

PRIVACY NOTICE FOR AFIS MAIL

1. DESCRIPTION OF THE PROCESSING OPERATION

The Anti-Fraud Information System (AFIS) is a web-based platform offering several IT-applications for users in organisations tasked with preventing, investigating and prosecuting infringements of EU customs or agricultural legislation. One of the applications under this platform is AFIS mail: an application developed for the exchange of secure electronic mail messages between users of the AFIS-applications within Member States' competent authorities¹ and EU Institutions, Bodies, Offices and Agencies (IBOAs). The purpose of AFIS-mail is to provide AFIS users with a tool for the secured exchange of messages with other AFIS-users on activities undertaken within the framework of the Mutual Assistance Regulation for the prevention, investigation and prosecution of infringements of EU customs or agricultural legislation.

The controller of the processing operation is the European Commission, European Anti-Fraud Office (OLAF), Unit B.1 – Customs, Trade and Tobacco Anti-Fraud Strategy.

Personal data recorded in AFIS mail will not be used for automated individual decision-making, including profiling². Data subjects will not be subjected to a decision solely based on automated processing, including profiling, which produces legal effects concerning him or her or similarly affects him or her.

2. LEGAL BASIS FOR THE PROCESSING

The legal bases for this processing are:

- Regulation 2018/1725, the EU Data Protection Regulation ("EUDPR"), in particular Article 4 (1) (a) on the lawfulness of processing,
- Regulation 515/97, as amended, the "Mutual Assistance Regulation", in particular Article 18d,
- Regulation 883/2013³, as amended,
- Treaty on the Functioning of the European Union (TFEU), Article 325 (5), reporting requirement.

¹ The term 'Competent authorities' is defined in Article 2(2) of Council Regulation (EC) 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters, OJ L 082, 22 March 1997, as amended.

² As defined in Article 24 of Regulation (EU) 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union Institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) 45/2001 and Decision No. 1247/2002/EC, OJ L 295 of 21 November 2018, p. 39, ("EUDPR").

³ Regulation (EU, Euratom) No. 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No. 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No. 1074/1999, OJ L 248 of 18 September 2013.

3. CATEGORIES OF PERSONAL DATA COLLECTED

The following categories of personal data are recorded in AFIS-mail:

- First name,
- Family name,
- Professional E-mail address,
- Organisation (employer),
- Country of residence.

From authorized staff within:

- the competent authorities in the Member States,
- services within European Union Institutions, Bodies, Offices and Agencies (IBOAs), such as the European Anti-Fraud Office (OLAF),
- competent authorities in third country authorities with whom the EU concluded Mutual Assistance Agreements in Customs' matters (MAA), and
- the World Customs Organisation (WCO).:

The provision of personal data is mandatory to meet the requirements under Article 18(d) of the Mutual Assistance Regulation. A failure to provide the data may lead the Commission to default on its obligations under the Mutual Assistance Regulation.

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

The personal data in AFIS-mail is only **accessible** to dedicated staff working in the entities listed under point 3.

The information in AFIS-mail may be **disclosed** to dedicated staff who use AFIS-mail within:

- The European Anti-Fraud Office (OLAF).

Dedicated staff are those staff members within the organisations mentioned above that are tasked with detecting, investigating and prosecuting infringements of customs and agricultural legislation.

Personal data recorded in AFIS mail will not be transferred outside the EU.

5. HOW DO WE PROTECT AND SAFEGUARD YOUR INFORMATION?

In order to protect your personal data, a number of technical and organisational measures have been put in place. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the data being processed. Organisational measures include restricting access to the data to authorised persons with a legitimate need to know for the purposes of this processing operation.

6. HOW LONG DO WE KEEP YOUR DATA?

Your personal data may be retained by OLAF for a maximum of 10 years after OLAF or you made the last modification to AFIS mail.

7. WHAT ARE YOUR RIGHTS AND HOW YOU CAN EXERCISE THEM?

You have the right to request access to your personal data, rectification or erasure of the data, or restriction of their processing. You have the right to object to the processing of your data.

Any request to exercise one of those rights should be directed to the Controller (OLAF-FMB-DATA-PROTECTION@ec.europa.eu). Where you wish to exercise your rights in the context of one or several specific processing operations or files, please provide their description and reference(s) in your request.

The controller may apply exceptions in accordance with the Regulation 2018/1725 and, where applicable, restrictions based on Article 25 thereof, in accordance with the relevant Commission Decisions⁴.

8. CONTACT DETAILS OF THE DATA PROTECTION OFFICER

You may contact the Data Protection Officer of OLAF (OLAF-FMB-DPO@ec.europa.eu) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

9. 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 (EU) 2018/1725 have been infringed as a result of the processing of your personal data by OLAF.

⁴ Commission decisions based on Article 25 of the EUDPR will be published in the Official Journal as well as on the internet pages of OLAF.