NN 36/2013 of 27 March 2013

Pursuant to Article 230, paragraph 1 of the Aliens Act (Official Gazette 130/2011), the Government of the Republic of Croatia, at its session on 21 March 2013, adopted the following

REGULATION
ON THE CROATIAN VISA INFORMATION SYSTEM

I GENERAL PROVISIONS

Subject matter and scope
Article 1

(1) The Regulation on the Croatian Visa Information System regulates:

1. the Croatian Visa Information System (hereinafter the CVIS) and personal data entered into it, including biometric data,

2. data on submitted visa applications, issued, extended, refused, annulled and revoked visas, and the exchange of such data by and between visa authorities,

3. the procedure of taking biometric data,

4. the manner of keeping and using the visa application filing system.

(2) This Regulation includes provisions that are in conformity with Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation); OJ L 218, 13 August 2008.

(3) In this Regulation, certain terms are in the masculine gender, but are used as neutral to cover both the masculine and feminine grammatical gender.

Definitions
Article 2

In this Regulation, the following definitions are used:

– *»visa authorities«* means the state authorities which are responsible for:

a) issuing visas and extending visas: diplomatic missions and consular posts of the Republic of Croatia (hereinafter the DM/CP), police administrations/police stations (hereinafter the (PA/PS);

b) taking part in the visa issuing procedure in accordance with Article 16, paragraphs 3 and 4 of the Aliens Act (hereinafter the Act): the Ministry of Foreign Affairs and European Affairs (hereinafter the Ministry), the Ministry of the Interior and the Security Intelligence Agency;

c) taking decisions whether to annul or revoke visas: DM/CP, PA/PS;

d) taking decisions whether to extend visas: Ministry of the Interior;

– *»central visa authority«* means the Ministry;

– *»competent visa authority«* means the body that received the application and entered the relevant data in the CVIS;

– *»applicant«* means an alien subject to the visa requirement pursuant to the valid visa system, who has lodged an application for a visa;

– *»group members«* means:

a) applicants, where one holds a travel document, and the others are included in his travel document as co-users and are therefore obliged for legal reasons to enter and leave the territory of the Republic of Croatia together;

b) applicants travelling to the Republic of Croatia together, for the same purpose, to the same place and within the same time period;

– *»alphanumeric data«* means data represented by letters, digits, special characters, spaces and punctuation marks;

– *»international organisations«* means organisations of the United Nations, the International Organisation for Migration (IOM) and the international councils of the Red Cross;

– *»verification«* means the process of comparison of sets of data to establish the validity of a claimed identity (one-to-one check);

– *»identification«* means the process of determining a person's identity through a database search against multiple sets of data (one-to-many check).

Immediate access to data for the purpose of protecting national security and preventing, detecting and investigating acts of terrorism and other serious criminal offences

Article 3

(1) The Ministry shall secure immediate access to data in the CVIS to the Security Intelligence Agency and the competent services of the Ministry of the Interior for the purpose of protecting national security and for preventing, detecting and investigating acts of terrorism and other serious criminal offences, in accordance with the legal regulations governing the protection of national security and legislation governing police work and powers.

(2) The director of the Security Intelligence Agency and the minister of the interior shall designate persons authorised to have immediate access to data referred to in paragraph 1 of this Article in a special decision.

Categories of data

Article 4

(1) The following categories of data shall be recorded in the CVIS:

1. alphanumeric data on the applicant and on visas requested, issued, refused, annulled, revoked or extended referred to in Article 8 and Articles 12 - 15 of this Regulation;

2. photographs in accordance with the implementing regulation governing the visa issuing procedure;

3. fingerprint data referred to in Article 21; of the Act;

4. links to other applications.

The messages transmitted by the infrastructure of the CVIS, referred to in Article 17 of this Regulation, shall not be recorded in the CVIS.

Access for entering, amending, deleting and consulting data

Article 5

(1) Access to the CVIS for entering, amending or deleting the data referred to in Article 4, paragraph 1 of this Regulation shall be reserved exclusively to the duly authorised official of the visa authorities.

(2) Access to the CVIS for consulting the data shall be reserved exclusively to duly authorised staff of the Ministry of the Interior competent for the purposes laid down in Articles 23 to 26 of this Regulation, limited to the extent required.

