EMN Study 2020

CZECH REPUBLIC

ACCURATE, TIMELY, INTEROPERABLE? DATA MANAGEMENT IN THE ASYLUM PROCEDURE

EUROPEAN UNION
ASYLUM, MIGRATION
AND INTEGRATION FUND

MINISTERSTVO VNITRA
ČESKÉ REPUBLIKY

EMN
Evropská migrační síť

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COMMON TEMPLATE

1. BACKGROUND AND RATIONALE FOR THE STUDY

A smooth and fast registration and identification procedure and ensuring the accuracy of the information collected, are **essential aspects of a functioning asylum procedure**. Several Member States have recently taken a wider range of measures to also improve interoperability to assist operational efficiency.[1] An **effective** asylum system relies on the collection of timely information that could appropriately channel asylum applicants into the right track, as well as on accurate and reliable information that could inform subsequent asylum decisions. Similarly, the smooth transmission of information to relevant authorities as well as the interoperability of databases where this information is collected avoid duplication and contribute to the **efficiency** of the asylum system. Finally, the use of information collected during different phases of the asylum procedure to inform further related steps of the process (including the Dublin procedure) reception conditions, and to inform future planning for the migration system (including integration and possibly return) increase the **preparedness** of the migration system overall.

Changing circumstances in asylum applications in recent years, including increases and decreases in the volume and types of applications, has led to several procedural changes in how Member States manage the asylum process. In many Member States this has also impacted on how data is collected, managed and shared throughout the process. In particular, the following policy developments have been registered.

1. In the years of high influx of asylum seekers in the EU (2015–2016) several Member States experienced major **challenges with regard to their capacities to register asylum seekers as well as with subsequent data management** across different databases within their respective asylum authorities and with regard to other authorities linked to the asylum procedure and reception of asylum applicants.[2] In several Member States there were backlogs and delays in the asylum procedure. Asylum applicants were not always able to make their application upon arrival and once their application was registered, it sometimes took months before they could finally lodge the asylum application.[3] Furthermore, multiple registrations occurred in some Member States due to a lack of interoperability of databases and a lack of technologies to digitalise the individual information and make it accessible to the different authorities. With regard to the high numbers of asylum applicants, several Member States experienced a need for automation, digitisation and innovation (such as the implementation of artificial intelligence) of various processes within the asylum procedure in order cope with the large numbers by saving resources, to limit double work, to ensure accuracy and transferability of individual information among different data systems.

2. With regard to the making, registering and lodging of an asylum application, a **trend towards shifting the collection of additional information of asylum seekers forward** (frontloading) in the asylum procedure may be observed in several EU Member States in recent years.[4] One reason is another development in several Member States, namely the introduction of channelling systems in their asylum procedures. Based on different pre-defined profiles, asylum applicants are channelled into different "first-instance procedures (prioritised procedures; accelerated procedures; border procedure; admissibility procedure)".[5] In many cases, this had an impact on the asylum process

[1] MPI, Chasing Efficiency: Can Operational Changes Fix European Asylum Systems? March 2020: https://www.migrationpolicy.org/sites/default/files/publications/MPIE-ChasingEfficiency-EuropeAsylum-Final.pdf

[2] EMN, Synthesis Report, Changing Influx of Asylum Seekers 2014-2016, August 2018: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_changing_influx_study_synthesis_final_en.pdf

[3] ECRE, Access to protection in Europe. The registration of asylum applications, 2018: http://www.asylumineurope.org/sites/default/files/ shadow-reports/aida_accessii_registration.pdf; EMN, Annual Report on Migration and Asylum 2017, May 2018: https://ec.europa.eu/home- affairs/sites/homeaffairs/files/00_annual_report_on_migration_2017_highres_en.pdf

[4] EASO, Workshop Discussion Paper, Workshop 2: Registration procedure, 9th Consultative Forum, 12th November 2019, Brussels: https://easo.europa.eu/sites/default/files/Workshop2-Discussion-Paper.pdf

[5] EASO, Workshop Discussion Paper, Workshop 3: channelling based on the profile of the applicant and the identification of special needs, 9th Consultative Forum, 12th November 2019, Brussels: https://easo.europa.eu/sites/default/files/Workshop3-Discussion-Paper.pdf

as relevant information on asylum seekers needed to be collected at an earlier phase in order to allocate them to these different channels. In some Member States, information collection was also frontloaded for other reasons. Amongst other things, in order to shorten lengthy processing times in the asylum procedure (e.g. by limiting the need for paper and double work by digitising the collected information and implementing data quality assessments from the very beginning). A frontloaded information collection in some Member States again serves to better plan and coordinate reception facilities, estimate the need for integration and language courses for asylum seekers (e.g. number and types of courses needed in different regions) as well as other integration measures (e.g. labour market integration by asking for information on individual qualifications of the asylum seekers).

3. Last but not least, by further interlinking processes, actors and IT systems, **challenges occurred with regard to the interoperability of data systems and databases,** as well as with regard to data protection. However, several Member States introduced a range of measures to enhance interoperability on a federal and regional level or implemented larger reforms with regard to their data management, raising questions again with regard to safeguards of the individual data and 'legal' limitations of the data collection and processing mechanisms. The question of interoperability has also been discussed at EU-level in recent years with regard to the EU large scale IT systems. The Interoperability Regulation provides for future tools to enhance intra-EU data sharing and has as one of its aims to assist in the assessment of international protection applications.

Against this backdrop, the objective of this study is to examine how data is managed in the different phases of the asylum procedure and to identify any recent trends. In particular, it will (i) map Member States' data management approaches in the asylum procedure, (ii) examine whether there have been any procedural changes to enhance data sharing within the asylum authorities and beyond and how these have impacted on data management in these processes, and (iii) challenges and good practices that have arisen in relation to data management.

Scope

As for its **scope**, the study will cover different phases of the asylum procedure, beginning from the moment a person makes his or her asylum application until the first instance decision is made. It will focus, on the one hand, on data collected by various actors involved in the asylum procedure (e.g. border police registering an asylum application upon arrival; main authority for the asylum procedure; authorities responsible for unaccompanied minors, etc.). On the other hand, the study will also cover data collected in the context of the asylum procedure but meant for other purposes than the asylum procedure itself (e.g. information on language skills used to better plan and coordinate integration and language courses; information on previous qualifications in order to smoothen labour market integration etcetera).

2. EU LEGAL FRAMEWORK

Directives and regulations

The functioning of the Common European Asylum System is based upon a series of EU legal instruments governing the asylum procedure. However, the management of personal data is only marginally regulated. With the exception of the **recast Eurodac Regulation (Regulation No 603/2013**, analysed below) that concerns the processing of biometric data of applicants of international protection for Dublin-related purposes, the registration of personal data in the asylum process is governed by national law. The **recast Asylum Procedures Directive (Directive 2013/32/EU)** sets out some rules in that respect, namely that the applicants must inform the competent authorities of their current place of residence and of any changes thereof as soon as possible, which suggests that this information is collected by the competent authorities.

