

June 2020

PRIVACY NOTICE FOR THE ANTI – FRAUD INFORMATION SYSTEM (AFIS) USER REGISTER, IT SERVICE MANAGEMENT TOOLS AND LOGS PROCESSING (URT)

1. DESCRIPTION OF THE PROCESSING OPERATION

The "Anti-Fraud Information System (AFIS) User Register, IT Service Management Tools and Logs Processing (URT)", is an IT-application and filing system operated under the Anti-Fraud Information System (AFIS). The application contains information on the users and their usage of any of the filing systems hosted by the AFIS-platform. The URT enables the AFIS-IT Helpdesk to process the requests for the creation and deletion of end user accounts and modification of access rights for any of these filing systems.

The AFIS IT Helpdesk can only process requests for the creation and deletion of end user accounts if these requests are initiated and submitted by "AFIS Liaison Officers", who are appointed by each National Administration or International Organisation given access to any of the applications under the AFIS-platform.

End users employed by national administrations or international organisations have to contact their 'AFIS-liaison officer' who enters the request for access or modification into the User Registration Tool (URT). Personal data is used in order to manage the user accounts (creation, deletion and access rights) and to provide service support. The personal data allows the AFIS staff and operators to contact the users in case of problems and to investigate the issues/problems reported by the users.

In addition to supporting liaison officers to manage their user accounts, the AFIS IT Helpdesk records issues/problems reported by the end-users of the AFIS systems/applications, together with information on the actions taken to resolve them.

The purpose of the processing is an efficient decentralized management of the AFIS user register as well as the provision of support to the AFIS end users in resolving any technical issues they might experience in their use of filing systems. In addition, the URT complies with the request from Eurojust and Europol on access to system logs data to monitor the correct usage of the AFIS system made by their users.

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 URT directory will not be used for automated individual decision-making, including profiling¹. 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.

¹ 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").

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 amended², the "Mutual Assistance Regulation",
- Regulation 883/2013³, as amended,
- Council Decision 2009/917/JHA⁴ on the use of information technology for customs purposes, 'the CIS Decision';
- Legal base for the Irregularity Management System (IMS), such as Regulations 1681/94, 1831/94, 1848/2006, 1828/2006, 498/2007;
- Treaty on the Functioning of the European Union (TFEU), Article 325 (5), reporting requirement.

3. CATEGORIES OF PERSONAL DATA COLLECTED

AFIS users are uniquely identified by their login and an internal unique numerical ID. For each user, the following identification data are recorded:

- login ID,
- first name,
- last name,
- e-mail address, and
- administration or organisation to which the user belongs.

Additional information for each user is also recorded and used for filing systems under:

- preferred interface language,
- application preferences, and
- competences, i.e.: access rights to filing systems

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 the Mutual Assistance Regulation. A failure to provide the data may lead the Commission to default on its obligations under the Mutual Assistance Regulation.

² Council Regulation 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 of 22 March 1997)

³ 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.

⁴ 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.

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

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

- in the European Anti-Fraud Office (OLAF) for the purpose of managing the user registration process,
- any subcontractor, tasked by OLAF with user-management and the resolution of the technical issues: responsibility of the AFIS Production services and technical helpdesk.

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

- the European Commission and the European Anti-Fraud Office for the purpose of managing the user registration process,
- national administrations or international organizations (AFIS Liaison Officers) for the personal data of users belonging exclusively to the organization(s) for which they have been appointed AFIS liaison officer,
- Eurojust, Europol and the Joint Supervisory Body set up under Framework Decision 2009/719/JHA for the personal data in the logs data generated once any of the filin systems to which a user has access is used.

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 the URT directory will not be transferred to third parties or 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 processing operation. Any subcontractor mentioned under point 4, is requested to sign a confidentiality and non-disclosure agreement for its staff working for or seconded to OLAF.

6. HOW LONG DO WE KEEP YOUR DATA?

Personal data of users are only kept for as long as the users benefit from an access the AFIS applications. The AFIS Liaison officers have the obligation to review periodically (at least yearly) the validity of user accounts and associated access rights. The AFIS Liaison officers should confirm AFIS accounts on yearly basis. Accounts which have not been confirmed are manually disabled and removed.

Once the user account is deleted and not allowed to access any AFIS system, the records of the user's creation/modification/deletion are stored in URT for a maximum period of 10 years. The logs containing the data stored for auditing purposes are also kept for the same maximum period of 10 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). 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 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.