(3) Access to the CVIS for the purposes of issuing opinions or visa approvals and making decisions whether to extend a visa and/or the duration of stay shall be reserved exclusively to duly authorised staff of the Ministry, the Ministry of the Interior and the Security Intelligence Agency, limited to the purposes laid down in this Regulation and to the extent required.

(4) The approval for access and the level of use of the CVIS to the officials referred to in paragraphs 1 to 3 of this Article shall be issued by the head of the organisational unit of the Ministry responsible for the CVIS.

General principles

Article 6

(1) Each visa authority authorised to access the CVIS in accordance with this Regulation shall ensure that the use of the CVIS is necessary, appropriate and proportionate to the performance of the tasks of that visa authority.

(2) Each visa authority shall ensure that in using the CVIS, it does not discriminate against applicants and visa holders on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation and that it fully respects the human dignity and the integrity of the applicant or of the visa holder.

II ENTRY AND USE OF DATA BY VISA AUTHORITIES

Procedures for entering data upon the application

Article 7

(1) On receipt of an application, permissible in accordance with Article 22 of the Act, the visa authority shall create the application file in the CVIS without any delay, by entering the data referred to in Article 8 of this Regulation.

(2) When creating the application file, the visa authority shall check in the CVIS whether a previous application of the individual applicant has been registered.

(3) If a previous application has been registered, the visa authority shall link each new application file to the previous application file on that applicant.

(4) If the applicant is travelling in a group with other applicants, the visa authority shall create an application file for each applicant and link the application files of the persons travelling together.

(5) Where fingerprints cannot be provided, the system shall for the purposes of Article 21, paragraph 3 permit a distinction to be made between the cases where fingerprints cannot be provided factually and the cases where they are not required to be provided for legal reasons of the Act.

Data upon lodging the application
Article 8

The visa authority shall enter the following data in the application file:

1. the application class/the application number;

2. status information, indicating that a visa has been requested;

3. whether the procedure is urgent, where applicable,

4. the authority with which the application has been lodged, including its location, and an indication:

- whether the application has been lodged with a foreign DM/CP representing the Republic of Croatia,

- whether the application has been lodged with a commercial intermediary or outside service provider,

- whether the application has been lodged by intermediation of a third person;

5. the following data to be taken from the application form:

(a) surname, surname at birth (former surname(s)); first name(s); sex; date, place and country of birth);

(b) current nationality and nationality at birth;

(c) type and number of the travel document, the authority which issued it and the date of issue and of expiry;

(d) place and date of the application;

(e) type of visa requested;

(f) the period for which the visa is requested;

(g) main destination and duration of the intended stay;

(h) purpose of travel;

(i) date of arrival and departure, that is, date of first entry and departure in the case of a visa with two or more entries;

(j) address(es) at which the person will be staying in the Republic of Croatia,

(k) the following details of the person issuing an invitation and liable to pay the applicant's subsistence costs during the stay, being:

- in the case of a natural person who is a Croatian citizen, the surname, name, personal identification number (hereinafter the (PIN) and address of the person; in the case of a natural person who is an alien having authorised stay in the territory of the Republic of Croatia, the passport number, type and period of authorised stay, surname, name, PIN and address of the person;

- in the case of a legal person, the name, address, surname and first name, and PIN of the authorised person.

(l) current occupation and employer; for pupils: name of school, for students: name of establishment;

(m) in the case of minors, first name and surname of the applicant's legal representative;

(n) intended border crossing of (first) entry or transit route;

(o) residence;

(p) an assessment of the justifiability of the application

6. photograph of the applicant in accordance with the implementing regulation governing the visa issuing procedure;

7. fingerprints of the applicant, in accordance with the implementing regulation governing the visa issuing procedure;

8. residence permit in another country where the applicant holds one, the issuing country and the valid through date.

Data to be added by the Ministry of the Interior
Article 9

(1) In the visa issuing procedure, the Ministry of the Interior, which is responsible for issuing opinions concerning visa applications and decisions whether to extend a visa and/or the duration of stay, may add the following data to the CVIS:

1. a request to correct data;

2. a request to amend data/documents;

3. a request to verify data;

4. the result of the verification referred to in item 3 of this paragraph.

(2) The official note of the verification of data referred to in paragraph 1, item 3 of this Article shall be entered by the PA/PS.