Competent authorities are also allowed to take a photograph of the applicant, however, this is not compulsory under EU law. Crucially, Article 30 of that Regulation proscribes national authorities from disclosing information regarding individual applications or the fact that an application has been made to the alleged actor(s) of persecution or serious harm.

From a privacy and personal data protection perspective, the **General Data Protection Regulation (EU) No 2016/679** is applicable to the processing of personal data in the asylum procedure. This entails the application of a series of data protection safeguards in the collection and further processing of personal data, such as the principles of lawfulness, purpose limitation, data minimisation, accuracy, storage limitation and integrity and confidentiality. The data protection regime specific to the handling of personal data in the Eurodac system is covered in the Eurodac Regulation 603/2013.

EU centralised information systems

The abolition of internal borders in the Schengen area has required strong and reliable management of the movement of persons across the external borders, including through robust identity management. In that respect, three centralised information systems have been developed by the EU, which are currently operational: the Schengen Information System (SIS), Visa Information System (VIS) and Eurodac, all of which assist in verifying or identifying third-country nationals falling in different categories and who are on the move. SIS, VIS and Eurodac were originally envisaged to operate independently, without the possibility of interacting with one another. Progressively, the need has emerged to provide technical and legal solutions that would enable EU information systems to complement each other. To that end, the **Interoperability Regulations 2019/817 and 2019/818** adopted on 20 May 2019 prescribe four main components to be implemented: a European Search Portal (ESP), a shared Biometric Matching Service (BMS), a Common Identity Repository (CIR) and a Multiple Identity Detector (MID). An EU agency, eu-LISA, is responsible for the operational management of these three systems.[6]

The most relevant EU information system in this regard is **Eurodac**, a biometric database storing fingerprints of applicants for international protection and irregular immigrants found on EU territory. Its primary objective is to serve the implementation of Regulation (EU) No. 604/2013 ('the Dublin Regulation'). Eurodac may also be accessed by national law enforcement authorities and Europol for the purposes of preventing, detecting and investigating terrorist offences and serious crimes. A recast proposal[7] tabled since May 2016 is currently negotiated as part of the revised Common European Asylum System (CEAS), with the aim of expanding the purpose, scope and categories of personal data stored in the system.

The **Visa Information System (VIS)** is also relevant for the purposes of the study not only in the context of further interoperability but also because it is used in the asylum procedure. The VIS processes personal data (both biographical and biometric) of short-stay (Schengen) visa applicants and allows immigration, border control and asylum authorities to exchange such data for various purposes, including the implementation of the common EU visa policy and the assistance in the identification of the Member State responsible for an asylum claim in line with the Dublin rules. The current legal framework consists of Regulation 767/2008[8] governing the use of the system for immigration control purposes, and Council Decision 2008/633/JHA[9] on law enforcement access. A proposal

[6] Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011, OJ L 295, 21. 11. 2018.

[7] COM (2016) 272final.

[8] Regulation (EC) 767/2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas, OJ L 218, 13. 8. 2008, as amended by Regulation (EC) 810/2009, OJ L 243, 15. 9. 2009.

[9] Council Decision 2008/633/JHA concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences, OJ L 218, 13. 8. 2008.

is currently negotiated[10] that among other things, lowers the threshold age for fingerprinting (six years).

As for the **Schengen Information System (SIS),** it aims at ensuring a high level of security in the Schengen area by facilitating both border control and police investigations. To those ends, the SIS registers alerts on various categories of persons including third-country nationals to be refused entry or stay in the Schengen area, as well as alerts on objects, such as banknotes and identity documents. Failed asylum seekers may be registered in the SIS in accordance with the SIS rules. In 2018, the SIS legal framework was revised with a view to adding certain categories of alerts.[11]

The aforementioned information systems will be complemented in the future by three new ones that are currently under development: **the Entry/Exit System (EES)** that will register the border crossings, both at entry and exit, of all third-country nationals admitted for a short stay, irrespective of whether they are required to obtain a Schengen visa or not;[12] the **European Travel Information and Authorisation System (ETIAS)** that will enable to identify whether the presence of a visa-free traveller in the territory of the Member States would pose a security, irregular migration or high epidemic risk;[13] the **European Criminal Record Information System for third-country nationals (ECRIS-TCN)** that will enable the exchange of criminal records on convicted third-country nationals and stateless persons.[14] All six information systems will be part of the interoperable data processing environment.

3. PRIMARY QUESTIONS TO BE ADDRESSED BY THE STUDY

This study will focus on the following primary questions:

- Which information is collected in the context of the asylum procedure at which point of time by whom?
- How is the information collected, fed into different data systems and further managed and shared with relevant actors?
- How is data quality assessed, and which data protection safeguards are in place for asylum applicants during the asylum procedure?
- Which changes did Member States introduce in recent years with regard to data management in the asylum procedure and why?
- What challenges do Member States face with regard to data management in the asylum procedure, how have these been overcome, and what good practices can be shared?

The asylum procedure is divided in different phases in all Member States. First, an asylum applicant needs to make an asylum application which then needs to be registered and/or lodged by the competent authorities before the asylum interview may take place. Subsequently, a first-instance decision is made on the basis of an examination of the application. While the competent authorities responsible for the single

[10] COM (2018) 302final.

[11] Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals, OJ L 312, 7.12.2018, p. 1–13; Regulation (EU) 2018/1861 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 border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006, OJ L 312, 7.12.2018, p. 14–55; 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. OJ L 312, 7. 12. 2018, p. 56–106.

[12] Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011, OJ L 327, 9. 12. 2017.

[13] Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226, OJ L 236, 19. 9. 2018.

[14] Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and amending Regulation (EU) 2018/1726, OJ L 135, 22. 5. 2019.

phases may be different in some Members States, in others it may be a single competent authority covering all phases. In addition, in some Member States some of the phases mentioned above may in practice be conducted concurrently which is why there might not be the need for some Member States to differentiate between (some of) the phases. However, the asylum procedure will be subdivided into at least two phases in all Member States.

