REGISTER NUMBER: 628

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 11/10/2010

Case number: 2010-799

Institution: OLAF

Legal basis: article 27-5 of the regulation CE 45/2001(1)

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN(2)

(2) Please attach all necessary backup documents

 1/ Name and adress of the controller

2) Name and First Name of the Controller:SMEETS Alphons Lodewijk

3) Title:Official

4) Directorate, Unit or Service to which the Controller is attached:.

5) Directorate General to which the Controller is attached:OLAF

 2/ Organisational parts of the institution or body entrusted with the processing of personal data

26) External Company or Directorate General to which the Processor is attached:
25) External Company or Directorate, Unit or Service to which the Processor is attached:

 3/ Name of the processing

Customs Information System (CIS)

 4/ Purpose or purposes of the processing

The purpose of the CIS is to assist national authorities in preventing, investigating and prosecuting operations which are in breach of customs or agricultural provisions.

Personal data which are included in the categories referred to in Article 24-R515/97 shall be included in the CIS solely for the purposes of the following suggested actions:
(a) sighting and reporting;
(b) discreet surveillance;
(c) specific checks and
(d) operational analysis.

Personal data which are included in the categories referred to in Article 24-R515/97 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.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

1. Persons involved in operations which constitute, or appear to constitute, breaches of the Community provisions and the associated implementing provisions governing the import, export, transit and presence of a) goods traded between Member States and third countries; b) between Member States in the case of goods that do not have Community status within the meaning of Article 9 (2) of the Treaty or goods subject to additional controls or investigations for the purposes of establishing their Community status; and c) goods resulting from the processing of agricultural products.
2. The officials of the Member State authorities working on the matter.

16) Category(ies) of Data Subjects:

1. Persons involved in operations which constitute, or appear to constitute, breaches of the Community provisions, as specified in response to Question 14;
2. The officials of the Member State authorities working on the matter.

6/ Description of the data or categories of data (including, if applicable, special categories of data (article 10) and/or origin of data)*(including, if applicable, special categories of data (article 10) and/or origin of data)*

17) Data field(s) of Data Subjects:

Attention: Please indicate and describe in the answer to this question also data fields which fall under article 10

Regarding the persons concerned the items to be included in the CIS relating to each of categories (a) to (f) are listed in the annex of Commission Regulation (EC) 616/98 (OJ L96 -28.03.98)

Regarding the categories referred to in Article 24(a) to (d) Regulation 515/97, the items of information to be included in respect of personal data shall comprise no more than:
(a) name, maiden name, forenames, former surnames and aliases;
(b) date and place of birth;
(c) nationality;
(d) sex;
(e) number and place and date of issue of the identity papers (passports, identity cards, driving licences);
(f) address;
(g) particular objective and permanent physical characteristics;
(h) a warning code indicating any history of being armed or violent or of having escaped;
(i) reason for inclusion of data;
(j) suggested action;
(k) registration number of the means of transport.

18) Category(ies) of data fields of Data Subjects:

Attention: Please indicate and describe in the answer to this question also categories of data fields which fall under article 10

Regarding persons concerned: Identification data, case involvement data. No data fields which fall under Article 10.
Regarding national officials: identification data, contact data.

7/ Information to be given to data subjects

15a) Which kind of communication(s) have you foreseen to inform the Data Subjects as described in articles 11 - 12 under 'Information to be given to the Data Subject'

See attached privacy statement.

8/ Procedures to grant rights of data subjects (rights of access, to rectify, to block, to erase, to object)*(rights of access, to rectify, to block, to erase, to object)*

15b) Which procedure(s) did you put in place to enable Data Subjects to exert their rights: access, verify, correct, etc., their Personal Data as described in articles 13 - 19 under 'Rights of the Data Subject' :

See attached privacy statement.