(3) After the procedure referred to in paragraph 1 of this Article is concluded, the visa authority shall add the following data:

1. its opinion, either positive or negative;

2. an explanation, if the opinion is negative;

3. a decision concerning the application to extend a visa;

4. an explanation if there are grounds to refuse a visa extension application;

5. a proposal or instruction to suspend the procedure.

Data to be added by the Security Intelligence Agency
Article 10

(1) In the visa issuing procedure, the Security Intelligence Agency, which is responsible for issuing opinions concerning visa applications, may add the following data to the CVIS:

1. a request to correct data;

2. a request to amend data/documents.

(2) After the procedure referred to in paragraph 1 of this Article is concluded, the visa authority shall add the following data:

1. its opinion, either positive or negative;

2. an explanation, if the opinion is negative.

Data to be added by the Ministry
Article 11

(1) In the visa issuing procedure, the central visa authority, which is responsible for approving visa applications, may add the following data to the CVIS:

1. a request to correct data;

2. a request to amend data/documents.

(2) After the procedure referred to in paragraph 1 of this Article is concluded, the authority referred to in paragraph 1 of this Article shall add the following data:

1. a decision approving the visa;

2. an explanation if there are grounds to refuse the visa;

3. a proposal or instruction to suspend the procedure.

Data to be added for a visa issued
Article 12

(1) Where a decision has been taken to issue a visa, the competent visa authority shall add the following data to the application file:

1. change of status information indicating that the visa has been issued, thus replacing previous status information indicating that a visa has been applied for;

2. the authority that issued the visa,

3. place and date of the decision to issue the visa;

4. the type of visa;

5. the number of the visa sticker;

6. the period of validity of the visa;

7. the number of entries authorised;

8. the duration of the stay as authorised by the visa;

9. if applicable, the information indicating that the visa has been issued on a separate sheet and the number of such sheet form.

10. where applicable, information indicating that the visa sticker was filled in by hand.

(2) Where the applicant decides not to pursue an application further before a decision has been taken whether to issue a visa, the competent visa authority shall change status information indicating that the application has been requested with status information indicating that the applicant decided not to pursue an application and add the date when the applicant made such decision.

(3) In the case referred to in Article 9, paragraph 3, item 5 or Article 11, paragraph 2, item 3 of this Regulation, the visa authority may adopt a decision discontinuing the visa issuing procedure or a decision discontinuing the procedure to extend a visa and/or the duration of stay - status information indicating that the application has been requested is replaced with status information indicating that the procedure has been discontinued and the date on which the procedure was discontinued is added.

Data to be added for a visa refusal
Article 13

(1) Where a decision has been taken to refuse a visa, the competent visa authority shall add the following data to the application file:

1. change of status information indicating that the visa has been refused, thus replacing status information indicating that a visa has been applied for;

2. the authority that refused the visa, including its location;

3. place and date of the decision.

(2) The application file shall also indicate the ground(s) for refusal of the visa, in accordance with Article 31, paragraph 1 of the Act.

Data to be added for a visa annulled or revoked
Article 14

(1) Where a decision has been taken to annul or revoke a visa, the competent visa authority shall add the following data to the application file:

1. change of status information indicating that the visa has been annulled or revoked, thus replacing status information indicating that a visa has been issued;

2. the authority that annulled or revoked the visa, including its location;

3. place and date of the decision;

(2) The application file shall also indicate the ground(s) for annulment or revocation of the visa, which shall be:

- in accordance with Article 31, paragraph 1 of the Act, or

- the holder's application to have the visa revoked.

Data to be added for a visa extended
Article 15

(1) Where a decision has been taken to extend a visa and/or the duration of stay, the competent visa authority shall add the following data to the application file:

1. change of status information indicating that the visa has been extended, thus replacing status information indicating that the visa has been issued;

2. the authority that extended the visa, including its location;

3. place and date of the decision;

4. the serial number of the extended visa sticker;

5. the commencement and expiry dates of the extended period;

6. period of the extension of the authorised duration of the stay;

7. the type of extended visa.

(2) The application file shall also indicate the ground(s) for extending the visa, which may be one or more of the following:

1. force majeure;

2. humanitarian reasons;

3. serious personal reasons.

Use of the CVIS for examining applications
Article 16

(1) The competent visa authority shall consult the CVIS for the purposes of the examination of applications and the decisions relating to those applications, including the decision whether

to annul, revoke or extend the visa in accordance with the implementing legislation governing the visa issuing procedure.