The Study will cover four main phases, based on EASO's guidance on asylum procedure:[15]

1. **Making an application:** during this phase the person expresses the intention to apply for international protection;

2. **Registering an application:** the applicant's intention to seek protection is registered, which may be done by an authority not competent for the asylum procedure itself, such as the border police;

3. **Lodging an application:** the asylum application is formally lodged at the competent authority for the asylum procedure;

4. **Examination of the application.**

4. RELEVANT CASE LAW FROM THE COURT OF JUSTICE OF THE EU

CJEU, Case C-670/16 *Mengesteab*, Judgment of 26 July 2017: One of the questions referred to the CJEU involved the relationship between the two-time limits for take charge requests set out in Article 21 of the Dublin III Regulation. The Court clarified that the two months allowed to notify a Member State after a Eurodac hit may not result in a take charge request being issued more than three months after the application is lodged.

[15] Available at: https://easo.europa.eu/sites/default/files/Guidance_on_asylum_procedure_operational_standards_and_indicators_EN.pdf

EU centralised systems have not generated any relevant case law before the CJEU in relation to their substance. However, more generally, case law on centralised storage of personal data for immigration-related purposes in the broader sense that may be relevant for the present study is the following:

- **CJEU, Opinion 1/15 of 26 July 2017:** In this case, the Grand Chamber of the CJEU evaluated the draft PNR Agreement between the EU and Canada. The Court elaborated on a series of safeguards as regards to data management, in particular: the need for clarity in specifying the scope of the data to be processed; the transfer of sensitive data requires a precise and solid justification; automated processing of personal data should take place under pre-established models and criteria that are specific and reliable; the authorities accessing the personal data are specified; any transfer of personal data to third countries must take place only if that third country ensures an essentially equivalent level of personal data protection; and the exercise of individual rights by persons whose personal data is processed is ensured.

- **CJEU, Case C-70/18, Staatssecretaris van Justitie en Veiligheid v A and Others, Judgment of 3 October 2019:** This case involves the processing of personal data of residence permit holders in a Dutch centralised database. The CJEU highlighted that the processing of 10 fingerprints and a facial image, besides providing a reliable way of identifying the person concerned, is not of an intimate nature and does not cause any particular physical or mental discomfort for the person concerned.

  Since the objective of the retention of data is to prevent and combat identity and document fraud, a five-year retention period establishes a satisfactory connection between the personal data to be retained and the objective pursued and thus is proportionate.

5. RELEVANT SOURCES AND LITERATURE

UNHCR

- UNHCR, Discussion Paper Fair and Fast – Accelerated and Simplified Procedures in the European Union, July 2018[16]

EU Agencies

- EASO, Practical Guidance Series, EASO Guidance on asylum procedures: operational standards and indicators, September 2019[17]
- EASO Online-Tool 'Identification of persons with special needs'(IPSN)[18]

EMN Studies

- EMN, Synthesis Report, Changing Influx of Asylum Seekers 2014–2016, August 2018[19]
- EMN, Synthesis Report, Challenges and practices for establishing the identity of third-country nationals in migration procedures, December 2017[20]

EMN Ad-Hoc Queries

- 2019.49 – Processing times first instance asylum cases. Requested on 8 April 2019.
- 2018.1348 – Member States' practice regarding the storage of photographs and fingerprints in national systems/databases. Requested on 5 December 2018.
- 2018.1335 – Equipment to collect biometric data. Requested on 17 September 2018.
- 2018.1262 – Use of Cloud Services for Processing Personal Data in Immigration Cases. Requested on 17 January 2018.
- 2017.1191 – Biometric information for legal migration cases. Requested on 30 May, 2017.
- 2017.1180 – Mobile device information. Requested on 9 May, 2017.

Other studies and reports

- ECRE – European Council on Refugees and Exiles, Report, Access to protection in Europe. The registration of asylum applications, Asylum Information Database (AIDA), June 2018[21]
- MPI – Migration Policy Institute, Cracked Foundation, Uncertain Future: Structural Weaknesses in the Common European Asylum System, March 2018[22]
- FRA – European Union Agency for Fundamental Rights, Biometric data in large EU IT systems in the areas of borders, visa and asylum – fundamental rights implications. Data protection, privacy and new technologies; Asylum, migration and borders[23]

6. AVAILABLE STATISTICS

The following statistics are available through **Eurostat**:

Number of first-time asylum applications (lodging; migr_asyappctza) – compare with number of first-time decisions (migr_asydcfsta)

The following statistics may be available through national statistics:

Number of registrations of asylum applications

Number of lodged asylum applications

[16] Available at: https://www.refworld.org/docid/5b589eef4.html

[17] Available at: https://www.easo.europa.eu/sites/default/files/2019.1882_EN.pdf

[18] Available at: https://ipsn.easo.europa.eu/european-asylum-support-office

[19] Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_changing_influx_study_synthesis_final_en.pdf

[20] Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_synthesis_report_identity_study_final_en_v2.pdf

[21] Available at: http://asylumineurope.org/sites/default/files/shadow-reports/aida_accessii_registration.pdf

[22] Available at: https://www.migrationpolicy.org/sites/default/files/publications/CEAS-StructuralWeaknesses_Final.pdf

[23] Available at: : https://fra.europa.eu/en/publication/2015/fundamental-rights-implications-obligation-provide-fingerprints-eurodac

The following statistics are available through **EU databases**:

Number of Eurodac hits 2014 – 2019

Use of VIS and n of hits 2014 – 2019

Use of SIS and n of hits 2014 – 2019

7. DEFINITIONS

The following key terms are used in the Common Template. The definitions are taken from the EMN Glossary version 6.0[24] unless specified otherwise in footnotes.

'Application for international protection' is defined as a request made by a third-country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary protection status, and who does not explicitly request another kind of protection, outside the scope of Directive 2011/95/EU (Recast Qualification Directive), that can be applied for separately.

'Asylum procedure': see definition for 'Procedure for international protection'.

'Beneficiary of international protection' is defined as a person who has been granted refugee status or subsidiary protection status.

'Channelling' of the asylum procedure (also 'triaging'): "The core premise of accelerated and simplified procedures is the differentiation between caseloads for their channelling into distinct case processing modalities. The triaging process is therefore the central tenet of the process. [...] Depending on the results of the analysis, claims will be channelled into appropriate case processing modalities, or as is already done in several Members States [...] into different streams or 'tracks'. Groups, as well as any specific profiles, with high and very low protection rates would be channelled into accelerated and/or simplified procedures, while other cases would be adjudicated under the regular procedure."[25]

'Country of origin' is the country or countries of nationality or, for stateless persons, of former habitual residence.

'Data management' is understood as the administrative process that includes all operations that are performed on data or on sets of data, through automated or other means, such as collection, recording, storage, retrieval, use, disclosure by transmission, dissemination or erasure.[26]

'Examination of an asylum application': see definition for 'Examination of an application for international protection'.

