



June 2020

PRIVACY NOTICE FOR MUTUAL ASSISTANCE SYSTEM (MAS)

1. DESCRIPTION OF THE PROCESSING OPERATION

Mutual Assistance System (MAS) is a web-based application accessible through the AFIS platform and designed to support customs related information exchange between the national customs and law enforcement services and the European Commission (OLAF), based on the provisions of the Council Regulation (EC) 515/97 on mutual assistance in customs matters.

The information exchange takes form of a formal request for assistance (AM communication) and OLAF provides the technical and logistic support for the MAS process.

The controller of the processing operation is the European Commission, European Anti-Fraud Office (OLAF), Unit OLAF.B.3, Customs & Trade – Operations & Investigations.

Personal data recorded in MAS will not be used for automated individual decision-making, including profiling. 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 basis for this processing are:

- Article 5 (Lawfulness of processing) paragraph 1 (a) and (b) of Regulation (EU) 2018/1725;
- Article 17 and 18 (Relations with the Commission) of Regulation 515/97¹, as amended, the 'Mutual Assistance Regulation';
- Regulation 883/2013, as amended;
- Regulation 952/2013, as amended, the 'Union Customs Code';
- Article 325 (5) TFEU (reporting requirement).

3. CATEGORIES OF PERSONAL DATA COLLECTED

The following categories of personal data related to natural persons (or legal persons whose name may lead to the identity of a natural person) mentioned in the mutual assistance exchanges communicated are recorded in MAS:

¹ Reference: COUNCIL REGULATION (EC) No 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, 22.3.1997)

- First name, Last name, Maiden name, and aliases;
- Date and place of birth;
- Nationality;
- Gender;
- Street and number, PO box, Postal code, City, Country;
- Phone, Mobile, E-mail;
- Registration number (VAT, EORI, Seaweb, etc)
- Address;
- Role/involvement (reason for inclusion of data);

As regards the officials working on the cases, MAS contains the following data fields:

- Last name, First name
- Service, City
- Telephone, mobile phone and email address

The provision of the personal data is mandatory to meet the requirements under 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?

MAS is accessible only to dedicated European Commission (OLAF) and Member States staff, responsible for the application of Mutual Assistance Regulation.

5. HOW DO WE PROTECT AND SAFEGUARD YOUR INFORMATION?

In order to protect your personal data, a number of technical and organizational measures have been put in place. Concerning unauthorized access to equipment and data, the OLAF secure premises, protected by OLAF-specific physical security measures, host all hardware; network firewalls protect the logic perimeter of the OLAF IT infrastructure; and the main computer systems holding the data are security hardened.

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?

Data included in the Mutual Assistance System will be kept for five years from the publication date with an additional period of two years if justified.

7. WHAT ARE YOUR RIGHTS AND HOW CAN YOU 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 addressed to the Controller (OLAF-FMB-DPO@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 Commission Decision (EU) 2018/1962.

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 result of the processing your personal data by OLAF.