

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 53*

#### **Review period for alerts on persons**

1 Alerts on persons shall be kept only for the time required to achieve the purposes for which they were entered.

2 A Member State may enter an alert on a person for the purposes of Article 26 and points (a) and (b) of Article 32(1) for a period of five years. The issuing Member State shall review the need to retain the alert within the five year period.

3 A Member State may enter an alert on a person for the purposes of Articles 34 and 40 for a period of three years. The issuing Member State shall review the need to retain the alert within the three year period.

4 A Member State may enter an alert on a person for the purposes of points (c), (d) and (e) of Article 32 (1) and of Article 36 for a period of one year. The issuing Member State shall review the need to retain the alert within the one year period.

5 Each Member State shall, where appropriate, set shorter review periods in accordance with its national law.

6 Within the review period referred to in paragraphs 2, 3 and 4, the issuing Member State may, following a comprehensive individual assessment, which shall be recorded, decide to retain the alert on a person for longer than the review period, where this proves necessary and proportionate for the purposes for which the alert was entered. In such cases paragraph 2, 3 or 4 shall also apply to the extension. Any such extension shall be communicated to CS-SIS.

7 Alerts on persons shall be deleted automatically after the review period referred to in paragraphs 2, 3 and 4 has expired, except where the issuing Member State has informed CS-SIS of an extension pursuant to paragraph 6. CS-SIS shall automatically inform the issuing Member State of the scheduled deletion of data four months in advance.

8 Member States shall keep statistics on the number of alerts on persons the retention periods of which have been extended in accordance with paragraph 6 of this Article and transmit them, upon request, to the supervisory authorities referred to in Article 69.

9 As soon as it becomes clear to a SIRENE Bureau that an alert on a person has achieved its purpose and should therefore be deleted, it shall immediately notify the authority which created the alert. The authority shall have 15 calendar days from the receipt of that notification

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**Status:** Point in time view as at 28/11/2018.

**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)

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to reply that the alert has been or shall be deleted or shall state reasons for the retention of the alert. If no reply has been received by the end of the 15-day period, the SIRENE Bureau shall ensure that the alert is deleted. Where permissible under national law, the alert shall be deleted by the SIRENE Bureau. SIRENE Bureaux shall report any recurring issues they encounter when acting under this paragraph to their supervisory authority.

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