Enhanced Biometric Security Partnership (EBSP)/International Biometric Information Sharing (IBIS)

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Image: CPB
Letter from the US embassy to (almost all) EU states in February 2022
Demand for direct access to fingerprints and facial images
Data on suspected or convicted criminals and terrorists; asylum seekers
Later mentioned: residents' registration data
For all travellers (and asylum seekers) before entry into USA
Hit/ No hit query of the foreign databases
On hit: retrieval of existing data record in pull procedure
Use in the IDENT system at the Department of Homeland Security
275 million entries on individuals
Foreign nationals, (delinquent) US citizens
1 billion faces, 7 million iris pairs
IDENT is being transformed into HART (Homeland Advanced Recognition Technology).

Storage then in commercial cloud

„Continuously improved algorithms“
Willingness to participate of at least five governments (e.g. Israel, Great Britain).

Also reportedly 3 EU states

Similar cooperation by US authorities already with Croatia, Bulgaria, Poland (as well as Greece, Italy)
Participation in EBSP/ IBIS at beginning voluntary
From 2027, participation mandatory in Visa Waiver Program (VWP)
Otherwise no more visa-free entry
Since 1986, principle of reciprocity

Existing requirements:

• Biometric passports (2006)
• Pre-registering in the ESTA travel authorisation system (2008)
• Preventing and Combating Serious Crime Agreements (PCSC), query of biometric data for police investigations
EU competence with EBSP/ IBIS?

Joint EU response by French Presidency
US authorities to specify demand
Talks with US government since March
Discussed at EU Council working groups
„Exchange of Information JHA Area“, „Visa“
EU competence with EBSP/IBIS?

EU Commission received information on looming VWP rule from US Ambassador to the EU

Invitation to a „technical dialogue“

Letters to EU remain secret
EU competence with EBSP/ IBIS?

No US demand for access to EU databases
EBSP/ IBIS would only be bilateral agreements between governments
But:
If all Schengen states implement EBSP/ IBIS, there is de facto access to EU biometric data (SIS II, EES, EURODAC, Prüm 2)
Interoperability Package

Interpol Systems
Europol Data
SIS
European Search Portal
Common Identity Repository
EES
ETIAS
VIS
Eurodac
ECRIS-TCN
shared BMS
### MS with Facial-Image databases

#### AFIS
- Mugshots & Trace Facial-Images
- Biographics
- Other data
- Unique Record Locator

#### Table: Facial-Image Databases in EU Member States

<table>
<thead>
<tr>
<th>EU Member State</th>
<th>Year of impl.</th>
<th>Database</th>
<th>No. of Images</th>
<th>No. of persons</th>
<th>Person categories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>2020</td>
<td>EDE - Criminal identification database</td>
<td>1.25 M</td>
<td>520 000</td>
<td>criminals</td>
</tr>
<tr>
<td>Finland</td>
<td>2020</td>
<td>RETU - registered persons identifying features database and Aliens database</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>France</td>
<td>2013</td>
<td>TAJ - criminal case history database</td>
<td>6 M</td>
<td>21 M</td>
<td>suspects and victims (i.e. unknown dead bodies, seriously injured and missing persons)</td>
</tr>
<tr>
<td>Germany</td>
<td>2008</td>
<td>INPOL - criminal case management system</td>
<td>5.5 M</td>
<td>6.2 M</td>
<td>suspects, convicts, arrestees, missing persons, wanted persons and asylum seekers</td>
</tr>
<tr>
<td>Greece</td>
<td>2019</td>
<td>mugshot database</td>
<td>Not specified</td>
<td>377 000</td>
<td>suspects who have been arrested and convicts who have been sentenced to imprisonment</td>
</tr>
<tr>
<td>Hungary</td>
<td>2016</td>
<td>Facial Image Registry</td>
<td>30 M</td>
<td>Not specified</td>
<td>civil document applicants</td>
</tr>
<tr>
<td>Italy</td>
<td>2017</td>
<td>AFIS</td>
<td>17 M</td>
<td>9 M</td>
<td>convicts, arrested suspects, unidentified persons, asylum seekers</td>
</tr>
<tr>
<td>Lithuania</td>
<td>2019</td>
<td>HDR - Habitascopic Data Register</td>
<td>400 000</td>
<td>185 000</td>
<td>suspects, convicts, arrested persons, wanted persons, unidentified dead bodies and unidentified helpless persons</td>
</tr>
<tr>
<td>Latvia</td>
<td>2012</td>
<td>BDAS - Biometric Data Processing System (criminal data array)</td>
<td>Not specified</td>
<td>Not specified</td>
<td>detained, suspected, accused and convicted individuals, and unidentified dead bodies</td>
</tr>
<tr>
<td>Netherlands</td>
<td>2016</td>
<td>CATCH criminal and CATCH alien</td>
<td>Not specified</td>
<td>8.3 M</td>
<td>suspects, convicts, visa and asylum applications</td>
</tr>
<tr>
<td>Slovenia</td>
<td>2015</td>
<td>the record of photographed persons</td>
<td>Not specified</td>
<td>110 000</td>
<td>suspects, missing persons and unidentified dead bodies</td>
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</table>

#### Table: Expected FR Implementation

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<th>EU Member State</th>
<th>Expected year of FR implementation</th>
<th>Database</th>
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<tbody>
<tr>
<td>Croatia</td>
<td>2021</td>
<td>ABIS and image repository of civil documents</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>2021</td>
<td>CBIS - Central Biometric Information System</td>
</tr>
<tr>
<td>Romania</td>
<td>2021</td>
<td>NBIS - National Biometric Identification System</td>
</tr>
<tr>
<td>Spain</td>
<td>2021</td>
<td>ABIS</td>
</tr>
<tr>
<td>Sweden</td>
<td>2021</td>
<td>ABIS</td>
</tr>
<tr>
<td>Cyprus</td>
<td>2021–2022</td>
<td>ISIS Faces</td>
</tr>
<tr>
<td>Estonia</td>
<td>2022</td>
<td>ABIS</td>
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#### Table: Operational FR Systems

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EU competence with EBSP/ IBIS?

European data protection law affected:

- General Data Protection Regulation
- EU-US Framework Agreement for Police Information Sharing
- ECJ case law on EU-US data sharing
- AI Act (planned)

Proportionality?
EU competence with EBSP/ IBIS?

EU-US visa regime affected „as a whole“
EU Commission to establish equal VWP treatment of all MS (since 2008)
Not yet: Bulgaria, Romania, Cyprus
EU Parliament sues COM for inaction
What next?

Council wants COM to examine open questions
Will a decision on a mandate for negotiations with the US follow? When?
What is the critical digital community doing?
Enhanced Biometric Security Partnership (EBSP)/International Biometric Information Sharing (IBIS)