

DG TAXUD Privacy Statement Template

Date of last revision: 18/12/2018

Introduction

The European Commission is committed to protecting and respecting your privacy.

As the REX system processes personal data, 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) No 45/2001 and Decision No 1247/2002/EC Text with EEA relevance, is applicable.

This privacy statement explains the reasons for processing personal data, the way they are collected, handled and the way protection of all personal data is ensured. This privacy statement covers in addition:

- The personal data processed;
- How personal data are used;
- For how long personal data are preserved/stored;
- Who has access to the personal data;
- What are your rights as the data owner; and
- How you can exercise them.

The processing of personal data occurs by **DG TAXUD B3**, acting as the **Processor**, hereafter referred to as "we".

1. What do we do?

Upon importation of goods, an importer may claim preferential tariff treatment using a proof of origin delivered by an exporter. One of the possible proof of origin is a statement on origin made out by an exporter. To be entitled to make out those statements on origin, exporters are registered by their competent authorities in a database; they are 'registered exporter'.

In the EU, the system of registration of exporters is the Registered Exporters system (the REX system).

May be 'registered exporters':

- 1) EU exporters to some countries with which the EU has a Free Trade Agreement (Canada, Japan).
- 2) EU exporters for bilateral cumulating with countries benefitting of the Generalised System of Preferences (GSP);
- 3) exporters in countries benefitting from the GSP schemes of the EU, of Turkey, of Norway or of Switzerland;
- 4) exporters in the Overseas Countries and Territories (OCTs), in the context of the Overseas Association Decision (OAD);

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5) re-consignors in the EU replacing proofs of origin (including to Norway and Switzerland for goods originating in countries benefitting from the EU GSP).

Exporters are registered by their competent/customs authorities.

With the consent of the data subject (the registered exporter), his/her personal data is published by the European Commission on Internet. This is necessary to allow importers to verify the validity of REX numbers indicated on statements on origin provided to them. On Internet, there is the possibility to search based on the REX number and on the TIN/EORI number. More search criteria may become available in the future.

The European Commission draws regularly statistics on the amount of registered exporters per country.

2. Why do we process your personal data?

2.1 PURPOSE OF PERSONAL DATA PROCESSING IN LINE WITH THE LEGAL BASE

a) Depending of the differences cases enumerated above, we are authorised to process your personal data based on

- 1) Article 68 and Article 82 of Regulation (EU) 2015/2447
- 2) Article 82 of Regulation (EU) 2015/2447
- 3) Article 82 of Regulation (EU) 2015/2447
- 4) Article 40 of Council Decision 2013/755/EU
- 5) Article 69 and Article 82 of Regulation (EU) 2015/2447

2.2 PURPOSE OF PROCESSING EXPLAINED

b) We process your personal data for the following purposes:

- Publication of registration data on Internet to allow importers to verify the validity of REX numbers
- Statistical analysis

2.3 LAWFULNESS OF PROCESSING

The processing is lawful and necessary. The data subject has given consent to the processing of his or her personal data for one or more specific purposes.

3. Which personal data we collect and process?

(a) Personal data in this context means any information relating to an identified or identifiable natural person. The following (categories of) personal data are being processed:

- First name and last name of contact person for the registered exporter

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- Contact information of the contact person for the registered exporter (email, phone or fax)
- Name of the company (may be the name of a person)
- Activity (trader or producer)
- List of goods exported under preference using the REX number
- EORI number or TIN (Trader Identification Number)

4. How do we obtain your personal data?

4.1 DIRECTLY

To execute our activity, your personal data are directly requested and obtained from the data subject (from "you").

Moreover, for the publication of personal data on Internet, the data subject gives (or not) his/her consent by ticking a box in the application form to become registered exporter.

4.2 INDIRECTLY

N.A.

5. To whom does the personal data that we process belong?

The personal data belongs to the following (categories of) data subjects:

- Exporters (traders or producers of originating goods) in the EU, in OCTs and in countries benefitting from the GSP
- Re-consignors in the EU

6. Who has access to your data and to whom is it disclosed?

6.1 INTERNALLY

Access to your data is provided to authorised employees according to the "need to know" principle. Such staff abide by statutory, and when required, additional confidentiality agreements.

6.2 EXTERNALLY

(a) Transfer of personal data inside the EU/EEA

We have the necessary safeguards and agreements in place with our partners to ensure that the adequate level of protection of your personal data is not undermined.

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Norway replicates a subset of data of EU exporters and of exporters in beneficiary countries of its GSP scheme.

