

Brussels, February 2012

PRIVACY STATEMENT FOR CUSTOMS INFORMATION SYSTEM (CIS) (OLAF DPO-17.2)

1. DESCRIPTION OF THE PROCESSING OPERATION

The competent authorities in the Member States and in the European Commission services store information in a central database, the Customs Information System (CIS), containing details of fraud and irregularities that are potential contraventions of Community law in the area of customs or agriculture and/or national laws. The purpose of the CIS is to assist authorities in the prevention, investigation and prosecution of customs or agricultural legislation. It allows for rapid dissemination of information, and thereby improves effectiveness of the cooperation and control procedures of the competent authorities, referred to in the Council Regulation (EC) 515/97.

The legal basis for CIS is Title V of Regulation (EC) 515/97 and CIS Council Decision (2008/917/JHA) which, as of 27 of May 2011, replaced the CIS Convention. Article 23(2) of Regulation (EC) 515/97 defines its purposes as assisting in "preventing, investigating and prosecuting operations which are in breach of customs or agricultural legislation by making information available more rapidly and thereby increasing the effectiveness of the cooperation and control procedures of the competent authorities referred to in this Regulation" Article 25(2) sets out an exhaustive list of data categories that may be included which is identical to the one implemented in the database. The relationships with third countries are governed by title IV (articles 19 to 22) of the same regulation. The CIS Council Decision contains provisions to the same effect.

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

Data categories can be entered by the designated authorities in Member States. The distinction in the legal basis is reflected in two different case types "CIS EU" and "CIS MS", based on the commodity in the case in question. For cases dealing with commodities, means of transport, businesses and persons, the following data fields can be included:

- 1) name, maiden name, forenames, former surnames and aliases;
- 2) date and place of birth;
- 3) nationality;
- 4) sex;

- 5) number and place and date of issue of the identity papers (passports, identity card, driving licences);
- 6) address;
- 7) particular objective and permanent physical characteristics;
- 8) a warning code indicating any history of being armed or violent or of having escaped;
- 9) reason for inclusion of data;
- 10) suggested action;
- 11) registration number of the means of transport.

For the cases dealing with detained, seized, or confiscated cash and goods, only item 1 to 4 and 6 of the list above will be included. Finally, for cases dealing with the availability of expertise, only surname and first names of the experts will be stored.

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

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

Personal data which are included in the categories referred to in Article 24 of Regulation (EC) 515/97 shall be included in the CIS solely for the purposes of the sighting, reporting, discreet surveillance, specific checks and operational analysis.

Personal data which are included in the categories referred to in Article 24 of Regulation (EC) 515/97 may be included in the CIS only if, in particular on the basis of prior illegal activities or of information provided by way of assistance, there is a real indication that the person in question has carried out, is carrying out or is about to carry out operations in breach of customs or agricultural legislation which are of particular relevance at Community level.

The Customs Information System (CIS) is part of the Anti-Fraud Information System (AFIS) which provides the technical means for disseminating data.

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

Registered users of the Customs Information System (CIS) in the Commission services and in the Member States competent authorities as described in the privacy statement related to AFIS Infrastructure.

Some or all personal data may be transferred to designated persons in the competent administrative authorities in Member States in order to ensure the appropriate conduct and completion of operational activities as described in Regulation (EC) 515/97. It may also be transferred to administrative authorities in Third Countries provided that they have given a legal undertaking to provide the assistance required.

4. 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. Administrative measures include the obligation of all personnel having access to the system to be security vetted, and service providers maintaining the equipment and systems to be individually security cleared and to have signed non-disclosure and confidentiality agreements.

5. HOW LONG DO WE KEEP YOUR PERSONAL DATA?

In accordance with the provisions in article 33 of Regulation (EC) 515/97, data included in the CIS shall be kept only for the time necessary to achieve the purpose for which they were included.

The need for their retention shall be reviewed at least annually by the supplying CIS partner. The supplying CIS partner may, within the review period, decide to retain data until the next review if their retention is necessary for the purposes for which they were included.

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

You have the right to access the personal data we hold regarding you and to correct and complete them. Upon request, you may be sent a copy of your personal data to correct and complete. Any request for access, rectification, blocking and/or erasing your personal data should be directed to the Controller (OLAF-FMB-DATA-PROTECTION@ec.europa.eu). You may also contact him in case of any difficulties, or for any questions relating to the processing of your personal data. Exemptions under Article 20 (1) (a), (b) and (c) of Regulation (EC) 45/2001 may apply.

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

