

REGISTER NUMBER: 0498
NOTIFICATION FOR PRIOR CHECKING
<p>Date of submission: 21/04/2009</p> <p>Case number: 2009-281</p> <p>Institution: FRONTEX</p> <p>Legal basis: article 27-5 of the regulation CE 45/200(1)</p> <p style="text-align: right;"><i>(1) OJ L 8, 12.01.2001</i></p>

INFORMATION TO BE GIVEN⁽²⁾
<i>(2) Please attach all necessary backup documents</i>
<p>1/ Name and adress of the controller</p> <p>Mr. Per Kvistholm, Head of Return Operations Sector</p>
<p>2/ Organisational parts of the institution or body entrusted with the processing of personal data</p> <p>Return Operations Sector of the Operations Unit within the Operations Division</p>
<p>3/ Name of the processing</p> <p>Collection of names and certain other relevant data of returnees and Member States (MS)/Schengen Associated Countries(SAC) officials for joint return operations (JRO)</p>
<p>4/Purpose or purposes of the processing</p> <p>The collection of these data is necessary for the preparation and realization of joint return operations assisted by Frontex under the Frontex Regulation in order to:</p> <ul style="list-style-type: none"> - have exact knowledge of number and identification of persons taking part in JRO; - to provide airlines with a passengers list; - to provide third (destination) country with a list of returnees prior to JRO as required by the country concerned; - to know the risks linked to the returnees and for the security of the JRO; - to know the health state of returnees in order to secure appropriate medical assistance during the JRO; - to know if any minors take part in JRO; <p>The data are primarily gathered by the organising MS/SAC. Currently, Frontex Return Operations Sector (ROS) asks participating MS/SAC to send the data only to organising MS/SAC, not to Frontex. However ROS need to gather the data with regard to the following reasons: 1) To better fulfil and further develop the task according to Art. 9 of the Frontex Regulation; Assistance to an organising MS/SAC in compiling the aforementioned lists and updating them during the course of the JRO's preparation on the basis of information received from participating states; 2) To have a constant overview of which participating MS/SAC have (or have not) provided the required data to the organising state which anyway regularly asks ROS to contact that that state and to provide the data in due time; 3) To increase the effectiveness and efficiency of Frontex assistance in organising JRO of MS/SAC; 4) Future possible chartering of aircrafts by Frontex.</p>
<p>5/ Description of the category or categories of data subjects</p> <p>Returnees and officials of MS/SAC, in particular escorts, announced by MS/SAC to take part in a joint return operation</p>

<p>6/ Description of the data or categories of data <i>(including, if applicable, special categories of data (article 10) and/or origin of data)</i></p> <p>Data related to returnees:</p> <ul style="list-style-type: none"> - surname, given name - date of birth - nationality - sex - type and validity of travel document - security risk assessment, made by a competent authority of the MS/SAC (not violent, violent, extremely violent, suicidal) - medical assessment, made by a competent authority of the MS/SAC (whether a person is healthy or not; in the latter case a participating MS/SAC should provide an organising MS/SAC with medical records ; they are not being delivered to Frontex) - returning MS/SAC <p>Data related to MS/SAC' officials:</p> <ul style="list-style-type: none"> - name of the relevant MS/SAC - surname, given name - date of birth - nationality - sex - function (medical personnel, escort leader, escort, head of operation, interpreter, observer, representative) - mobile phone 	N/A
<p>7/ Information to be given to data subjects</p> <p>Frontex informs the MS/SAC about the processing and storing of the data in advance; if the MS/SAC do not agree to that, they are obliged to announce it to Frontex in written</p>	
<p>8/ Procedures to grant rights of data subjects <i>(rights to access, to rectify, to block, to erase, to object)</i></p>	
<p>9/ Automated / Manual processing operation</p> <p>Manual</p>	
<p>10/ Storage media of data</p> <p>From the moment of receiving first data related to a concrete JRO to their destruction the duration can be as follows, depending on the type of data, 14 – 38 months.</p>	
<p>11/ Legal basis and lawfulness of the processing operation</p> <p>Article 5 (a) “necessary for the performance of a task ... necessary for the management and functioning of Frontex”</p> <p>Article 5 (b) “necessary for compliance with a legal obligation to which the controller is subject”</p> <p>Article 5 (e) “necessary in order to protect the vital interests of the data subject”</p> <p>The medical data of returnees are collected in order to be able to arrange for them appropriate medical care during the JRO and to protect health and life of returnees as well as other persons taking part in the JRO.</p>	
<p>12/ The recipients or categories of recipient to whom the data might be disclosed</p> <p>Compiled data and possible updates are sent only to the MS organizing the JRO.</p>	
<p>13/ retention policy of (categories of) personal data</p> <p>From the moment of receiving first data related to a concrete JRO to their destruction the duration can be as follows, depending on the type of data, 14 – 38 months.</p>	
<p>13 a/ time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject) <i>(Please, specify the time limits for every category, if applicable)</i></p>	

N/A

14/ Historical, statistical or scientific purposes

If you store data for longer periods than mentioned above, please specify, if applicable, why the data must be kept under a form which permits identification,

15/ Proposed transfers of data to third countries or international organisations

No

16/ The processing operation presents specific risk which justifies prior checking *(please describe)*:

AS FORESEEN IN:

Article 27.2.(a)

Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject,

Article 27.2.(c)

Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

Other (general concept in Article 27.1)

17/ Comments

PLACE AND DATE:

DATA PROTECTION OFFICER:

INSTITUTION OR BODY: