

Administrative and Technical Implementing Agreement

between the Austrian Federal Government and the
Government of the United States of America

relating to the

Agreement between the Government of the Republic of Austria and
the Government of the United States of America on Enhancing
Cooperation in Preventing and Combating Serious Crime

for the electronic exchange of dactyloscopic data

The Austrian Federal Government and the Government of the United States of America
(hereinafter “Parties”),

Have agreed as follows:

Article 1

Purpose and Scope of the Agreement

The purpose of this Administrative and Technical Implementing Agreement (hereinafter “ATIA”) is to lay down necessary administrative and technical details in accordance with Article 6 paragraph 2 of the Agreement between the Government of the Republic of Austria and the Government of the United States of America on enhancing cooperation in Preventing and Combating Serious Crime, done at Vienna, 15 November 2010 (hereinafter “PCSC Agreement”).

Article 2

National Contact Points and Channels of Communication

1. The national contact points according to Article 6 paragraph 1 of the PCSC Agreement shall be:
 - a. For the Government of the Republic of Austria: The Federal Ministry of the Interior, Directorate-General for Public Security, Criminal Intelligence Service Austria;
 - b. For the Government of the United States of America: The Department of Justice’s Federal Bureau of Investigation’s Criminal Justice Information Services (CJIS) division and the Visitor and Immigrant Status Indicator Technology (US-VISIT) program of the Department of Homeland Security’s National Protection and Programs Directorate, insofar as the latter is in charge of preventing and combating serious crime as defined in Article 1 paragraph 7 of the PCSC Agreement.

The activities of the national contact points shall be based exclusively on their competences for the prevention and investigation of serious crime in accordance with the PCSC Agreement.

2. The automated querying of dactyloscopic data referred to in Article 4 of the PCSC Agreement shall take place between the national contact points in accordance with Articles 3 through 9 of this ATIA.
3. The exchange of personal and other data referred to in Article 5 of the PCSC Agreement shall take place between the national contact points in accordance with Article 10 of this ATIA.

Article 3

Definitions for the purposes of automated querying of dactyloscopic data

- a. "Identified Persons" means hits which have been verified by the requesting Party.
- b. "Persons not yet identified" means candidates (Automated Fingerprint Identification System (AFIS) search results) that have not been verified.
- c. "Search" and "comparison" mean the procedures by which it is established whether there is a match between, respectively, dactyloscopic data which have been communicated by one country and dactyloscopic data stored in the databases of the other Party.
- d. "Automated searching" means an online access procedure for consulting the databases of the other Party.
- e. "Fingerprint data" or "dactyloscopic data" mean fingerprint images, images of fingerprint latents, palm prints, palm print latents and templates of such images (coded minutiae), when they are stored and dealt with in an automated database.
- f. "Individual case" means a single investigation or prosecution file. If such a file contains more than one piece of dactyloscopic data, they may be transmitted together as one request.
- g. "TP" means ten finger prints.

- h. "PP" means palm prints.
- i. "LT" means latent finger prints.
- j. "LP" means latent palm prints.
- k. "UL" means unsolved latent print.
- l. "ULP" means unsolved latent palm print.

Article 4

Technical specifications

The Parties shall observe common technical specifications in connection with all requests and answers related to searches and comparisons of dactyloscopic data. These technical specifications shall be set forth in the Interface Control Document referred to in Article 11 of this ATIA.

Article 5

Communications network

1. The electronic exchange of dactyloscopic related data between the national contact points, as referenced in Article 4 of the PCSC Agreement, shall be based on the use of a secured virtual private network (VPN). All data shall be encrypted.
2. The technical details on the communication network and the contact details and availability of the technical contact points shall be set forth in the Interface Control Document referred to in Article 11 of this ATIA.

