



The Schengen VISA and your personal data

➤ What is the Central Visa Information System (C-VIS), and what data does it hold?

The VIS is a Europe-wide electronic information system, which enables Schengen member states to exchange visa data. The C-VIS holds data on visa applicants and on the visas that have been applied for, granted, denied, cancelled, revoked or extended. It also contains facial images and fingerprint data, and links to other visa applications. Its aim is to make the visa procedure simpler, increase security in the application procedure, and improve visa controls at the Schengen external borders.

➤ What is the National Visa Information System (ORBIS), and what data does it hold?

ORBIS is the national electronic Visa Information System. It is used to record and store data from visa applications, and transmit data to and access data from the C-VIS. ORBIS contains data on visa applicants and on the visas that have been applied for, granted, denied, cancelled, revoked or extended, facial images and fingerprint data, and links to other visa applications.

➤ Who has access to the Visa Information System?

The following authorities have direct access to the C-VIS:

- the State Secretariat for Migration (SEM), Swiss representations abroad and missions, the cantonal migration authorities responsible for the visa concerned, the State Secretariat and the Directorate of Political Affairs of the FDFA, the Border Guard and the border posts of the cantonal police authorities: in the course of the procedure for granting the visa;
- the SEM: to determine the state responsible for assessing an asylum application under Regulation (EC) No. 343/2003, and when assessing an asylum application if Switzerland is responsible for its processing;
- the Border Guard and the cantonal police authorities responsible for checks at the Schengen external borders: to conduct checks at the external border crossing points and on Swiss sovereign territory;
- the Border Guard and the cantonal police authorities that conduct checks on persons: to identify persons who do not or who no longer fulfil the requirements for entry into Swiss sovereign territory or for a stay in Switzerland.

The following authorities may request specific C-VIS data from the central access point (the fed-



pol Operations Centre) in application of Council Decision 2008/633/JHA for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences:

- the Federal Office of Police (fedpol);
- the Federal Intelligence Service (FIS);
- the Office of the Attorney General of Switzerland;
- the cantonal police and prosecution authorities and the police authorities of the cities of Zurich, Winterthur, Lausanne, Chiasso and Lugano.

➤ What rights do you have relation to data processed in the C-VIS and in ORBIS?

You have the following rights:

- **right to information** on the data processing in the C-VIS and in ORBIS at the moment the personal data is obtained;
- **right to information** about the data in the C-VIS and in ORBIS that relates to you and on which member state sent the data to the C-VIS;
- **right to have data** about you **corrected** if it is inaccurate **or deleted** if it is being held unlawfully;
- **the right to compensation** if data about you is processed unlawfully;
- **right of appeal** if an initial request for information, correction, deletion or compensation submitted in one of the Schengen states is refused.

You have the same rights in connection with the Schengen Information System (SIS), which is consulted when processing visa applications.

➤ What is the right to information?

When your personal data, including biometric data, is recorded in connection with a visa application, you will be informed that this has been done, and you will be notified of the identity of the controller of the data files, the reason for processing the data in ORBIS and in the C-VIS, the categories of data recipient, and how long the data will be stored in ORBIS and in the C-VIS. You will also be informed of your rights to have data corrected or deleted in certain circumstances, of the procedure for asserting these rights and of how to contact the Federal Data Protection and Information Commissioner (FDPIC). If another person, or a business or other organisation has invited you and must pay your living costs during your stay, they also have a right to the same information. The foregoing information is also set out on the [visa application form](#).

➤ What is the right to information?

You have the right to information on whether data relating to you is being processed in **the C-VIS and/or in ORBIS**. If it is, you will be allowed to access to this data. In the case of the C-VIS, you will also be given information on the member state that sent the data to VIS; one of the member



states concerned will take responsibility for providing this information on behalf of all the states involved.

In Switzerland, you can ask whether any data about you is being processed and where this data comes from. The disclosure of information can be restricted or refused, in particular if this is necessary in order to protect more important public interests, such as Switzerland's internal or external security, or if disclosing the information could jeopardise the outcome of a criminal investigation or any other investigation.

You can request information on data held in the C-VIS by contacting the competent authority in any Schengen state. If you want information relating to ORBIS, you should contact the SEM.

In Switzerland, you can make a direct written request to the **State Secretariat for Migration (SEM)**. You will have to provide proof of your identity (e.g. a copy of your passport or identity card). The SEM will provide a written reply free of charge. You can also make a request to a Swiss consulate, which will pass it on to the SEM.