(2) For the purposes referred to in paragraph 1 of this Article, the competent visa authority shall be given access to search with one or several of the following data:

1. the application number,

2. the personal data referred to in Article 8, item 5, sub-item (a) of this Regulation,

3. the data on nationality referred to in Article 8, item 5, sub-item (b) of this Regulation,

4. the data on nationality referred to in Article 8, item 5, sub-item (b) of this Regulation,

5. the surname, first name and address of the natural person or the name and address of the legal person referred to in Article 8, item 5, sub-item (k) of this Regulation,

6. photographs,

7. fingerprints,

8. the serial number of the visa sticker and date of issue of any previous visa.

(3) If the search with one or several of the data listed in paragraph 2 of this Article indicates that data on the applicant are recorded in the CVIS, the competent visa authority shall be given access to the application file(s) and the linked application file(s) pursuant to Article 7, paragraphs 3 and 4 of this Regulation, solely for the purposes referred to in paragraph 1 of this Article.

Use of the CVIS for consultation and requests for documents
Article 17

(1) For the purposes of consultation between visa authorities according to Article 16 of the Act, the competent visa authority shall add a consultation request and the application file number to the CVIS, indicating the consulting body or bodies.

(2) The CVIS shall transmit the request to the designated body or bodies and the feedback shall be transmitted via the same route.

(3) The procedure set out in paragraph 1 of this Article may also apply to the transmission of other information related to consular cooperation between DM/CP, as well as to forward copies of travel documents and other documents supporting the application.

(4) The personal data transmitted pursuant to this Article shall be used solely for the consultation of central visa authorities and consular cooperation.

Use of the CVIS to transmit application files to another DM/CP
Article 18

(1) With the aim of facilitating the issuing of visas to applicants from countries in which the Republic of Croatia does not have a DM/CP, and in justified urgent cases, where the applicant cannot report to a DM/CP in person to take over a visa, the application file may be transmitted to another DM/CP for the issuing of the visa.

(2) The application file may be transmitted after it was examined and after the approval, if necessary, was obtained.

(3) To the application file being transmitted to another DM/CP, the competent visa authority shall add any documents attached to the application and designate the DM/CP to which the application file should be transmitted.

(4) The competent visa authority shall submit the request for the transmission of the application file to the Ministry for approval through the internal CVIS communicator.

Cancelling the file
Article 19

(1) Where it is established that an application file was added to the CVIS twice either by error or by any other reason, the application file which was the second one to be added may be cancelled.

(2) The competent visa authority shall submit the request for the cancellation of the application file to the Ministry for approval through the internal CVIS communicator.

Use of data for reporting and statistics and for supervising the operation of the competent visa authorities
Article 20

Solely for the purposes of reporting and statistics, without allowing the identification of individual applicants, the Ministry, the Ministry of the Interior and the Security Intelligence Agency shall have access to consult the following data:

1. status information,

2. the competent visa authority, including its location,

3. current nationality of the applicant,

4. border of first entry,

5. date and place of the application or the decision concerning the application,

6. the type of visa requested or issued,

7. the type of the travel document,

8. the grounds indicated for any decision concerning the visa or visa application,

9. the consular fees charged,

10. the competent visa authority, including its location, which refused the visa application and the date of the refusal,

11. the cases in which the same applicant applied for a visa from more than one visa authority, indicating these visa authorities, their location and the dates of refusals,

12. the main purpose of travel,

13. the cases in which fingerprints could factually not be provided,

14. the cases in which fingerprints could not be provided for legal reasons,

15. the cases in which a person referred to in Article 21, paragraph 3 of the Act who could factually not provide fingerprints was refused a visa.

Filing systems on visa applications, issued, refused, annulled, revoked and extended visas
Article 21

(1) The CVIS includes for each visa authority a filing system on visa applications, issued, refused, annulled and revoked visas and extended visas containing the following data:

1. the application class/number,

2. the date of submitting the application,

3. the surname, first name, nationality of the applicant,

4. the type, number and period of validity of the travel document,

5. the type of visa requested and the number of requested entries,

6. the way in which the application was resolved,

7. if the visa has been issued: the date of issuing of the visa, its serial number, the type of visa, the number of authorised entries, and the authorised duration of stay, the term of validity of the visa,

8. the date of closing the application file.