'Examination of an application for international protection': Any examination of, or decision or ruling concerning, an application for international protection by the competent authorities in accordance with Directive 2013/32/EU (Recast Asylum Procedures Directive) and Directive 2011/95/EU (Recast Qualification Directive) except for procedures for determining the EU Member State responsible in accordance with Regulation (EU) No 604/2013 (Dublin III Regulation).

'Lodging an asylum application': An application for international protection shall be deemed to have been lodged once a form submitted by the applicant or, where provided for in national law, an official report, has reached the competent authorities of the Member State concerned. Member States may require that applications for international protection be lodged in person and/or at a designated place.[27]

[24] Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/docs/_interactive_glossary_6.0_final_version.pdf

[25] UNHCR, *Discussion Paper Fair and Fast – Accelerated and Simplified Procedures in the European Union*, July 2018, pp. 8f. Available at: https://www.refworld.org/pdfid/5b589eef4.pdf

[26] Definition for the purposes of this study.

[27] Article 6(2, 3, 4) of Directive 2013/32/EU (Recast Asylum Procedure Directive).

'Making an asylum application': see definition for "Making application for international protection".

'Making application for international protection': The expression of intent to apply for international protection.

'Refugee status' is defined as the recognition by a Member State of a third-country national or a stateless person as a refugee.[28]

'Registering an asylum application': Record the applicant's intention to seek protection.[29] When a person makes an application for international protection to an authority competent under national law for registering such applications, the registration shall take place no later than three working days after the application is made. If the application for international protection is made to other authorities which are likely to receive such applications, but not competent for the registration under national law, Member States shall ensure that the registration shall take place no later than six working days after the application is made.[30]

'Procedure for international protection': Set of measures described in the Directive 2013/32/EU (Recast Asylum Procedures Directive) which encompasses all necessary steps for granting and withdrawing international protection starting with making an application for international protection to the final decision in appeals procedures.

[28] Article 2 of Directive 2011/95/EU (Recast Qualification Directive).

[29] EASO, presentation, 9th Consultative Forum, 12th November 2019, Brussels.

[30] Article 6(1) of Directive 2013/32/EU (Recast Asylum Procedure Directive).

THE CONTRIBUTION OF THE CZECH REPUBLIC

INTRODUCTION

The asylum procedure in the Czech Republic is in particular regulated by Act on Asylum No. 325/1999 Coll. as amended. Nevertheless, other legislative instruments at national or Union level are also relevant. The Asylum Act regulates different phases of the asylum procedure – making, registering, lodging and examining of the asylum application.

It should be acknowledged that in the Czech Republic, there are no differences in the division of the above mentioned phases based on the different types of entry routes. In other words, the individual steps of the asylum procedure apply in all cases during the asylum procedure. Additionally, no channelling of cases in terms of nationalities, etc. is in place in the Czech Republic. However, there are differences in the procedural steps and obligations that apply according to the type of procedure – i. e. border procedure, accelerated procedure and ordinary procedure.

In the Czech Republic, the law provides for the time limits in line with Asylum Procedure Directive concerning the first instance decision as well as the time limits for registering the application. General rule is that all steps in the asylum procedure shall be conducted as soon as practically possible and the delays are usually caused by the unavailability of interpreters. The average length of the asylum procedure from lodging the application until a first instance decision is made has been gradually decreasing since 2014 and in 2019 it took on average 120 days.

The data are collected mainly during the phases of making, registering and lodging an application, although some supplementary collection of data might occur also in the examining phase of the asylum procedure (however, its main purpose is to examine the data that have been already collected). The data are stored in the paper form (paper files) or in the electronic databases. Some pieces of information are stored in both forms. All datasets are collected with the help of the asylum authorities or Police staff. No self-registration process is in place. The introduction of such a system is not planned.

The data management in the asylum procedure functions well and in line with relevant legal instruments. Although some challenges such as the lack of wider use of IT technologies were identified.

Section 1 THE ASYLUM PROCEDURE

Please note that the data management aspects of each phase of making, registering, lodging and examining an asylum claim will need to be described in more detail in the following Sections. This introductory Section shall serve as a first overview to better understand the following sections on data management within each phase.

1.1 OVERVIEW OF THE ASYLUM PROCEDURE

Please provide an overview on the regular asylum procedure in your (Member) State by answering the following questions.

1. Does your (Member) State clearly distinguish in national legislation among the abovementioned phases of **making**, **registering** and **lodging** of an application?

☒ Yes / ☐ No

All above listed phases of the asylum procedure are mentioned in the Act on Asylum (325/1999 Coll., as amended). The definitions in the Asylum Act generally correspond to the definitions in the Asylum Procedure Directive.

2. a) Does your (Member) State clearly distinguish in practice among the abovementioned phases of **making**, **registering** and **lodging** of an application?

☒ Yes / ☐ No

In general, the Asylum Act presumes the making of an application in person in the reception centre. The authority responsible for receiving the application is the Foreign Police who is present in the reception centre and receives the application form from the asylum applicant and consequently delegates the application to the workers of the Ministry of the Interior who register the application into the dedicated database. The transmitting of an applications is, therefore, much quicker than 6 days as it is mentioned in the Asylum Act or in the Asylum Procedure Directive. Then the lodging of the application follows and the applicant is asked to provide additional information during an interview.

2. b) in practice, are there any differences in the division of the phases based on the different types of entry routes (i.e. land, sea, air)? For Member States implementing the **hotspot approach,** does this distinction hold in the hotspots?

No, in the Czech Republic there are no differences in the division of the phases based on the different types of entry routes.

3. Does 'channelling' of specific caseloads take place in the asylum procedure of your (Member) State?

☐ Yes / ☒ No

4. a) Are there any national time frames/limits for each of the single phases (making, registering, lodging and examining a claim) in the context of Article 6 of the recast Asylum Procedures Directive?[31]

☒ Yes / ☐ No

Regarding the period of making an application, there is no given time limit. When the application is made to the Police (the majority of the cases), the registration into the dedicated asylum database has to be made within 6 days (section 3 par. 6 of the Asylum Act). This time frame is in place due to the fact that the registration is done by the workers of the Ministry of the Interior, nevertheless, the application is usually registered earlier, commonly within the timeframe of 24 hours (the registration phase may take slightly longer in specific cases, for instance, when the person applies on Saturday morning, then the application is registered on Monday morning). When the application is made directly to the Ministry of the Interior, the application is registered within 3 days at the latest (section 3 par. 6 of the Asylum Act).

[31] Directive 2013/32/EU (NB Denmark and Ireland do not participate in the recast Asylum Procedures Directive).

