)](#)