(2) Visa authorities responsible for taking part in the visa issuing procedure under Article 16, paragraphs 3 and 4, and Article 30 of the Act shall have access to all filing system referred to in paragraph 1 of this Article.

(3) The organisational units of the Border Directorate with the Ministry of the Interior shall have access to the filing systems of the visa authorities responsible for the issuing of visas at the border referred to in paragraph 1 of this Article, for the purpose of monitoring the activity at border crossing in accordance with this Regulation.

Use of the CVIS for ordering and controlling visa stickers

Article 22

(1) The competent visa authority, when ordering visa stickers, shall add the following data in the CVIS:

1. the required quantity of visa stickers,

2. the period for which the quantity is ordered.

(2) When dispatching visa stickers, the serial number (from - to) of the stickers being dispatched shall be entered in the CVIS, which the competent visa authority must confirm upon receipt.

(3) The competent visa authority shall add data on each visa sticker invalidated for technical reasons in the CVIS.

(4) The CVIS shall maintain for each competent visa authority data on received and used visa stickers and on visa stickers invalidated for technical reasons.

III ACCESS TO DATA BY OTHER AUTHORITIES

Access to data for verification at border crossing points

Article 23

(1) The police station competent for carrying out checks at border crossing points, solely for the purpose of verifying the identity of the visa holder and/or authenticity of the visa, shall have access to search the CVIS using the serial number of the visa sticker in combination with verification of fingerprints of the visa holder.

(2) For visa holders whose fingerprints cannot be used, the search shall be carried out only with the serial number of the visa sticker.

(3) If the search with the data listed in paragraph 1 of this Article indicates that data on the visa holder are recorded in the CVIS, the authority referred to in paragraph 1 of this Article

shall be given access to consult the following data of the application file as well as of linked application file(s) of group members:

1. the status information and the data taken from the application form, referred to in Article 8, items 2 and 5 of this Regulation,

2. photographs,

3. the data entered in respect of the visa(s) issued, refused, annulled or revoked or whose validity is extended, referred to in Articles 12 to 15 of this Regulation.

(4) In circumstances where verification of the visa holder or of the visa fails or where there are doubts as to the identity of the visa holder, the authenticity of the visa and/or the travel document, the duly authorised official referred to in paragraph 1 of this Article shall have access to data in accordance with Article 25, paragraphs 1 and 2 of this Regulation.

Access to data for verification within the territory of the Republic of Croatia

Article 24

(1) The PA/PS shall have access to search of the data in the CVIS, for the sole purpose of verifying the identity of the visa holder and/or the authenticity of the visa and/or whether the conditions for entry to and stay on the territory of the Republic of Croatia are fulfilled, based on the serial number of the visa sticker in combination with verification of fingerprints of the visa holder, or the serial number of the visa sticker. For visa holders whose fingerprints cannot be used, the search shall be carried out only with the serial number of the visa sticker.

(2) If the search with the data listed in paragraph 1 of this Article indicates that data on the visa holder are recorded in the CVIS, the authority referred to in paragraph 1 of this Article shall be given access to consult the following data of the application file as well as of linked application file(s) of group members:

1. the status information and the data taken from the application form, referred to in Article 8, items 2 and 5 of this Regulation,

2. photographs,

3. the data entered in respect of the visa(s) issued, refused, annulled or revoked or whose validity is extended, referred to in Articles 12 to 15 of this Regulation.

(3) In circumstances where verification of the visa holder or of the visa fails or where there are doubts as to the identity of the visa holder, the authenticity of the visa and/or the travel document, the duly authorised official referred to in paragraph 1 of this Article shall have access to data in accordance with Article 25, paragraphs 1 and 2 of this Regulation.

Access to data for identification

Article 25

(1) The police station competent for carrying out checks at border crossing points, solely for the purpose of the identification of any person who may not, or may no longer, fulfil the conditions for the entry to, short-stay or temporary stay on the territory of the Republic of Croatia, and the PA/PS, solely as to whether the conditions for entry to, short-stay or temporary stay in the Republic of Croatia are fulfilled, shall have access to search the CVIS with the fingerprints of that person. Where the fingerprints of that person cannot be used or the search with the fingerprints fails, the search shall be carried out with the data referred to in Article 8, item 5, sub-items (a) and/or (c) of this Regulation; this search may be carried out in combination with the data referred to in Article 8, item 5, sub-item (b) of this Regulation.

