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U.S., Germany agree to share fingerprint databases

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Attorney General
Michael Mukasey

Officials from the U.S. and Germany have initialed a bilateral agreement to share access to biometric data. The agreement also provides for the spontaneous sharing of data and DNA samples of known and suspected terrorists, and marks a high point in U.S.-German cooperation in the war on terror.

At a ceremony in Berlin on March 11, Attorney General Michael Mukasey and Secretary of Homeland Security Michael Chertoff joined the German Interior Minister Wolfgang Schauble and Justice Minister Brigitte Zypries in initialing the agreement.

The pact gives the countries mutual access to their respective fingerprint databases to determine if evidence in them could be helpful in criminal investigations and prosecutions. It also sets forth procedures for obtaining that evidence through lawful processes, while ensuring that personal data is appropriately protected.

A Justice Department spokesman present at the initialing ceremony pointed out that the agreement also provides a mechanism for the U.S. and Germany to share information about known and suspected terrorists, allowing the two countries to more readily assist one another in preventing serious threats to public security, including the entry of terrorists into either country.

"Beyond the important practical value of this agreement, it symbolizes the joint resolve of Germany and the United States to fight terrorism and transnational crime," said Mukasey.

Chertoff welcomed the bilateral agreement and cited it as a sign that the international community can cooperate to fight terrorism.

"This agreement builds upon our strong relationship with Germany to protect not only the security, but also the privacy of our citizens," Chertoff said. "We must work together against a patient and adaptive adversary; in today's world, our enemies are far less concerned with borders than they are with attacking freedom wherever they can."

Under the agreement, the U.S. and Germany can, for the purpose of advancing criminal investigations and prosecutions, query each other's fingerprint databases with unknown prints to determine if the other country has information about the print. If a "hit" occurs, the querying party will make a mutual legal assistance request for identifying data. The use of that data would be governed by treaty. If no hit is received, then no information would be retained.

Additionally, the agreement contains a spontaneous sharing article that can be used to share biographic and fingerprint information about known and suspected terrorists, as well as information about planned attacks or persons trained to commit terrorist acts.

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