Article 6

Availability of automated data exchange

The Parties shall take all necessary measures to ensure that automated searching or comparison of dactyloscopic data is possible twenty-four (24) hours a day and seven (7) days a week. In the event of a technical fault or a planned maintenance outage, the Parties' national contact points shall inform each other according to interoperability procedures and protocols. Automated data exchange shall be re-established as quickly as possible.

Article 7

Reference information for dactyloscopic data

The reference information referred to in Article 3 of the PCSC Agreement shall consist of a combination of the following:

- a. A code allowing the sending Party, in the case of a match, to retrieve personal data and other information in their databases in order to supply it to the requesting Party;
- b. A code to indicate the national automated dactyloscopic identification system from which the respective data originate.

Article 8

Principles for the exchange of dactyloscopic data

1. The digitalization of dactyloscopic data and their transmission to the requesting Party shall be carried out in accordance with the uniform data format set forth in the Interface Control Document referred to in Article 11 of this ATIA.
2. Each Party shall follow its national standards, as applicable to the respective national AFIS system, for the submission of dactyloscopic data. In this respect, each Party shall ensure that the dactyloscopic data it transmits are of sufficient quality for a comparison by the automated fingerprint identification systems (AFIS).

3. Each Party shall take the appropriate measures to ensure the confidentiality and integrity of dactyloscopic data being sent to the other national contact point, including their encryption.
4. Each Party shall use country codes in accordance with the ISO 3166-1 alpha-2 standard.

Article 9

Search capacities for dactyloscopic data

1. Each Party shall ensure that its search requests do not exceed the search capacities specified by the requested Party. The maximum search capacities per day and per Party shall be as follows, technical capabilities permitting:

Number	Type of Search
100	TP/TP
100	TP/UL
100	PP/ULP
20	LT/TP
20	LP/PP
5	LT/UL
5	LP/ULP

2. The maximum numbers of candidates accepted for verification per transmission shall be as follows:

Type of AFIS Search	TP/TP	LT/TP	LP/PP	TP/UL	LT/UL	PP/ULP	LP/ULP
Maximum Number of Candidates	1	10	5	5	5	5	5

Article 10

Rules for notifications, requests and answers in connection with dactyloscopic data

1. Any of the national technical contact points referred to in Article 2 of this ATIA shall notify the other Party's national technical contact point in writing, which may be in the form of an e-mail, as soon as reasonably possible, but not later than twenty-four (24) hours after becoming aware of any breach of the security of the information systems containing any biometric or biographic information shared under the PCSC Agreement and this ATIA, and/or of any unauthorized use or disclosure of the information.
2. The requested Party shall conduct searches in the order in which requests are received. Requests shall be processed within twenty-four (24) hours. Firm matching of fingerprinting data with reference data held by the Party in charge of the file shall be carried out by the searching national technical contact points by means of the automated supply of the reference data required for a clear match.
3. Matching requests shall be processed in the order they are received unless coded by the requesting Party for expedited processing set forth in the Interface Control Document referred to in Article 11.

Article 11

Interface Control Document

The national contact points shall prepare a legally non-binding Interface Control Document (ICD) containing the further technical and procedural details referred to in the Articles 2 through 10 of this ATIA.

*Article 12**Consultations and Amendments*

1. In the event of any dispute regarding the technical and/or procedural application of this ATIA or the Interface Control Document, the Parties shall consult each other in accordance with Article 22 of the PCSC Agreement.
2. This ATIA may be amended by written agreement of the Parties at any time.

*Article 13**Entry into force*

1. This ATIA shall enter into force on the first day of the second month following signature by both parties.
2. This ATIA shall be suspended simultaneously with the suspension of the PCSC Agreement.
3. This ATIA shall cease to be in force upon the termination of the PCSC Agreement.

Done at Washington, on 13 May 2013, in duplicate, in the German and English languages, both texts being equally authentic.

For the Austrian Federal Government:

Hans Peter MANZ m.p.

For the Government of
the United States of America:

John A. TRAXLER m.p.

Shonnie LYON m.p.