(2) If the search with the data listed in paragraph 1 of this Article indicates that data on the person are recorded in the CVIS, the authority referred to in paragraph 1 of this Article shall be given access to consult the following data of the application file as well as of linked application file(s) of group members, in accordance with Article 7, paragraphs 3 and 4 of this Regulation:

1. the application number, the status information and the authority to which the application was lodged,

2. the data taken from the application form, referred to in Article 8, item 5 of this Regulation,

3. photographs,

4. the data entered in respect of the visa(s) issued, refused, annulled or revoked or whose validity is extended, referred to in Articles 12 to 15 of this Regulation.

(3) Where the person holds a visa, the competent authorities shall access the CVIS first in accordance with Articles 23 or 24 of this Regulation.

Use of data for determining the responsibility of the Republic of Croatia for asylum applications

Article 26

(1) The competent authority for determining the responsibility of the Republic of Croatia for asylum applications shall have access to search the CVIS with the fingerprints of the asylum seeker. Where the fingerprints of the asylum seeker cannot be used or the search with the fingerprints fails, the search shall be carried out with the data referred to in Article 8, item 5, sub-items (a) and/or (c) of this Regulation; this search may be carried out in combination with the data referred to in Article 8, item 5, sub-item (b) of this Regulation.

(2) If the search with the data listed in paragraph 1 of this Article indicates that the CVIS includes data on a visa issued, the authority referred to in paragraph 1 of this Article shall be given access to the following data from the application file and the linked application file(s) in accordance with Article 7, paragraph 3 of this Regulation, regarding the data referred to in item 5 of this paragraph, on the spouse and children, pursuant to Article 7, paragraph 4 of this Regulation:

1. the application number,

2. the data taken from the application form, referred to in Article 8, item 5, sub-items (a), (b) and (c) of this Regulation,

3. photographs,

4. the data entered in respect of the visa(s) issued, refused, annulled or revoked or whose validity is extended, referred to in Articles 12 to 15 of this Regulation,

5. data referred to in Article 8, item 5, sub-items (a) and (b) of this Regulation concerning the spouse and children from the linked application file(s).

IV RETENTION AND AMENDMENT OF THE DATA

Retention period for data storage

Article 27

(1) Each application file shall be stored in the CVIS for a maximum of 5 (five) years, without prejudice to the cases referred to in Articles 28 and 29 and to the keeping of records referred to in Article 33 of this Regulation.

(2) That period referred to in paragraph 1 of this Article shall start:

1. on the expiry date of the visa, if a visa has been issued;

2. on the new expiry date of the visa, if a visa has been extended;

3. on the date of the creation of the application file in the CVIS, if the application has been withdrawn, closed or discontinued;

4. on the date of the decision of the visa authority if a visa has been refused, annulled or revoked.

(3) Upon expiry of the period referred to in paragraph 1 of this Article, the CVIS shall automatically delete the application file and the link(s) to this file as referred to in Article 7, paragraphs 3 and 4 of this Regulation.

Amendment of data
Article 28

(1) Only the visa authority which transmitted data to the CVIS shall have the right to amend such data by correction or deletion.

(2) If another visa authority has evidence to suggest that data processed in the CVIS are inaccurate or that data were processed in the CVIS contrary to this Regulation, it shall inform the visa authority responsible immediately. Such message shall be transmitted by the infrastructure of the CVIS.

(3) The competent visa authority referred to in paragraph 2 of this Article shall check the data concerned and, if necessary, correct or delete them.

Advance data deletion
Article 29

(1) Where, before expiry of the period referred to in Article 27 of this Regulation, an applicant has acquired the Croatian nationality, the application files and the links referred to in Article 7, paragraphs 3 and 4 of this Regulation relating to him or her shall be deleted without delay.

(2) If the refusal of a visa has been annulled by a court or an appeal body, the authority which refused the visa shall delete the data referred to in Article 13 of this Regulation without delay as soon as the decision becomes final.