The applicant is then invited for the lodging of the application. According to the section 10 par. 1 of the Asylum Act, the applicant has to obtain the invitation at least 2 working days prior to the appointment with the responsible case worker. The lodging of an application has to be arranged as soon as practically possible and usually (depending on the number of applicants and the availability of interpreters) it takes between four to seven days. However, in specific cases (such as the applicant is serving a prison sentence or is unable to lodge an application due to his/her medical condition) the timeframe might be longer and can amount to several weeks.

4. b) Did your (Member) State introduce any changes in the national timeframes/limits in the years since 2014? If so, please describe the change(s) and intended purpose.

The national timeframes changed in 2015 when the amendment of the Asylum Act came into force. The purpose for the change was the transposition of the Asylum Procedure Directive.

5. a) In practice, how long does the procedure take from an asylum applicant making an application to lodging the application (average days)?

As has been mentioned above, depending on the number of applicants and the availability of interpreters the procedure usually takes between four to seven days. However, in specific cases the timeframe might be longer and can amount to several weeks (for instance, if the foreign national has been hospitalised or is serving a prison sentence then the procedure may take longer since the responsible workers need a permission to enter these institutions). Over the years, there have been no significant changes in the average duration from making to lodging a claim.

5. b) In practice, how long does the procedure take from lodging the application until a first instance decision is made (average days)? If information is not available, please indicate legal time limits and an indication that these are legal limits.

According to the Asylum Act, the decision shall be issued within 6 months from the lodging of an application with the possibility to extend it within 9+3 months due to the reasons mentioned in the Asylum Act.

The manifestly unfounded application must be rejected within 90 days. The decision regarding the border procedure must be issued within 4 weeks.

Table 1: Average days from lodging the application until a first instance decision (2014–2019)

Year	From lodging until first time decision (average days)
2014	176
2015	188
2016	182
2017	181
2018	163
2019	120

1.2 AUTHORITIES INVOLVED IN THE ASYLUM PROCEDURE

6. Which authorities are involved in and responsible for the asylum procedure from making an application to a first instance decision?

Table 2: Authorities responsible for the asylum procedure from making an application to first instance decision

Type of Authority	Specify name of the authority involved in making an application	Legally competent for registering an asylum application (please indicate type of authority and specify name)	Legally competent for lodging an asylum application (please indicate type of authority and specify name)	Legally competent for examining an asylum application (please indicate type of authority and specify name)
Border Police	Foreign Police*	NO	NO	NO
Local Police	Regional Directorate of Police, Department of Foreign Police	NO	NO	NO
(Branch) office for Refugees	NO	NO	NO	NO
Ministries (Interior, Justice, etc.)	NO	Ministry of the Interior	Ministry of the Interior	Ministry of the Interior
Local Citizen's Office/Mayor of a local city/town	NO	NO	NO	NO
(Local) immigration office	NO	NO	NO	NO
(Shared) accommodation for refugees	NO	NO	NO	NO
EU Agency	NO	NO	NO	NO
International Organisation	NO	NO	NO	NO
Detention facility	NO	NO	NO	NO
Reception centre	NO	NO	NO	NO
Others (please specify)	NO	NO	NO	NO

* Please note that Foreign Police does not solely perform border security and its scope of activities is much wider. Foreign Police is a highly specialized unit of the Police of the Czech Republic, which carries out functions relating to the detection of irregular foreign nationals, ensures application of punitive measures against foreigners staying in the Czech Republic in violation of the Foreigner Act, solves the crimes committed in connection with the crossing of the state border and cross-border crime, etc.

1.3 DATA COLLECTED DURING THE ASYLUM PROCEDURE

Which information is gathered during the asylum procedure at the different phases and by whom?

Table 3: Information gathered at different phases of asylum procedure

1. Categories of data collected	**2. In which phase(s) is this information collected? (including self-registration)** > Registering (1) > self-registration (1.1) > lodging (2) > examination (3) *Please use the numbers provided for each phase to indicate the phase the data is collected. In case phases are combined in your state, please indicate it accordingly by using a dash (see example below).* *If data is re-used but not re-collected in a following phase, data is **not collected** in that phase. Therefore, **if data is not collected** in a specific phase but only re-used or not used at all, **please do not add any number for that phase**.*	**3. Which organization collects this information in each of the different phases?** *(whenever possible please refer to the authorities listed in section 1.2)*	**4. How is this particular category of data / biometric data collected?** > online self-registration > written questionnaire (in paper) > oral (interview, face-to-face) > oral (interview via phone/videocall) > open source (e.g. social media) > analysing documents > analysing content of mobile devices (e.g. phones, laptops) > using automated or artificial intelligence for analysis of data > other: please specify (multiple answers possible) *If different data collection tools are used in the different phases, please specify it. If possible, please indicate if any specific technology is used in the process.*	**5. Where is this particular category of data / biometric data stored?** > in an electronic file > in a database > on paper	**6. If applicable, please specify the name of the database(s)**
Name					
> current name	1, 2	Ministry of the Interior – 1, 2	written questionnaire – 1, 2	database – 1, 2 paper file – 2, 3	Information System on Asylum II (IS AZYL II)
> birth name	2, 1 (this information is not obligatory and it depends on the applicant, if he or she decides to offer it)	idem	idem	idem	idem
> previous name(s)	2, 1 (this information is not obligatory and it depends on the applicant, if he or she decides to offer it)	idem	idem	idem	idem
> pen name (alias)	2, 1 (this information is not obligatory and it depends on the applicant, if he or she decides to offer it)	idem	idem	idem	idem

Name					
> religious names	–	–	–	–	–
> other names	–	–	–	–	–
Sex	2, 1 (this information is not obligatory and it depends on the applicant, if he or she decides to offer it)	idem	idem	idem	idem
Biometric data					
> photo	2	Ministry of the Interior	The photo is taken by the staff of the responsible authority.	electronic database paper file	Information System on Asylum II (IS AZYL II)
> fingerprints (which fingers, rolled or pressed fingerprints)	Fingerprints are collected during the phase of making an application.	Police	rolled fingerprints	electronic database	Electronic database Eurodac and national database AFIS
> iris scan	–	–	–	–	–
> other	–	–	–	–	–
Eye colour	–	–	–	–	–
Height	–	–	–	–	–
Date of birth	1, 2	Ministry of the Interior	written questionnaire – 1, 2	electronic database – 1, 2 paper file – 2	Information System on Asylum II (IS AZYL II)
Citizenship(s)	2, 1 (this information is not obligatory and it depends on the applicant, if he or she decides to offer it)	idem	idem	idem	idem
Country of origin	2, 1 (this information is not obligatory and it depends on the applicant, if he or she decides to offer it)	idem	idem	idem	idem
Place of birth					
> Town	2, 1 (this information is not obligatory and it depends on the applicant, if he or she decides to offer it)	idem	idem	idem	idem
> Region	2, 1 (this information is not obligatory and it depends on the applicant, if he or she decides to offer it)	idem	idem	idem	idem
> Country	idem	idem	idem	idem	idem
> Other	–	–	–	–	–

