

No. 53373*

**Lithuania
and
United States of America**

Agreement between the Government of the Republic of Lithuania and the Government of the United States of America on enhancing cooperation in preventing and combatting crime. Vilnius, 29 October 2008

Entry into force: *provisionally on 29 October 2008 by signature and definitively on 20 July 2010, in accordance with article 24 , with the exception of articles 8 through 10*

Authentic texts: *English and Lithuanian*

Registration with the Secretariat of the United Nations: *Lithuania, 6 January 2016*

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**Lituanie
et
États-Unis d'Amérique**

Accord entre le Gouvernement de la République de Lituanie et le Gouvernement des États-Unis d'Amérique relatif au renforcement de la coopération en matière de prévention et de lutte contre la criminalité. Vilnius, 29 octobre 2008

Entrée en vigueur : *provisoirement le 29 octobre 2008 par signature et définitivement le 20 juillet 2010, conformément à l'article 24 , à l'exception des articles 8 à 10*

Textes authentiques : *anglais et lituanien*

Enregistrement auprès du Secrétariat des Nations Unies : *Lituanie, 6 janvier 2016*

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AGREEMENT BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA
AND
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
ON ENHANCING COOPERATION IN
PREVENTING AND COMBATING CRIME

The Government of the Republic of Lithuania and the Government of the United States of America (hereinafter “Parties”),

Prompted by the desire to cooperate as partners to prevent and combat crime, particularly terrorism, more effectively,

Recognizing that information sharing is an essential component in the fight against crime, particularly terrorism,

Recognizing the importance of preventing and combating crime, particularly terrorism, while respecting fundamental rights and freedoms, notably privacy,

Inspired by the Convention on the stepping up of cross-border cooperation, particularly in combating terrorism, cross-border crime and illegal migration, done at Prüm on May 27, 2005, as well as the related Council Decision 2008/616/JHA of 23 June 2008, and

Seeking to enhance and encourage cooperation between the Parties in the spirit of partnership,

Have agreed as follows:

Article 1
Definitions

For the purposes of this Agreement,

1. Criminal justice purpose shall include activities defined as the administration of criminal justice, which means the performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation activities of accused persons or criminal offenders. The administration of criminal justice also includes criminal identification activities.

2. DNA profiles (DNA identification patterns) shall mean a letter or numerical code representing a number of identifying features of the non-coding part of an analyzed human DNA sample, i.e. of the specific chemical form at the various DNA loci.

3. Personal data shall mean any information relating to an identified or identifiable natural person (the “data subject”).

4. Processing of personal data shall mean any operation or set of operations which is performed upon personal data, whether or not by automated means, such as collection, recording, organization, storage, adaptation or alteration, sorting, retrieval, consultation, use, disclosure by supply, dissemination or otherwise making available, combination or alignment, blocking, or deletion through erasure or destruction of personal data.

5. Reference data shall mean a DNA profile and the related reference (DNA reference data) or fingerprinting data and the related reference (fingerprinting reference data). Reference data must not contain any data from which the data subject can be directly identified. Reference data not traceable to any individual (untraceables) must be recognizable as such.

Article 2

Purpose and Scope of this Agreement

1. The purpose of this Agreement is to enhance the cooperation between the Republic of Lithuania and the United States of America in preventing and combating crime.

2. The scope of this Agreement shall encompass only crimes constituting an offense punishable by a maximum deprivation of liberty of more than one year or a more serious penalty.

Article 3

Fingerprinting data

For the purpose of implementing this Agreement, the Parties shall ensure the availability of reference data from the file for the national automated fingerprint identification systems established for the prevention and investigation of criminal offenses. Reference data shall only include fingerprinting data and a reference.

Article 4

Automated searching of fingerprint data

1. For the prevention and investigation of crime, each Party shall allow the other Party's national contact points, as referred to in Article 7, access to the reference data in the automated fingerprint identification system which it has established for that purpose, with the power to conduct automated searches by comparing fingerprinting data. Search powers may be exercised only in individual cases and in compliance with the searching Party's national law.

2. 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 contact points by means of the automated supply of the reference data required for a clear match.

Article 5

Alternative means to search using identifying data

1. With regard to the search powers in Article 4, until the Republic of Lithuania has a fully operational and automated fingerprint identification system that links to individual criminal records and is prepared to provide the United States with automated access to such a system, it shall provide an alternative means to conduct a search using other identifying data to determine a clear match linking the individual to additional data. Search powers shall be exercised in the same manner as provided in Article 4 and a clear match shall be treated the same as a firm match of fingerprinting data to allow for the supply of additional data as provided for in Article 6.

2. The search powers provided for under this Agreement shall be used only for a criminal justice purpose, which shall apply at the border when an individual for whom the additional data are sought has been identified for further inspection.

Article 6

Supply of further personal and other data

1. Should the procedure referred to in Article 4 show a match between fingerprinting data, the supply of any available further personal data and other data relating to the reference data shall be governed by the national law, including the legal assistance rules, of the requested Party.