

Act 2/94

of 19 February

Establishes the control and verification mechanisms
For the Schengen Information System

Under article 164 (d), article 168 (1) (b) and article 169 (3) of the Constitution, the Assembleia da República [Portuguese Parliament] hereby decrees the following:

Article 1

Object

This Act sets up the control and verification mechanisms of the national part of the Schengen Information System.

Article 2

Contents

1. Under article 93.2 of the Schengen Convention, the Schengen Information System has the purpose of preserving public order and security, including the State security, as well as applying the Convention provisions on the circulation of persons in the Contracting Parties territories, with the support of the information transmitted through this System.
2. The Schengen Information System only includes the data categories supplied by each Contracting Party, identified in article 94.2, and which are necessary for the purposes provided in articles 95.2 to 100.2 of the above mentioned Convention.

Article 3

National control authority

The CNPD [Data Protection National Commission] is the national control authority entrusted with the supervision of the national part of the Schengen Information System, and with the verification that the processing and use of the data integrated in that System do not attempt on the rights of the person.

Article 4

Representation in the Joint Supervisory Authority

Two representatives of the national control authority shall integrate the Joint Supervisory Authority, which carries out the attributions and responsibilities provided in article 115 of the Schengen Convention.

Article 5

Data Centre

It is created the Data Centre that assists the Schengen Information System, working on the dependency of the Serviço de Estrangeiros e Fronteiras [Borders and Foreigners Service], under guidance of a responsible person appointed by the Ministry of Home Affairs.

Article 6

Right of access to the data in the System

1. The rights of access, rectification and deletion shall be exercised by a person demonstrating a legitimate, direct and personal interest, as provided in the Schengen Convention, by means of the national control authority.

2. The national control authority shall pronounce on the request of the interested person within 15 days from its reception; and shall undertake the adequate measures for the compliance of its deliberations by the body entrusted with the central responsibility for the national part of the Schengen Information System.

Article 7

Requirements Exemption

The exigencies contained in the Schengen Convention exempt the applicability of the requirements provided in articles 17, 18 and 19 of Act 10/91 of 29 April [former Data Protection Act].

Approved on 16 December 1993.

The President of the *Assembleia da República* , *António Moreira Barbosa de Melo* .

Enacted on 28 January 1994.

Hereby published.

The President of the Republic, MÁRIO SOARES

Counter-signed on 1 February 1994.

The Prime Minister, *Aníbal António Cavaco Silva* .