

November 2025

**PRIVACY NOTICE FOR FIDE (FICHIER D'IDENTIFICATION DES DOSSIERS D'ENQUÊTES
DOUANIÈRES – CUSTOMS FILES IDENTIFICATION DATABASE)**

(DPR-OLAF-03946.3)

1. DESCRIPTION OF THE PROCESSING OPERATION

The objective of the 'Fichiers d'Identification des Dossiers d'Enquêtes Douanieres' (FIDE: Customs Files Identification Database) is to help to prevent operations in breach of customs legislation applicable to goods entering or leaving the customs territory of the Union and to facilitate and accelerate their detection and prosecution.

The purpose of the use of FIDE under the Council Regulation (EC) 515/97 of 13 March 1997¹, as amended (hereinafter referred to as "the Regulation") shall be to allow the Commission departments and the competent authorities of a Member State, designated in accordance with Article 29 of the Regulation, to identify the competent authorities of the other Member States or the Commission departments which are or have been investigating the same persons or businesses concerned.

The purpose of the use of FIDE under the Council Decision 2009/917/JHA² on the use of information technology for customs purposes, as amended by Regulation (EU) 2024/868³ (hereinafter referred to as 'the CIS Decision') shall be to enable the national authorities responsible for carrying out customs investigations designated in accordance with Article 7 of the CIS Decision, when opening a file on or investigating one or more persons or businesses, and for Europol and Eurojust, to identify the competent authorities of other Member States which are investigating or have investigated those persons or businesses, in order, through information on the existence of investigation files.

The competent authorities can create a record in the FIDE containing information on "persons" or "companies" who are, or have been, subject to an investigation. Other competent authorities can retrieve this information by searching for the name of a "person" or a "company". FIDE will display any matching files for the "person" or "company" together with the details of the contact person in charge of the file in the competent authority.

All data is kept in the FIDE in accordance with the respective legal basis.

The controller of the processing operation for the FIDE data under amended Regulation 515/97 is the European Commission, European Anti-Fraud Office (OLAF), Unit B1 - Customs, Trade & Tobacco Anti-Fraud Strategy. Member states authorities are controllers for the data included in the FIDE under Regulation 515/97.

¹ 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 Council Decision 2009/917/JHA of 30 November 2009 on the use of information technology for customs purposes, OJ L 323 of 10 December 2009, as amended by Regulation (EU) 2024/868.

³ Regulation (EU) 2024/868 of the European Parliament and of the Council of 13 March 2024 amending Council Decision 2009/917/JHA as regards its alignment with Union rules on the protection of personal data.

The Member States competent authorities act as controllers for the FIDE data introduced under the amended CIS Decision. OLAF has the role of data processor and does not have access to this data, in accordance with the CIS Decision.

The list of the competent authorities is published here: https://anti-fraud.ec.europa.eu/about-us/legal-background_en

Personal data recorded in FIDE will not be used for automated individual decision-making, including profiling⁴. 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 Title V(a),
- Council Decision 2009/917/JHA on the use of information technology for customs purposes 'the CIS Decision', as amended by Regulation (EU) 2024/868⁵,
- Regulation 883/2013⁶, 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 persons and companies which are or have been the subject of an investigation by the competent services are recorded in FIDE:

- Surname,
- Former surnames/maiden name,
- Forenames and aliases,
- Date and place of birth,
- Nationality and,
- Sex.

The persons and companies above should be:

- suspected of committing, of having committed, of participating or of having participated in an operation in breach of customs legislation; or
- the subject of a finding relating to one of these operations; or
- the subject of an administrative or judicial penalty for one of these operations.

Additionally, limited personal data are stored about the users of FIDE (authorised staff of Commission, Europol and Eurojust and the designated national competent authorities, - e.g. name, access rights, authority).

⁴ As defined in Article 24 of Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 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").

⁵ Regulation (EU) 2024/868 of the European Parliament and of the Council of 13 March 2024 amending Council Decision 2009/917/JHA as regards its alignment with Union rules on the protection of personal data.

⁶ 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.

The provision of the personal data is mandatory to meet the requirements under the title V (a) Mutual Assistance Regulation. A failure to provide the data may lead the data controller to default on its obligations under Mutual Assistance Regulation.

The provision of the personal data is mandatory to meet the requirements under the amended Council Decision 2009/917/JHA. A failure to provide the data may lead the data controller to default on its obligations under the CIS Decision.

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

The information in FIDE falling under Regulation 515/97 is only **accessible** to dedicated staff in:

- the competent authorities of the Member States,
- the competent departments of the European Commission.

The information in FIDE falling under Regulation 515/97 may be **disclosed** to dedicated staff within:

- the competent authorities of the Member States,
- the competent departments of the European Commission.

The information in FIDE falling under the CIS Decision, is only **accessible** to dedicated staff in:

- the competent authorities of the Member States,
- Europol
- Eurojust

The information in FIDE falling under the CIS Decision, may be **disclosed** to dedicated staff within:

- the competent authorities of the Member States,
- Europol
- Eurojust

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

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

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

6. HOW LONG DO WE KEEP YOUR DATA?

Your personal data may be retained in FIDE for the following maximum periods, calculated from the date of entry of the data in the investigation file:

- Data concerning current investigation files may not be stored for more than three years without any irregular operation being observed; data must be deleted before that time limit if one year has elapsed since the last observation;
- Data concerning investigations in which an irregular operation has been established but which have not yet given rise to a conviction or an order to pay a criminal fine or an administrative penalty may not be stored for more than six years;
- Data concerning investigations which have given rise to a conviction or an order to pay a criminal fine or an administrative penalty may not be stored for more than ten years.

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 for FIDE data under Regulation 515/97 should be directed to the respective competent national authorities in Member States (https://anti-fraud.ec.europa.eu/about-us/legal-background_en) or were relevant, to OLAF (OLAF-FMB-DATA-PROTECTION@ec.europa.eu). You may also address the concerned national supervisory authorities or the European Data Protection Supervisor (EDPS), in accordance with the provisions of Art. 37 of Regulation 515/97. You can find the contacts on the website of the European Data Protection Board: https://www.edpb.europa.eu/about-edpb/about-edpb/members_en

As regards FIDE data included under the CIS decision, your requests shall be addressed to the competent national authorities.

The controllers may apply exceptions or restrictions in accordance with their legal framework.

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.

For specific questions related to the processing by Member State authorities you can contact their respective Data Protection Officers

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.

As regards the processing performed by the competent national authorities you can file a recourse with the respective data protection authority of the country. You can find their contacts on the website of the European Data Protection Board: https://www.edpb.europa.eu/about-edpb/about-edpb/members_en