

Brussels, April 2012

PRIVACY STATEMENT FOR MUTUAL ASSISTANCE BROKER (MAB) (OLAF DPO 160)

1. DESCRIPTION OF THE PROCESSING OPERATION

This privacy statement is published in order to supply the data subject with information pursuant to Articles 11 and 12 of Regulation (EC) 45/2001 on the protection of individuals with regard to the processing of personal data by the Community Institutions and bodies and on the free movement of such data.

The competent authorities in the Member States communicate and exchange anti-fraud information to each other and to the Commission in the framework of the Mutual Assistance Regulation (Council Regulation (EC) 515/97) with the aim of preventing, investigating and prosecuting violations of customs or agricultural legislation. Information is also exchanged with specific Third countries under Mutual Assistance Agreements. In more detail, the Commission's involvement is based on Title III of Regulation (EC) 515/97 (Articles 17 and 18). Access for third countries is governed by Title IV of Regulation (EC) 515/97 and the mutual assistance agreements in place. These exchanges are made by using the mailing application of the Anti Fraud Information System (AFIS) (see "OLAF IT Infrastructure" (DPO-97)).

2. WHAT PERSONAL INFORMATION DO WE COLLECT, FOR WHAT PURPOSE, AND THROUGH WHICH TECHNICAL MEANS?

We collect data in relation to identification, contact, profession and involvement of individuals or companies involved in operations detected or planned which constitute, or appear to the competent authority to constitute, breaches of customs or agricultural legislation.

MAB contains the following data fields:

- 1) surname, first name, maiden name, gender
- 2) physical characteristics
- 3) place and date of birth
- 4) nationality
- 5) profession
- 6) a warning indicating any history of being armed, violent, drug addict, suicidal and other warnings (to be selected from a list as well as free text)
- 7) ID document (type, number, date and place of issue)
- 8) address (PO box, Street, House No, Box, Postal code, City, Country)

- 9) involvement description (to be selected from list, as well as free text, including an evaluation of the quality of the information)
- 10) suggested action

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

- 1) surname, first name
- 2) service
- 3) telephone, mobile phone, fax and email address.

The data fields which can be included in the CIS are described in the CIS notification and CIS privacy statement (DPO 17.2)

The purpose of processing is to assist competent authorities in Member States referred to in Council Regulation (EC) 515/97 in preventing, investigating and prosecuting violations of customs or agricultural legislation, to enhance the effectiveness of the cooperation among the Member States and between them and the European Commission.

Information received via the Anti-Fraud Information System (DPO-81) is stored in computers within OLAF's IT infrastructure (DPO-97) for use by dedicated staff. Depending on the message a reply is sent via the AFIS system to the sender or to other specific recipients.

The AFIS system provides a user friendly interface for data exchange. On a routine basis via Mutual Assistance Broker (MAB), a tool to organize structured and non structured electronic mail exchanges, where the data are kept in a central repository on the OLAF server, thus making it available for exporting, and analysis. The business interfaces aiming to capture the data in Yachtinfo, Marinfo, Cinginfo, MAB mail and "CIS (DPO 17.2)" are integrated into one single business interface called Mutual Assistance Broker (MAB). MAB mail is former AFIS mail.

Information is analyzed using IT tools and may be used by OLAF for intelligence purposes (see notifications DPO-88: Information and intelligence data pool, and DPO-89: Intelligence databases).

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

- Nominated users of the AFIS System in OLAF, in the Member States or specific Third Countries competent authorities as described in the notification AFIS User Register and IT Service Management Tools (DPO 81).
- Providers and recipients of AFIS information within the Commission, in the Member States or Third Countries: this enables them to carry out the related intelligence, investigation and operational activities in the prevention and pursuit of actual and suspected breaches of customs and agricultural regulations. For further information see the privacy statements in DPO-88 (Information and intelligence databases), and DPO-89 (Intelligence databases) and DPO-06 (External Investigations and Operations Master).
- Personal data may be transferred partly or wholly to designated persons in the competent administrative authorities in Member States, EU institutions, bodies, offices and agencies, international organizations and/or to administrative authorities in Third

Countries in order to ensure the appropriate conduct and completion of operational activities as described in regulation (EC) 515/97.

4. HOW DO WE PROTECT AND SAFEGUARD YOUR INFORMATION?

- Controlled individual password access is based on the Commission's secure CCN/CSI network installed on the user administrations' terminals.
- Personal data will be stored in OLAF's electronic files, media and paper files. OLAF has implemented appropriate technical and organizational measures designed to protect their information from loss, misuse, unauthorized access, disclosure, alteration or destruction. For further details on security, see the privacy statement of the OLAF IT infrastructure (DPO-97) and notification AFIS User Register and IT Service Management Tools (DPO 81).

5. HOW LONG DO WE KEEP YOUR PERSONEL DATA?

The Commission may keep both electronic and papers files related to operations detected or planned which constitute or appear to the applicant authority to constitute, breaches of customs or agriculture legislation, for a maximum period of one year from the date on which the file was created.

6. HOW CAN YOU VERIFY, MODIFY OR DELETE YOUR INFORMATION?

Persons have the right to access their personal data we hold on them and to correct and complete them. Exemptions under Article 20 of Regulation (EC) 45/2001 may apply. Upon request, persons may be sent a copy of their personal data. Any request for access, rectification, blocking and/or erasing personal data should be directed to the Controller (OLAF-FMB-DATA-PROTECTION@ec.europa.eu).

- If the personal data for which an application for access has been made have been supplied by a Member State, access shall be permitted only if the supplying partner has been given the opportunity to state its position on the request.
- In case personal data are included in high volume, inter-institutional data processing operations for the purpose of identifying trends and patterns of unusual activity to enhance research, control, administrative, prevention and enforcement measures, OLAF will not be able to provide individual notices as the provision of this data would be impossible or would involve a disproportionate effort, in light of the large number of individuals concerned.

7. 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 (EC) 45/2001 have been infringed as a result of the processing of your personal data by OLAF.