

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 XII

Specific rules for biometric data

Article 42

Specific rules for entering photographs, facial images, dactyloscopic data and DNA profiles

1 Only photographs, facial images, dactyloscopic data referred to in points (w) and (y) of Article 20(3) which fulfil minimum data quality standards and technical specifications shall be entered into SIS. Before such data are entered, a quality check shall be performed in order to ascertain whether the minimum data quality standards and technical specifications have been met.

2 Dactyloscopic data entered in SIS may consist of one to ten flat fingerprints and one to ten rolled fingerprints. It may also include up to two palm prints.

3 A DNA profile may only be added to alerts in the situations provided for in point (a) of Article 32(1), only following a quality check to ascertain whether the minimum data quality standards and technical specifications have been met and only where photographs, facial images or dactyloscopic data are not available or not suitable for identification. The DNA profiles of persons who are direct ascendants, descendants or siblings of the subject of the alert may be added to the alert provided that those persons give their explicit consent. Where a DNA profile is added to an alert, that profile shall contain the minimum information strictly necessary for the identification of the missing person.

4 Minimum data quality standards and technical specifications shall be established in accordance with paragraph 5 of this Article for the storage of the biometric data referred to in paragraphs 1 and 3 of this Article. Those minimum data quality standards and technical specifications shall set the level of quality required for using the data to verify the identity of a person in accordance with Article 43(1) and for using the data to identify a person in accordance with Article 43(2) to (4).

5 The Commission shall adopt implementing acts to lay down the minimum data quality standards and technical specifications referred to in paragraphs 1, 3 and 4 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 76(2).

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

Article 43

Specific rules for verification or search with photographs, facial images, dactyloscopic data and DNA profiles

1 Where photographs, facial images, dactyloscopic data and DNA profiles are available in an alert in SIS, such photographs, facial images, dactyloscopic data and DNA profiles shall be used to confirm the identity of a person who has been located as a result of an alphanumeric search made in SIS.

2 Dactyloscopic data may be searched in all cases to identify a person. However, dactyloscopic data shall be searched to identify a person where the identity of the person cannot be ascertained by other means. For that purpose, the Central SIS shall contain an Automated Fingerprint Identification System (AFIS).

3 Dactyloscopic data in SIS in relation to alerts entered in accordance with Articles 26, 32, 36 and 40 may also be searched using complete or incomplete sets of fingerprints or palm prints discovered at the scenes of serious crimes or terrorist offences under investigation, where it can be established to a high degree of probability that those sets of prints belong to a perpetrator of the offence and provided that the search is carried out simultaneously in the Member State's relevant national fingerprints databases.

4 As soon as it becomes technically possible, and while ensuring a high degree of reliability of identification, photographs and facial images may be used to identify a person in the context of regular border crossing points.

Before this functionality is implemented in SIS, the Commission shall present a report on the availability, readiness and reliability of the required technology. The European Parliament shall be consulted on the report.

After the start of the use of the functionality at regular border crossing points, the Commission shall be empowered to adopt delegated acts in accordance with Article 75 to supplement this Regulation concerning the determination of other circumstances in which photographs and facial images may be used to identify persons.

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.

[View outstanding changes](#)

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\(b\)](#)