

Brussels, July 2016

PRIVACY STATEMENT FOR IMPORT, EXPORT, TRANSIT DIRECTORY (OLAF DPO 212)

1. DESCRIPTION OF THE PROCESSING OPERATION

The purpose of this privacy statement is to supply the data subject with information as required by Articles 11 and 12 of Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the EU institutions and bodies and on the free movement of such data.

The competent authorities of the Member States communicate and exchange anti-fraud information with each other and with the Commission in the framework of Regulation (EC) No 515/97 with the aim of preventing, investigating and prosecuting breaches of customs or agricultural legislation.

The Import, export, transit directory is an IT application developed to assist the competent authorities in the fight against customs fraud and facilitate the exchange of information. The Import, export, transit directory establishes the supporting IT solution able to receive and store import declarations (from ICS or Surveillance), export declaration (limited to sensitive goods: alcohol, tobacco and energy products) from ECS (Export Control System), transit declarations from NCTS (New Computerized Transit Information System). This directory will be used by OLAF and Member States to conduct investigations against fraud.

Exchanges of information are made by means of the application of the Anti-Fraud Information System (AFIS).

2. WHAT PERSONAL INFORMATION DO WE COLLECT, FOR WHAT PURPOSE, AND THROUGH WHICH TECHNICAL MEANS?

We collect data on natural persons (or legal persons whose name may lead to the identity of a natural person) whose name may appear on import, export or transit declaration.

The Import, export, transit directory contains the following data fields relating to consignor/exporter trader; consignor security trader; consignee trader; consignee security trader; principal trader, declarant/representative trader:

- Name
- Street and number

- Postal code
- City
- Country code
- EORI number

The purpose of collecting the information is to assist competent authorities referred to in Regulation (EC) No 515/97 in preventing, investigating and prosecuting breaches of customs or agricultural legislation and thereby enhance the effectiveness of the cooperation among the Member States and between the Member States and the Commission.

The data are received via the AFIS and is stored on OLAF's computers.

3. WHO HAS ACCESS TO YOUR INFORMATION AND TO WHOM IS IT DISCLOSED?

The information is held centrally and the access to it is limited to designated users for the purposes of assisting competent authorities in preventing, investigating and prosecuting breaches of customs or agricultural legislation.

The access to data included in the Import, export, transit directory is limited to the specifically designated Commission departments and specifically designated national authorities. The authorisation is conducted via the AFIS URT application (please see the notification AFIS User Register, IT Service Management Tools and Logs Processing (DPO 81)).

The provisions governing the access rights and possible transfer of personal data are included directly in Regulation (EC) No 515/97.

4. HOW DO WE PROTECT AND SAFEGUARD YOUR INFORMATION?

Controlled individual password access is based on the Commission's secure CCN/CSI network installed on the user administrations' terminals or on the AFIS internet secured access installed on the user administration's terminals.

The user may connect via CCN network or via internet. To connect via internet, an AFIS certificate needs to be installed on the user terminal to secure the communication channel between the administration and AFIS.

Personal data are stored in OLAF's electronic files, media and paper files. OLAF has put in place appropriate technical and organisational measures designed to protect the information from loss, misuse, unauthorized access, disclosure, alteration or destruction. For further details on security, see the notification AFIS User Register, IT Service Management Tools and Logs Processing (DPO 81).

5. HOW LONG DO WE KEEP YOUR PERSONEL DATA?

The Commission may store the data only for the time necessary to achieve the purpose for which they were included and in any case for no longer than five years with an

additional period of two years if justified.

6. HOW CAN YOU VERIFY, MODIFY OR DELETE YOUR INFORMATION?

In accordance with section 5 of Regulation (EC) No 45/2001 data subjects have the right to access their personal data and to correct and complete them. Exemptions under Article 20 of Regulation (EC) 45/2001 may apply.

Upon request, individuals may be sent a copy of their personal data. Any request for access, rectification, blocking and/or erasing of personal data should be directed to the Controller via email (OLAF-FMB-DATA-PROTECTION@ec.europa.eu).

If the personal data for which an application for access has been made have been supplied by a Member State, access shall be permitted only if the supplying partner has been given the opportunity to state its position on the request.

In case personal data are included in high volume, inter-institutional data processing operations for the purpose of identifying trends and patterns of unusual activity to enhance research, control, administrative, prevention and enforcement measures, OLAF will not be able to provide individual notices as the provision of this data would be impossible or would involve a disproportionate effort, in light of the large number of individuals concerned.

7. RIGHT OF RECOURSE

You have the right to have recourse to the European Data Protection Supervisor (edps@edps.europa.eu) if you consider that your rights under Regulation (EC) No 45/2001 have been infringed as a result of the processing of your personal data by OLAF.