Date of arrival in the (Member) State	2	idem	idem	idem	idem
Last place of residence in the country of origin	2	idem	idem	idem	idem
Last place of residence before entry in the (Member) State	2	idem	idem	idem	idem
Contact details					
> phone number	3	–	–	–	–
> email address	3	–	–	–	–
> current address	2, 3	–	–	–	–
> other	–	–	–	–	–
Civil status	2	Ministry of the Interior	written questionnaire – 1, 2	electronic database – 1, 2 paper file – 2	Information System on Asylum II (IS AZYL II)
Accompanied by:					
> spouse or civil partner	2	idem	idem	idem	idem
> children	2	idem	idem	idem	idem
> parents	(only in case of minors, we do not require this information from adults)	idem	idem	idem	idem
> other relatives	–	idem	idem	idem	idem
Family members in the (Member) State					
> name	2	Ministry of the Interior	written questionnaire – 2	paper file – 2	–
> residency	idem	idem	idem	idem	–
> citizenship	idem	idem	idem	idem	–
> other	idem	idem	idem	idem	–

Family members in another (Member) State	idem	idem	idem	idem	–
Close relatives in the (Member) State	–	–	–	–	–
Close relatives in another (Member) State	–	–	–	–	–
Health status					
> specifics on health status	2, 3	Ministry of the Interior	written questionnaire – 2	paper file – 2	–
> reference that a general health check has been carried out	–	–	–	–	–
> other	–	–	–	–	–
Education					
> school attendance	–	–	–	–	–
> academic studies	–	–	–	–	–
> trainings	–	–	–	–	–
> apprenticeships	–	–	–	–	–
> non-formal work experience	–	–	–	–	–
> other	–	–	–	–	–
Language skills	2	Ministry of the Interior	written questionnaire – 2	paper file – 2 national database – 2	Information System on Asylum II (IS AZYL II)
Profession	–	–	–	–	–
Criminal record	–	–	–	–	–
Financial resources	–	–	–	–	–

Supporting documents					
> passport	1, 2	Ministry of the Interior	written questionnaire – 1, 2	electronic database – 1, 2 paper file – 2	Information System on Asylum II (IS AZYL II)
> travel document	idem	idem	idem	idem	idem
> other	idem	idem	idem	idem	idem
Reasons for fleeing	2, 3	idem	idem	idem	idem
Reasons for not wanting to be returned to the competent Member State as part of a Dublin procedure	3	–	–	–	–
Previous applications	2	Ministry of the Interior	written questionnaire – 2	paper file – 2	–
Information on the route taken	2	idem	idem	idem	–
Information on exclusion grounds	–	–	–	–	–
Religious affiliation	2	Ministry of the Interior	written questionnaire – 2	paper file – 2	–
Vulnerabilities					
> Unaccompanied minor	1, 2	Ministry of the Interior	written questionnaire – 1, 2	database – 1, 2 paper file – 2	Information System on Asylum II (IS AZYL II)
> Pregnant	2	idem	written questionnaire – 2	paper file – 2	–
> Disabilities (which?)	idem	idem	idem	idem	–
> Elderly	idem	idem	idem	idem	–
> Single parent with minor child(ren)	idem	idem	idem	idem	–

> Victims of human trafficking	idem	idem	idem	idem	–
> Mental disorders	idem	idem	idem	idem	–
> Victims of torture, physical or sexual violence (female genital mutilation)	idem	idem	idem	idem	–
> Other	–	–	–	–	–
Other (please specify)	–	–	–	–	–

8. Has your (Member) State identified any good practice in frontloading information collected by other authorities not directly connected to the asylum procedure?

N/A

1.4 DATA MANAGEMENT DURING THE ASYLUM PROCEDURE

9. Please fill Table 4 based on the information given in column 6 of Table 3.

Table 4

Database	Overview/definition of the database (please indicate whether it is a regional, national or European database)	National authorities that have access to the databases or access to its data			Data shared with other Member States (apart from the data that (Member) States share through EU databases e.g. Eurostat, VIS, SIS)	
		Name of authority/ Organisation	In which phase of the asylum procedure	For what purpose	Type of data	For what purpose
Database 1	Information System on Asylum II (IS AZYL II)	Ministry of the Interior, Foreign Police, Administrative Courts	1, 2, 3	used during the asylum procedure	some statistics are sent to Eurostat, etc.; Dublin procedure on the request of the MS concerned	–
Database 2	EURODAC	Ministry of the Interior, Foreign Police	1, 2	Dublin procedure	–	–
Database 3	CIS* (Information System of Foreign Nationals)	Foreign Police		Control of regular stay	VIS, SIS	–
Database 4	AFIS (Automated Fingerprint Identification System)	Police	1	–	–	–

* Czech abbreviation

Section 2 MAKING AN ASYLUM APPLICATION

This section requests information on asylum seekers making an asylum application to an authority that is not competent to register an asylum application.

'Making an application'*: The expression of intent to apply for international protection.*

2.1 MAKING AN APPLICATION TO AN AUTHORITY NOT COMPETENT TO REGISTER THE ASYLUM APPLICATION

10. What information do authorities who are not competent to register an asylum application provide to the asylum applicants on where to go and what to do?

The authorities inform the applicants about the obligation to lodge an application in person in the reception centre. Moreover, they inform applicants on where to go directly in the reception centre in order to arrange accommodation and other reception necessities.

11. Do the authorities who are not competent to register any asylum application collect any data on the asylum applicant?

☒ Yes / ☐ No

If yes, please specify which type of data is collected.

The data marked above with the number 1 in the table 3 are collected by the authority who is competent for receiving the applications (Foreign Police) and the authorities who are competent for registering the application.

If yes, is this data further transferred to the competent authorities?

The relevant data are transferred to the competent authorities responsible for the registering of the applications.

Section 3 REGISTERING AN ASYLUM APPLICATION

'Registering an asylum application': *Record the applicant's intention to seek protection.*

This section requests information on the registration of asylum applications.

If the process of registering and lodging of the asylum application is conducted concurrently (according to the law or in practice) in your (Member) State, please make this clear in Section 1 and proceed by skipping this Section and going directly to Section 4*. If however, registering and lodging of an asylum application are conducted separately in your (Member) State (e.g. in crisis times or regionally with regard to islands vs. main land, cities vs. rural areas, centralised vs decentralised) please proceed by answering the following questions in Sections 3 and 4.*

If the process of registering, lodging and examination of the asylum application is conducted concurrently (according to the law or in practice) in your (Member) State, please make this clear in Section 1 and proceed by skipping this Section and going directly to Section 5*.*

For Member States implementing ***the hotspot approach,*** *please highlight whether there are differences in the processes applied in hotspots with regard to the standard/general asylum procedure.*

3.1 CROSS CHECKING OF DATA COLLECTED AT THE REGISTRATION PHASE

12. Against which databases at i. local/regional, ii. national, iii. European and iv. international levels is the information collected during registration cross-checked (please elaborate, what the purpose is of the cross-checking and if only specific categories of data are cross-checked)?