Responsibility for the use of the data
Article 30

(1) Visa authorities shall be responsible to ensure:

1. the data are collected lawfully and that only duly authorised staff have access to the collection, entry and processing of data,

2. the data are transmitted lawfully to the CVIS,

3. the data are accurate and up-to-date when they are transmitted to the CVIS,

4. the maintenance of records and regular updating of the list of staff having access to the collection, entry and processing of data.

(2) The Ministry shall:

1. take the necessary security measures to ensure the protection of the CVIS and the communication infrastructure between the visa authorities,

2. ensure that only duly authorised staff have access to data processed in the CVIS for the performance of the tasks in accordance with this Regulation,

3. maintain records and regularly update the list of duly authorised staff referred to in item 2 of this paragraph.

Communication of data to third countries or international organisations

Article 31

(1) Data processed in the CVIS pursuant to this Regulation shall not be made available to a third country or to an international organisation.

(2) By way of derogation from paragraph 1, the data referred to in Article 8, item 5, sub-items (a), (b), (c), (l) and (n) of this Regulation may be transferred or made available to a third country or to an international organisation in individual cases for the purpose of proving the identity of third-country nationals, including for the purpose of return, only where the following conditions are satisfied:

1. a readmission agreement is in force between the other country and the Republic of Croatia,

2. the other country or international organisation agrees to use the data only for the purpose for which they were provided;

3. the data are transferred or made available in accordance with the relevant readmission agreement, and the regulations relating to data security and personal data protection.

(2) Such transfers of data referred to in paragraph 2 of this Article shall not prejudice the rights of refugees and persons requesting international protection, in particular as regards non-refoulement.

Data security

Article 32

(1) The security of the CVIS and the security of data transmitted to the CVIS, including biometric data, shall be ensured in accordance with the legislation governing information security.

(2) The competent visa authority shall ensure the security of the data before and during transmission to the CVIS.

(3) The Ministry shall ensure the security of the data transmitted to the CVIS and adopt the necessary measures, including a security plan, in order to:

1. physically protect data, including by making contingency plans for the protection of critical infrastructure,

2. deny unauthorised persons access to national installations in which it carries out operations in accordance with the purposes of the CVIS (checks at entrance to the installation),

3. prevent the unauthorised reading, copying, modification or removal of data media (data media control),

4. prevent the unauthorised input of data and the unauthorised inspection, modification or deletion of stored personal data (storage control),

5. prevent the unauthorised processing of data in the CVIS and any unauthorised modification or deletion of data processed in the CVIS (control of data entry),

6. ensure that persons authorised to access the CVIS have access only to the data covered by their access authorisation, by means of individual and unique user identities and confidential access modes only (data access control),

7. ensure that all authorities with a right of access to the CVIS create profiles describing the functions and responsibilities of persons who are authorised to access, enter, update, delete and search the data and make these profiles available to the supervisory authority of the Republic of Croatia responsible for personal data protection referred to in Article 37 of this Regulation at its request (personnel profiles);

8. ensure that it is possible to verify and establish to which bodies personal data may be transmitted using data communication equipment (communication control),

9. ensure that it is possible to verify and establish what data have been processed in the CVIS, when, by whom and for what purpose (control of data recording),

10. prevent the unauthorised reading, copying, modification or deletion of personal data during the transmission of personal data to or from the CVIS or during the transport of data media, in particular by means of appropriate encryption techniques (transport control),

11. monitor the effectiveness of the security measures referred to in this paragraph and take the necessary organisational measures related to internal monitoring to ensure compliance with this Regulation (self-auditing).

Keeping of records
Article 33

(1) The Ministry shall keep records of all data processing operations within the CVIS. These records shall show the purpose of access referred to in Article 5, paragraph 1, and Articles 16, 17 and 20, and Articles 23 to 26 of this Regulation, the type of data transmitted as referred to in Article 16, paragraph 2, Article 20, Article 23, paragraphs 1 to 3, Article 24, paragraph 1, Article 25, paragraph 1, and Article 27, paragraph 1 of this Regulation, and the name of the authority entering or retrieving the data.

(2) Such records may be used only for the data-protection monitoring of the admissibility of data processing as well as to ensure data security. The records shall be protected by appropriate measures against unauthorised access and deleted after a period of one year after the retention period referred to in Article 27 of this Regulation has expired, if they are not required for monitoring procedures which have already begun.

Self-monitoring
Article 34

Each authority entitled to access CVIS data shall take the measures necessary to comply with this Regulation and cooperate, where necessary, with the Ministry.

