

## PRIVACY NOTICE FOR THE IMPORT, EXPORT, TRANSIT (IET) DIRECTORY

### 1. DESCRIPTION OF THE PROCESSING OPERATION

The Import, Export, Transit (IET) directory is an IT-application and filing system under the Anti-Fraud Information System (AFIS), developed by the European Anti-Fraud Office (OLAF), to assist the competent authorities<sup>1</sup> of the Member States and OLAF in their fight against customs fraud and to facilitate the exchange of information between competent authorities and OLAF. The IET directory establishes the supporting IT-solution that receives and stores declarations from the following IT-systems set up under the Union Customs Code<sup>2</sup>:

- Import declarations from the Import Control System (ICS) or Surveillance database,
- Export declarations, restricted to sensitive goods, such as alcohol, tobacco and energy products, from the Export Control System (ECS), and:
- Transit declarations from the New Computerized Transit Information System (NCTS).

The purpose of the processing is to enable the competent authorities in the Member States to analyse and to compare data with a view to communicate and to share anti-fraud information among themselves and with the Commission in the framework of the implementation of the amended Regulation 515/97 ("Mutual Assistance Regulation"), with the aim of preventing, investigating and prosecuting infringements of 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 the IET directory will not be used for automated individual decision-making, including profiling<sup>3</sup>. 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) and (b) on the lawfulness of processing,
- Regulation 515/97, as amended, the "Mutual Assistance Regulation", in particular Article 18d,

<sup>1</sup> 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.

<sup>2</sup> Regulation (EU) 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code, OJ L 289 of 10 October 2013.

<sup>3</sup> 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").

- A-TIS Administrative Arrangement, as amended<sup>4</sup>;
- Regulation 883/2013<sup>5</sup>, as amended,
- Treaty on the Functioning of the European Union (TFEU), Article 325 (5), reporting requirement.

### 3. CATEGORIES OF PERSONAL DATA COLLECTED

The following categories of personal data, related to legal persons, such as Consignor/Exporter Trader, Consignor Security Trader, Consignee Trader, Consignee Security Trader, Principal Trader, Declarant/Representative Trader, and whose name may lead to the identification of a natural person from import, export or transit declarations, are recorded in the IET directory:

- Name,
- Street and number,
- Postal code,
- City,
- Country code, and
- Economic Operators Registration and Identification number (EORI).

Personal data are only collected from a natural person if s/he is linked to a legal entity for which data are collected. Personal data of natural persons who are not linked to a legal entity are not collected.

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 information in the IET directory is only **accessible** to dedicated staff in:

- the competent authorities of the Member States,
- the European Commission and the European Anti-Fraud Office, and,
- for the transit part only: the competent authorities of the third country (limited to countries who are parties to the Convention on Common Transit Procedure of 1987<sup>6</sup>).

The information in the IET directory may be **disclosed** to dedicated staff within:

- the competent authorities of the Member States,
- the European Commission and the European Anti-Fraud Office, and,
- for the transit part only: the competent authorities of the third country (limited to countries who are parties to the Convention on Common Transit Procedure of 1987).

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

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<sup>4</sup> Amended administrative arrangement on the Anti-Fraud Transit Information System (A-TIS), concluded between OLAF, on the one hand, and the Member States and EFTA Working Group on "Common Transit" and the "Simplification of formalities in trade in goods", applicable from 1 September 2016, reference: ARES(2016)5843846 of 10 October 2016.

<sup>5</sup> 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.

<sup>6</sup> Convention on a Common Transit Procedure, Signed in Interlaken (Switzerland) on 20 May 1987, OJ L 226 of 13 August 1987.

Personal data recorded in the IET directory will not be transferred outside the EU, except for the transit part, where personal data recorded in the IET directory can be transferred to the competent authorities of third countries (limited to countries who are parties to the Convention on Common Transit Procedure of 1987).

## **5. HOW DO WE PROTECT AND SAFEGUARD YOUR INFORMATION?**

In order to protect your personal data, technical and organisational measures have been put in place. Technical measures include appropriate actions to ensure online security as well as measures to address risks of data loss, alteration of data or unauthorised access, taking into consideration the risks presented by the processing and the nature of the data that are processed. Organisational measures include actions restricting data access to authorised persons who have 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 5 years with an additional period of 2 years, if justified.

## **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](mailto: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 Decisions<sup>7</sup>.

## **8. CONTACT DETAILS OF THE DATA PROTECTION OFFICER**

You may contact the Data Protection Officer of OLAF ([OLAF-FMB-DPO@ec.europa.eu](mailto: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](mailto: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.

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<sup>7</sup> 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.