The cross checking of data takes place at national and international level and the databases involved are: EURODAC, AFIS (arrest warrants), INTERPOL (international arrest warrants), SIS (persona non grata), IS AZYL II (previous applications) and CIS (previous residence permits, etc.).The act of cross-checking the information before registering the application is not primarily motivated by the need to assess the accuracy of the information but mostly the purpose of cross-checking is to acquire additional information which are then assessed later in the asylum process.

13. Does systematic cross-checking against (i) VIS and (ii) SIS take place?

☒ Yes / ☐ No

14. What issues has your (Member) State encountered in cross-checking data collected at registration phase?

The most common issues identified in the process of cross-checking data collected during registration phase are connected with the foreign-national´s untrue statement regarding his/her personal data (identity, nationality, etc.) or the denial of some information that the applicant does not want to share with the authorities.

3.2 INFORMATION PROVIDED TO ASYLUM APPLICANTS IN THE REGISTRATION PHASE

15. Are asylum applicants provided with a processing/privacy notice[32] about the personal data collected from them during the registration phase?

☒ Yes / ☐ No

[32] The obligation to take appropriate measures to provide data subjects with a processing or privacy notice stems from Article 12 GDPR which obliges data controllers to provide "any information referred to in Articles 13 and 14 and any communication under Articles 15 to 22 and 34 relating to processing to the data subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language." The information referred to in Articles 13 sets out the information to be provided where data has been collected from the data subject. It includes setting out the purpose of the data collected and legal basis; legitimate interests of the data controller (where this is used as the legal base); recipients of the data or categories of data; and if the data will be transferred to a third country or international organisation. Articles 15 to 22 refer to the data subject's rights including the rights to access, rectification and erasure; the right to object (if data is being collected for certain purposes including for a task carried out in the public interest or an official function vested in the data controller or in pursuit of legitimate interests of the data controller); right to data portability, etc.

The applicant is usually informed in writing that his/her personal data are secured and the asylum procedure is managed in privacy.

16. a) Who provides the information mentioned above (under Q15) (public authorities, international organisations, CSO – civil society organisations)?

The information is provided by the Ministry of the Interior.

16. b) How is this information provided (orally, digitally, in writing or all three)?

Usually, the applicant is informed in writing and in the language that he/she understands or is reasonably assumed to understand. When necessary, the information is provided orally.

16. c) Where information is provided orally, is interpretation available?

☒ Yes / ☐ No

16. d) Where information is provided digitally, is translation available?

N/A

16. e) Where information is provided in writing is translation available?

☒ Yes / ☐ No

The translation service is provided by the Ministry of the Interior through the contract with the private translation company.

17. Is any specific training or guidance (i.e. guidelines) provided for staff responsible for data management with regard to information collected at the registration phase?

No specific training or guidance is provided.

3.3 WHERE SELF-REGISTRATION PROCEDURES APPLY, (MEMBER) STATES ARE ASKED TO ELABORATE MORE ON THE FRAMEWORK AND EXPERIENCES.

N/A

Section 4 LODGING AN ASYLUM APPLICATION

This section requests information on asylum applicants lodging an asylum application.

4.1 CROSS CHECKING OF DATA COLLECTED AT THE LODGING PHASE

18. Against which databases at i. local/regional, ii. national, iii. European and iv. international levels is the information collected during the lodging phase cross-checked (please elaborate, what the purpose is of the cross-checking and if only specific categories of data are cross-checked)?

No information is cross-checked during the “lodging phase”.

25. Does systematic cross-checking against (a) VIS and (b) SIS take place?

☐ Yes / ☒ No

26. What issues have you encountered in cross checking data collected at the lodging phase?

N/A

4.2 INFORMATION PROVIDED TO ASYLUM APPLICANTS AT THE LODGING PHASE

28. Are asylum applicants provided with a processing/privacy notice[33] about the personal data collected from them during the lodging phase?

☒ Yes / ☐ No

[33] The obligation to take appropriate measures to provide data subjects with a processing or privacy notice stems from Article 12 GDPR which obliges data controllers to provide "any information referred to in Articles 13 and 14 and any communication under Articles 15 to 22 and 34 relating to processing to the data subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language." The information referred to in Articles 13 sets out the information to be provided where data has been collected from the data subject. It includes setting out the purpose of the data collected and legal basis; legitimate interests of the data controller (where this is used as the legal base); recipients of the data or categories of data; and if the data will be transferred to a third country or international organisation. Articles 15 to 22 refer to the data subject's rights including the rights to access, rectification and erasure; the right to object (if data is being collected for certain purposes including for a task carried out in the public interest or an official function vested in the data controller or in pursuit of legitimate interests of the data controller); right to data portability, etc.

The applicant is usually informed in writing that his/her personal data are secured and the asylum procedure is managed in privacy.

29. a) Who provides the information mentioned above (under Q 28) (public authorities, international organisations, CSO – civil society organisations)?

The information is provided by the Ministry of the Interior.

29. b) How is this information provided (orally, digitally, in writing or all three)?

Usually, the applicant is informed in writing and in the language that he/she understands or is reasonably assumed to understand. Sometimes the information is provided orally.

29. c) Where information is provided orally, is interpretation available?

☒ Yes / ☐ No

The national authorities provide the interpretation services of independent interpreters.

29. d) Where information is provided digitally, is translation available?

N/A

29. e) Where information is provided in writing is translation available?

☒ Yes / ☐ No

The translation service is provided by the Ministry of the Interior through the contract with the private translation company.

30. Is any specific training or guidance provided for staff responsible for data management with regard to information collected at the lodging phase?

No specific training is available but information collecting is the part of the general training.

Section 5 EXAMINING AN ASYLUM APPLICATION

The following sections request information on any additional data collected after an asylum application is deemed to have been lodged and before a first instance decision is issued.

During the examination of an asylum application, no systematic data collection is taking place in the Czech Republic.

5.1 CROSS CHECKING OF DATA COLLECTED AT THE EXAMINATION PHASE

N/A

5.2 INFORMATION PROVIDED TO ASYLUM APPLICANTS AT THE EXAMINATION PHASE

N/A

Section 6 DATA QUALITY AND SAFEGUARDS

The following sections request information on how data quality is managed and the safeguards that (Member) States apply.