V RIGHTS AND SUPERVISION ON DATA PROTECTION
Right of information
Article 35

(1) Applicants and the persons referred to in 8, item 5, sub-item (k) of this Regulation shall be informed of the following:

1. that the Personal Data Protection Agency is the supervisory authority of the Republic of Croatia responsible for the protection of personal data, including its contact details, to which appeals concerning personal data protection are transmitted,

2. the purposes for which the data will be processed within the CVIS,

3. the categories of recipients of the data, including the authorities referred to in Article 3 of this Regulation,

4. the data retention period,

5. that the collection of the data is mandatory for the examination of the application,

6. the existence of the right of access to data relating to them, and the right to request that inaccurate data relating to them be corrected or that unlawfully processed data relating to them be deleted, including the right to receive information on the procedures for exercising those rights.

(2) The information referred to in paragraph 1 of this Article shall be provided in writing to the applicant when the data from the application form, the photograph and the fingerprint data as referred to in Article 8, items 5, 6 and 7 of this Regulation, are collected.

(3) The information referred to in paragraph 1 of this Article shall form part of the form which is signed by the persons referred to in Article 8, item 5, sub-item (k) of this Regulation when sending an invitation and providing proof of sponsorship and accommodation.

Right of access, correction and deletion
Article 36

(1) Any person shall have the right to obtain communication of the data relating to him recorded in the CVIS. The Ministry shall record any requests for such access.

(2) Any person may request that data relating to him which are inaccurate be corrected and that data recorded unlawfully be deleted. The correction and deletion shall be carried out without delay by the Ministry, in accordance with the legislation governing personal data protection.

(3) If the Ministry holds that data recorded in the CVIS are accurate or have been recorded lawfully, it shall explain in writing to the person concerned without delay why it is not prepared to correct or delete data relating to him.

(4) The Ministry shall also provide the person concerned with information explaining the steps which he can take if he does not accept the explanation provided, and this shall include information concerning the competent court or authority for submitting an appeal, and on any assistance that is available in accordance with the Croatian legislation, including the one from the Personal Data Protection Agency.

Supervision by the Personal Data Protection Agency
Article 37

(1) The Personal Data Protection Agency shall monitor independently the lawfulness of the processing of personal data referred to in Article 4 of this Regulation.

(2) The Personal Data Protection Agency shall ensure that an audit of the data processing operations is carried out in accordance with the relevant international auditing standards at least every four years.

(3) The Personal Data Protection Agency shall be provided with sufficient resources to fulfil the tasks referred to in paragraphs 1 and 2 of this Article.

(4) The Ministry shall be the controller of personal data filing system in the CVIS.

(5) The Ministry, as well as other visa authorities, shall supply any information requested by the Personal Data Protection Agency and shall, in particular, provide them with information on the activities carried out in accordance with Article 32, paragraph 3, item 7, and the records as referred to in Article 33 of this Regulation, and allow them access at all times to all their premises, files and other documents relating to personal data processing, and the means of electronic personal data processing.

VI TRANSITIONAL AND FINAL PROVISIONS

Start of collection and transmission of data to the Croatian Visa Information System

Article 38

(1) The visa authorities shall start to collect and transmit data to the CVIS as laid down in this Regulation at the latest as of 1 June 2013.

(2) From the date of the entry into force of this Regulation to the deadline referred to in paragraph 1 of this Article, the visa authorities shall have made all necessary technical and legal arrangements for the implementation of this Regulation.

Article 39

On the date of the entry into force of this Ordinance, the Ordinance on the Croatian Visa Database (Official Gazette 49/2008 and 88/2009) shall cease to be valid.

Entry into force

Article 40

This Regulation shall be published in the Official Gazette and enter into force on 1 April 2013, other that the provisions of Article 4, paragraph 1, item 3, Article 7, paragraph 5, Article 8, item 7, Article 16, paragraph 2, item 7, Article 20, items 13, 14 and 15, Article 23, paragraph 1, Article 24, paragraph 1, Article 25, paragraph 1, Article 26, paragraph 1, and Article 35, paragraph 2, which shall enter into force on 1 January 2015.

Class: 022-03/13-03/32

Number: 50301-21/21-13-2

Zagreb, 21 March 2013

The President

Zoran Milanović, m. p.