

June 2020

**PRIVACY NOTICE FOR THE CONTACT LISTS OF MUTUAL ASSISTANCE COMMITTEE,
REGULATION 515/97, NAPLES II CONVENTION AND AFIS LIBRARY (MAA – CONTACTS)**

1. DESCRIPTION OF THE PROCESSING OPERATION

The Mutual Assistance Agreements Contacts (MAA-Contacts) filing system contains contact lists for the Mutual Assistance Committee, Regulation 515/97, Naples II Convention and the AFIS Library. The European Anti-Fraud Office (OLAF) uses this filing system for the management of contacts and the organisation of meetings in the area of mutual assistance in customs matters. The purpose of the processing is to enable dedicated staff of European Commission and Member States' competent authorities¹ to communicate with each other, organise the meetings and exchange information for the purposes of preventing, investigating and prosecuting violations of customs or agricultural legislation within the framework of Mutual Assistance Regulation.

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 MAA Contacts directory will not be used for automated individual decision-making, including profiling². 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 515/97³, as amended, the "Mutual Assistance Regulation",
- Regulation 883/2013⁴, as amended,
- Naples II Convention⁵
- Treaty on the Functioning of the European Union (TFEU), Article 325 (5), reporting requirement.

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

³ Regulation 515/97 of the Council 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)

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.

⁵ COUNCIL ACT of 18 December 1997 drawing up, on the basis of Article K.3 of the Treaty on European Union, the Convention on mutual assistance and cooperation between customs administrations, OJ C 24 of 23 January 1998, p. 1.

3. CATEGORIES OF PERSONAL DATA COLLECTED

The following categories of personal data of staff employed by the competent authorities of the Member States and the European Anti-Fraud Office (OLAF) are recorded in the MAA contacts filing system for the organisation of meetings under Regulation 515/97, as amended:

- Name, Surname
- Street and number,
- Postal code,
- City,
- Country,
- Profession,
- Organisation,
- Function within organisation, together with an e-mail address, telephone and fax,
- Information on activities related to implementation of Regulation 515/97.

For the organisation of meetings under the Naples II Convention, the following categories of personal data are recorded in the MAA contacts filing system:

- Name, Surname
- Function and service
- Address
- E-mail address, telephone, telex, fax and AFIS-box,
- Information on activities related to the implementation of the Naples II Convention.

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 the personal data is mandatory to meet the requirements under the Mutual Assistance Regulation and Naples II Convention. A failure to provide the data may lead to default o obligations under Mutual Assistance Regulation and Naples II Convention.

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

The information on personal data in the MAA contact lists are **accessible** and may be **disclosed** to dedicated staff, tasked with assignment in relation to the implementation of Regulation 515/97 and the Naples II Convention, within:

- the competent authorities of the Member States, and
- 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 the contact lists 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 processing operation.

6. HOW LONG DO WE KEEP YOUR DATA?

Your personal data may be retained by OLAF for a maximum of 10 years after you made the last modification in the contact list or after the date when you last attended a meeting of any of the groups for which information is recorded on the MAA contacts lists.

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 Decisions⁶.

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.

⁶ 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.