As the data protection Directive 95/46/EC applies to all countries of the EEA, which includes all EU countries, Iceland, Liechtenstein and Norway, it is admitted that Norway provides adequate level of data protection.

(b) Transfer of personal data outside the EU/EEA to third countries and third parties.

We have the necessary safeguards and agreements in place with our partners to ensure that the adequate level of protection of your personal data is not undermined.

Turkey and Switzerland replicate a subset of data of EU exporters and of exporters in beneficiary countries of their GSP scheme.

7. How do we protect your data?

We guarantee all the appropriate organisational and technical security measures aimed at protecting your personal data against accidental and unlawful destruction or loss, as well as against non-authorized access, alteration or transmission.

We implemented, amongst other, but not limited to, the following security measures:

- *Access to the REX system is granted through a user ID/a password and a specific role.*
- The registration data of an exporter established in a GSP beneficiary country are only accessible to the competent authorities of that country and to the customs authorities of the EU and of Turkey, Norway and Switzerland.
- The registration data of an exporter established in the EU are only accessible to the customs authorities of the EU.
- Without the consent for publication of the registered exporter, the personal data are not made public on Internet.

All data in electronic format (e-mails, documents, uploaded batches of data etc.) are stored either on the servers of the European Commission or of its contractors; the operations of which abide by the European Commission's security decision of 10 January 2017 (EU, Euratom) 2017/46 concerning the security of information systems in the European Commission.

The Commission's contractors are bound by a specific contractual clause for any processing operations of your data on behalf of the Commission, and by the confidentiality obligations deriving from the transposition of Regulation (EU) 2018/1725.

8. How long do we keep your data?

We only store your data as long as is necessary for the predefined purpose of the processing.

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Data concerning a data subject who has been revoked will be manually deleted by the controller after the data retention period. The data retention period is set to 10 years starting at the end of the year in which the revocation of the exporter has taken place.

In the event of revocation of all registrations in a beneficiary country because the country lost the benefit of all GSP schemes, the data of the revoked registrations will be kept in the REX system for at least ten calendar years after the calendar year in which the revocation took place. After that ten-year period, the data of the revoked registrations will automatically be deleted from the REX system.

9. What are your rights and how can you exercise them?

9.1 YOUR RIGHTS

You can exercise the following rights concerning the processing of your personal data:

- You may request access to and information on your personal data that is being processed;
- You have the right to have your personal data updated ("accuracy");
- You may request erasure of your personal data ('right to be forgotten');
- You have the right to redraw your consent for publication of personal data on Internet, provided earlier.

9.2 EXERCISING YOUR RIGHTS

Any request by a registered exporter to exercise his/her rights shall be submitted to, and processed by the controller of data.

Where a registered exporter has submitted such a request to the European Commission without having tried to obtain his/her rights from the controller of data, the European Commission shall forward that request to the controller of data of the registered exporter.

If the registered exporter fails to obtain his/her rights from the controller of data, the registered exporter shall submit such request to the European Commission acting as controller. The request have to be addressed to DG TAXUD (TAXUD-IT-REX@ec.europa.eu).

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9.3 WHAT WILL BE DONE IN CASE OF DATA BREACHES

In case of a data breach, we will fulfil our obligation in compliance with our duties stipulated in the Regulation (EU) 2018/1725.

Where that personal data breach is likely to result in a high risk to your rights and freedoms we are committed to inform you immediately in order to allow for you to take the necessary precautions.

10. Contact information

If you have comments or questions, any concerns or a complaint regarding the collection and use of your personal data, please feel free to contact the Data Controller.

The Data Controller in the countries benefitting from the GSP are the competent authorities in charge of registration of exporters in the REX system in their country, as laid down in Article 72(1)(a) of Regulation (EU) 2015/2447.

The Data Controller in the Overseas Countries and Territories are the competent authorities in charge of registration of exporters in the REX system in their country or territory, as laid down in Article 57(1)(b) of Annex VI of Council Decision 755/2013/EU.

The Data Controller in the EU Member States are the customs authorities in charge of registration of exporters in the REX system in their country, as laid down in Article 84(a) of Regulation (EU) 2015/2447.

The Data Protection Officer (DPO) of the Commission: DATA-PROTECTION-OFFICER@ec.europa.eu

11. Recourse

Complaints can be addressed to the European Data Protection Supervisor. All details can be found at: https://edps.europa.eu/data-protection/our-role-supervisor/complaints_en

12. Where to find more detailed information?

The Commission Data Protection Officer publishes the register of all operations processing personal data. You can access the register through the following link: <http://ec.europa.eu/dpo-register>

This specific processing has been notified to the DPO with the following reference: XXXX