

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

## **1. DESCRIPTION OF THE PROCESSING OPERATION**

The 'Fichiers d'Identification des Dossiers d'Enquêtes Douanieres' (FIDE: Customs Files Identification Database) is an EU-wide index of investigation records, generated by Member States' customs and other investigation authorities for administrative purposes. The index is a filing system developed by the European Anti-Fraud Office (OLAF) under the Anti-Fraud Information System (AFIS) platform. The competent authorities<sup>1</sup> of a Member State may decide to create a record in the FIDE index containing information on persons or companies who are, or have been, subject to an investigation. This information enables investigating competent authorities in other Member States or the European Commission to retrieve the names of persons and/or companies together with the names of the contact persons within the competent authorities that initiated an investigation.

The purpose of FIDE is to reinforce the fight against fraud through mutual administrative assistance in customs matters, by enabling OLAF and national authorities to identify competent authorities of other Member States that are investigating or have investigated the persons or businesses concerned in a given matter.

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 FIDE will not be used for automated individual decision-making, including profiling<sup>2</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 Title V(a),

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<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> 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").

- Council Decision 2009/917/JHA on the use of information technology for customs purposes 'the CIS Decision'<sup>3</sup>;
- Regulation 883/2013<sup>4</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 persons and companies which are or have been the subject of an investigation by the relevant service of a Member State 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 or agricultural 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 OLAF and national designated competent authorities - e.g. name, access rights, authorizations).

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

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

The information in FIDE is only **accessible** to dedicated staff in:

- the competent authorities of the Member States,
- the European Commission and the European Anti-Fraud Office.

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

- the competent authorities of the Member States,
- the European Commission and the European Anti-Fraud Office.

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.

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

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<sup>3</sup> Council Decision 2009/917/JHA of 30 November 2009 on the use of information technology or customs purposes, OJ L 323 of 10 December 2009, p. 20.

<sup>4</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.

## **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 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 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>5</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>5</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.