6.1 DATA QUALITY MANAGEMENT

31. Is the quality of (at least some categories of) data (alphanumeric and biometric) collected during the asylum procedure assessed (e.g. with regard to accuracy, timeliness, completeness, consistency, duplication and validity of the data)?

☒ Yes / ☐ No

As far as the assessment of data quality is concerned, a process of verification of fingerprints supervised by the responsible experts is in place. Other types of data such as name or date of birth may be compared with data indicated in passports or ID cards or other documents and in that way the accuracy of information is validated. However, the majority of datasets cannot be assessed and verified on its accuracy and that is caused by the specifics of the asylum procedure.

6.2 SAFEGUARDS

32. Describe the supervision mechanism for data protection supervision of the personal data collected during the asylum procedure in your Member State.

The data protection is ensured in accordance with the legislation regulating this area.

33. Have (national) data protection authorities or similar entities assessed any of the databases described above?

☒ Yes / ☐ No

There have been some assessments conducted by the Office for Personal Data Protection which fulfils the role of the national supervisory authority and inspects and supervises compliance with the applicable regulations and further contributes to the protection of the fundamental rights of persons whose personal data are being processed within the Schengen Area.

34. How is it arranged in practice the manner in which the rights of asylum applicants in relation to access, rectification and erasure of their data stored in the national systems are exercised? *Please provide available statistics concerning the number of requests made by asylum applicants, if any.*

N/A

Section 7 RESPONDING TO CHALLENGES IN DATA MANAGEMENT: RECENT REFORMS TO THE ASYLUM PROCEDURE

7.1 CHALLENGES AND CHANGES/REFORMS IN DATA MANAGEMENT

35. Has your (Member) State experienced any of the following challenges related to data management in the past years (since 2014)?

Please elaborate ***on each of the selected challenges,*** *mentioning: a) for whom it is a challenge (policy-maker, organisation, other stakeholders); b) why it is considered a challenge; and c) how was it identified as a challenge (e.g. surveys, evaluation reports, focus groups, experts opinions, etc).*

> *Lack of human or financial resources*

> *Self-registration*

> *Legal obstacles*

> *Cooperation between national authorities*

> *Interoperability of databases*

> *Technical limitations in data processing*

> *Implementation of Eurodac and/or GDPR regulation*

> *Lack of training/information*

> *Transliteration (e.g. Arabic to Latin or other alphabets)*

> *Other (please specify):*

No, none of the above mentioned challenges was identified.

36. Did your (Member) State introduce any major change(s)/reform(s) related to data management in the past years (since 2014)?

☐ Yes / ☒ No

37. Have any on-going (unaddressed) challenges related to data management in the asylum procedure been identified in your (Member) State?

One of the challenges in the context of data management during the asylum procedure is the insufficient usage of information systems for storing datasets (yet there is a gradual shift towards digitalization and so a positive development in this direction might be anticipated).

7.2 CONTINGENCY MEASURES

38. Are there any contingency measures in place to accelerate and/or ease the process in times of high influx of asylum seekers with regard to data management?

Yes. In case of the above mentioned situation, the Ministry of the Interior prepared a general crisis management plan which involves an effective data management. Aside from that, there are specific operational plans (concerning, for instance, registration places) prepared by the Police.

Section 8

CONCLUSIONS

With regards to the definition used for the purpose of this study, data management is not understood as a separate process in the context of asylum procedure in the territory of the Czech Republic and the definition of data management is missing in the Czech Republic's legislation. However, the lack of the definition of data management is not considered to be a problematic one. In fact, data management is included in all parts of the asylum procedure, i. e. making an application, registering an application, lodging an application and examining an application for international protection.

Data management and related operations are conducted in accordance with data protection legal instruments such as GDPR and national legal basis – Act on the Processing of the Personal Data (No. 110/2019 Coll.). Special legal basis for data protection may be also found in the national Asylum Act (No. 325/1999 Coll.) or in the relevant Union acquis such as Eurodac Regulation or VIS Regulation. The mentioned legal instruments also provide for the safeguards for the asylum applicants – their rights to ask for erasing the incorrect datasets or the obligations for the relevant state authorities to keep the data collected private, etc. Also, it should be pointed out that there is no dedicated national jurisprudence regarding data management or the protection of personal data in the context of asylum procedure in the Czech Republic.

Different types of data are collected during different steps of the asylum procedure. The collection of data is done by the authority which is responsible for managing the particular step in the procedure. Firstly, Foreign Police is responsible authority for collecting data during the phase of making an application and the type of data collected in this phase is focused on the general information such as name, date of birth, nationality or biometric data which include fingerprints and photo of an applicant. Secondly, the authority responsible for the phase of registering the application is the dedicated asylum authority which in the Czech Republic is represented by the Department for Asylum and Migration Policy of the Ministry of the Interior. The main goal of this phase is in particular the transmission of datasets between Foreign Police and asylum authority. Next, the phase of lodging an application follows. The datasets collection during this step focuses more on the information concerning the travel route of the applicant and the general information regarding the grounds of the application, the circumstances of the life in the country of origin, etc. The information during this phase is collected by the staff member of the asylum authority in person with the help of an interpreter. Lastly, during the examination of asylum application no systematic data collection is taking place in the Czech Republic and only supplementary information might be collected.

Also, it should be mentioned that some datasets are stored both on paper and in the electronic databases. Yet, other datasets are stored only in the information systems and for instance, fingerprints and some pieces of information are stored only in paper files.

Concerning the assessment of data quality, it is necessary to mention the process of verification of fingerprints by the fingerprints experts. Other types of data such as name or date of birth may be compared with the data stated in passports or ID cards or other documents and in that way the accuracy of information might be validated. However, the majority of datasets cannot be assessed and verified on its accuracy which is caused by the specifics of the asylum procedure where it is not possible to verify the majority of information offered by the asylum seekers.

One of the perceived challenges in the context of data management during the asylum procedure is the insufficient usage of information systems for storing datasets (yet there is a gradual shift towards greater digitalization and so a positive development in this direction might be anticipated).

To conclude, the data management issues are not the major discussion topics among relevant actors in the Czech Republic and there is no public discussion either. Also, no major changes or reforms regarding data management have been introduced over the last few years in the Czech Republic.

Annex 1 National statistics

Please note that the Czech Republic does not have statistical data on the number of registrations of asylum applications or the number of lodged asylum applications, therefore, we have included the statistics for the total number of applications for international protection.

Table 5

Numbers of applications for international protection for the years 2014–2019					
2014	2015	2016	2017	2018	2019
1 156	1 524	1 478	1 450	1 702	1 922

The content of this study
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