Address:

State Secretariat for Migration (SEM)
Data Protection Adviser

Quellenweg 6
3003 Bern

www.bfm.admin.ch

In Switzerland, you will normally receive a response within thirty (30) days, provided you have made the request correctly (i.e. in writing and enclosing a copy of your identity document).

You can download a model letter using the following link:

<https://www.edoeb.admin.ch/edoeb/en/home/data-protection/dokumentation/model-letters/schengen-and-your-personal-data.html>

➤ What is the right to the correction and deletion of data?

You have the right to have any personal data about you that is stored in the C-VIS and/or in ORBIS and which is factually inaccurate **corrected or deleted**.

You can submit a request for the correction of inaccurate data held in the C-VIS to the appropriate authority in the Schengen state of your choice. If the request is made to a state that does not hold the data, that state will contact the authorities of relevant member state within 14 days. That state will in turn check the accuracy and legality of the data within one month. It will send you either written confirmation that the data has been corrected or deleted, or a written explanation as to why it is not prepared to correct or delete the data. In the latter case, the member state concerned will notify you which authority you should contact in order to take legal action or file an appeal, and whether you are entitled to support from the national data protection authority under the law of the state concerned.

For applications relating to ORBIS, the SEM is responsible.

In Switzerland, if you want to request the correction or deletion of data, you should contact the **State Secretariat for Migration** (see above for address).



You can download a model letter using the following link:

<https://www.edoeb.admin.ch/edoeb/en/home/data-protection/dokumentation/model-letters/schengen-and-your-personal-data.html>

➤ **Whom can you contact if your request is refused or if you need help in connection with a request for information, correction or deletion?**

If your request for information, correction or deletion is rejected, the authority concerned (the State Secretariat for Migration in Switzerland) will issue you with a decision. You can appeal against this decision to the **Federal Administrative Court**, and if that appeal is unsuccessful, to the **Federal Supreme Court**

If you need assistance in connection with a request for information, or for the correction or deletion of data, you can contact the **Federal Data Protection and Information Commissioner** in writing.

Address:

Federal Data Protection and Information Commissioner (FDPIC)

Feldeggweg 1, 3003 Bern

Tel. +41-(0)58 462 43 95, Fax +41-(0)58 465 99 96

Online form: <https://www.edoeb.admin.ch/edoeb/en/home.html>

➤ **What is the the right to compensation?**

If data relating to you has been processed unlawfully in the C-VIS and/or ORBIS, you can file a request for compensation with the court or authorities responsible under the national law of the Schengen state where the request is made.

In Switzerland, a request for compensation must be submitted in writing to the Federal Department of Finance.

Address:

Federal Department of Finance

Bundesgasse 3

3003 Bern

E-mail: info@gs-fdf.admin.ch

➤ **Who monitors the processing of data in VIS and in ORBIS?**

Each Schengen state has a national supervisory authority that checks the lawfulness of the processing of personal data in the C-VIS on its national territory and its transmission to and from the C-VIS.

In Switzerland, the Federal Data Protection and Information Commissioner is responsible for monitoring data processing in the C-VIS and in ORBIS. Federal bodies that use **ORBIS**, which automatically transmits data to the C-VIS, are monitored by the **Federal Data Protection and Information Commissioner**. Cantonal and communal users are monitored by the cantonal data protection authorities



If you have any further questions in connection with data protection matters, you should contact the Federal Data Protection and Information Commissioner or the cantonal data protection authorities:

The Federal Data Protection and Information Commissioner:

<https://www.edoeb.admin.ch/edoeb/en/home.html>

The cantonal data protection authorities:

<http://www.privatim.ch> (in German/French)

You can obtain further information on the Schengen Area using the following links:

Swiss Federal Administration:

<https://www.eda.admin.ch/dea/en/home/dienstleistungen-publikationen/faq/faq-schengen-dublin.html> (in German/French/Italian)

European Data Protection Commissioner:

<https://secure.edps.europa.eu/EDPSWEB/edps/lang/en/EDPS>

Data protection authorities in the Schengen states:

http://ec.europa.eu/justice/data-protection/bodies/authorities/index_en.htm

EU brochure on data protection:

https://ec.europa.eu/home-affairs/e-library/multimedia/publications/vis-leaflet_en

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