



Home Office

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Lord Jay of Ewelme
European Union Committee
House of Lords
London
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13 February 2020

Dear Chair,

Media reports concerning the European Criminal Records Information System and the Schengen Information System

Thank you for your letter of 23 January. I am writing in response to your questions regarding the media reports concerning the European Criminal Records Information System (ECRIS) and the Schengen Information System (SIS II).

Under the ECRIS Framework Decision the UK is required to send notifications of convictions of those EU nationals who have been convicted in the UK as soon as possible. At the outset I should make clear that the UK continues to be an active participant in the sharing of criminal records information via ECRIS. Last year alone, the UK sent over 30,000 conviction notifications through ECRIS to EU member states and received over 16,000 from the EU - helping to ensure serious criminals were brought to justice and the public was protected.

It is however the case, as you have noted that there is a backlog of some categories of convictions which have not been sent to EU Member States dating back to when the ECRIS Framework Decision was implemented in 2012. This is due to a technical issue around the transmission of information about a particular subset of convictions between the Police National Computer (PNC)- the UK national criminal register- and the systems in the ACRO Criminal Records Office (ACRO) which is the UK Central Authority for the Exchange of Criminal Records and responsible for sending and receiving criminal records information under ECRIS.

As I say, the problems are connected only with a particular subset of the convictions data we are required to share with EU Member States: convictions linked to dual national citizens where the subject is both a British citizen and a citizen of another EU Member State; and those where fingerprints have not been included in the system. The Home Office is working to support ACRO to resolve the issue and find a technical fix which will be implemented as soon as possible.

Turning to questions in relation to SIS II, as you are aware, SIS II is an EU-wide IT system that circulates alerts on people and objects that are of interest to law

enforcement agencies across the EU. The UK connected to SIS II in March 2015. In common with all system users, the UK is subject to periodic evaluation in the form of a visit from a Commission-led team of SIS II experts. This team draws up a report with recommendations for improvement, including an opinion as to whether the Member State is complying with the SIS II legislation.

The UK's most recent evaluation took place in 2017 and a draft report was produced in November 2017. In 2018 a restricted copy of the draft report was obtained by the online media outlet EU-Observer and some selectively highlighted parts of the leaked document have been referenced in the Guardian articles published on 9 and 14 January.

The Government has maintained its usual position of not commenting on media reports of leaked documents. However, in respect of your concerns, I do not consider the reporting to be wholly accurate.

The Home Office is taking the findings in the draft report seriously and is considering how to respond to them once the report is finalised and its conclusions formally adopted by the EU. In 2018, the Home Office established a technical programme of work to consider the evaluation recommendations and has been working on an action plan to deliver system improvements to address concerns raised in the report.

I should add that the Government is clear that SIS II data handled by the UK has remained secure and subject to strict data protection safeguards. The UK is a significant user of SIS II, both in terms of responding to EU Member States alerts and by sharing UK law enforcement information. In 2018, the UK created over 2.9 million alerts on SIS II and there were over 7,000 hits [7,223] recorded in the UK based on SIS II alerts by other countries [on SIS II].

I trust this addresses your concerns.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Brandon Lewis', with a long horizontal flourish extending to the right.

**Rt Hon Brandon Lewis CBE MP
Minister of State for Security**