

PRIVACY NOTICE FOR CUSTOMS INFORMATION SYSTEM⁺ (CIS⁺)

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 the Customs Information System⁺ (CIS⁺). The CIS⁺ provides a means for the exchange, storage and rapid dissemination of information among the designated competent authorities¹, and thereby improves effectiveness of the cooperation and control procedures of the designated competent authorities, referred to in Regulation 515/97 (the Mutual Assistance Regulation) and Council Decision 2009/917² (the CIS Decision). This cooperation may take the form of spontaneous assistance; assistance on request; special watch on individuals, companies, movements of goods, warehouses and means of transport; notification of documents; administrative enquiry; coordination or technical assistance.

The Anti-Fraud Information System (AFIS) provides the technical means for disseminating data. The purpose of the CIS⁺ is to assist national authorities in preventing, investigating and prosecuting operations, which are in breach of customs or agricultural provisions.

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 CIS⁺ will not be used for automated individual decision-making, including profiling³. 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,

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 Council Decision 2009/917/JHA of 30 November 2009 on the use of information technology for customs purposes, OJ L 323, 10 December 2009.

³ As defined in Article 24 of Regulation (EU) 2018/1725 on 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").

- Regulation 515/97, as amended, the "Mutual Assistance Regulation", in particular Title V,
- Council Decision 2009/917/JHA of 30 November 2009, the 'CIS Decision';
- Regulation 883/2013⁴, 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 natural persons for the cases dealing with commodities, means of transport, businesses and persons are recorded in CIS⁺:

1. Name, maiden name, forenames, former surnames and aliases,
2. Date and place of birth,
3. Nationality,
4. Sex,
5. Number and place and date of issue of the identity papers (passports, identity card, driving licences),
6. Address,
7. Particular objective and permanent physical characteristics,
8. A warning code indicating any history of being armed or violent or of having escaped,
9. Reason for inclusion of data,
10. Suggested action, and
11. Registration number of the means of transport.

For the cases dealing with detained, seized, or confiscated cash and goods, only item 1 to 4 and 6 of the list above will be included.

Finally, for cases dealing with the availability of expertise, only surname and first names of the experts will be stored.

As regards the staff of Commission and Member states competent authorities working on the cases, CIS⁺ contains the following data fields:

1. Surname, first name,
2. Service (organisation), and
3. Telephone, mobile phone, fax and email address.

The provision of the personal data is mandatory to meet the requirements under Title V of the Mutual Assistance Regulation. A failure to provide the data may lead the data controller 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 CIS⁺ is only **accessible** to dedicated European Commission and Member States staff, officials of competent third country authorities and staff of international or regional organisations working with CIS⁺.

The information in CIS⁺ may be **disclosed** to dedicated staff within:

- The competent authorities of the Member States,
- The European Commission and the European Anti-Fraud Office,
- Competent third country authorities, and
- Competent international or regional organisations working with CIS⁺.

⁴ 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.

Personal data recorded in CIS⁺ can be transferred outside the EU to the officials of competent third country authorities and staff of international or regional organisations working with CIS⁺ under the conditions laid down in Chapter V, Transfer of personal data to third countries or international organisations, of Regulation 2018/1725 (the EUDPR).

5. HOW DO WE PROTECT AND SAFEGUARD YOUR INFORMATION?

In order to protect your personal data, a number of technical and organisational measures were 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 period of five years with an additional period of two years if justified from the date on which the case was created.

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 (the EUDPR) and restrictions based on Article 25 thereof in accordance with the relevant Commission Decisions⁵

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.

⁵ 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.