9/ Automated / Manual processing operation

7) Description of Processing:

Attention: Please describe in the answer to this question if you process personal data falling under article 27 "Prior-Checking (by the EDPS - European Data Protection Supervisor)"

The CIS is a central database managed by OLAF, containing details of fraud and irregularities that are potential contraventions of Community law in the area of customs, agriculture and/or national laws. It is part of the Anti-Fraud Information System (AFIS). The CIS provides a means for the exchange, storage and rapid dissemination of information among the Member States competent authorities, and thereby improves effectiveness of the cooperation and control procedures of the competent authorities, referred to in the Council Regulation (EC) 515/97 and in the CIS Convention. CIS Convention will be replaced by CIS Council Decision from 27th of May 2011.
The cooperation may take the form of spontaneous assistance; assistance on request; special watch on individuals, companies, movements of goods, warehouses and means of transport; notification of documents; administrative enquiry; coordination; technical assistance.
OLAFalso provides technical and logistic support for the information exchange.

8) Automated Processing operation(s):

9) Manual Processing operation(s):

Entry,deletion, search, edit, print.

10/ Storage media of data

The data are stored on the central server set up in the European Commission (OLAF) premises and linked to the users' terminals through a specific and dedicated network (CCN/CSI) managed by the European Commission (TAXUD).

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

Title V of Council Regulation (EC) No 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 L82-22.03.97).

12) Lawfulness of Processing:

Answering this question please also verify and indicate if your processing has to comply with articles 20 "Exemptions and restrictions" and 27 "Prior checking (by the EDPS)"

The processing operations are related to functioning of the mutual administrative assistance in customs and agriculture matters in accordance with the provision of Council Regulation (EC) 515/97 and thus lawful pursuant to Art.5(a) of Council regulation (EC) 45/2001.
The exemptions and restrictions specified in art.20 of R.45/2001 may be applicable in some cases.
The processing is subject to prior checking according to Art.27 of Council regulation (EC) 45/2001

12/ The recipients or categories of recipient to whom the data might be disclosed

20) Recipient(s) of the Processing:

Officials of the competent authorities of the Member States and from the European Commission responsible for the application of Regulation (EC) 515/97 (among these officials, direct access to CIS is restricted to those with a user ID and a password.); Officials of competent third country authorities;

21) Category(ies) of recipients:

Officials of the competent authorities of the Member States and the European Commission responsible for the application of Regulation (EC) 515/97;
Officials of the competent third country authorities;

13/ retention policy of (categories of) personal data

1) In accordance with the provisions in article 33 R.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.
2) 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.

13 a/ time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject) (Please, specify the time limits for every category, if applicable)
(on justified legitimate request from the data subject)
(Please, specify the time limits for every category, if applicable)

22 b) Time limit to block/erase data on justified legitimate request from the data subjects

one month.

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,

22 c) 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

Not applicable.

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

27) Legal foundation of transfer:

Only transfers to third party countries not subject to Directive 95/46/EC (Article 9) should be considered for this question. Please treat transfers to other community institutions and bodies and to member states under question 20.

See OLAF's memorandum on transfer to third countries and international organisations (D/04668 of 13 June 2005, C-2005-0154)

28) Category(ies) of Personal Data or Personal Data to be transferred:

All categories of personal data specified in the reply to Questions 17-18.

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

7) Description of Processing:

Attention: Please describe in the answer to this question if you process personal data falling under article 27 "Prior-Checking (by the EDPS - European Data Protection Supervisor)"

The CIS is a central database managed by OLAF, containing details of fraud and irregularities that are potential contraventions of Community law in the area of customs, agriculture and/or national laws. It is part of the Anti-Fraud Information System (AFIS). The CIS provides a means for the exchange, storage and rapid dissemination of information among the Member States competent authorities, and thereby improves effectiveness of the cooperation and control procedures of the competent authorities, referred to in the Council Regulation (EC) 515/97 and in the CIS Convention. CIS Convention will be replaced by CIS Council Decision from 27th of May 2011.
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12) Lawfulness of Processing:

Answering this question please also verify and indicate if your processing has to comply with articles 20 "Exemptions and restrictions" and 27 "Prior checking (by the EDPS)"

The processing operations are related to functioning of the mutual administrative assistance in customs and agriculture matters in accordance with the provision of Council Regulation (EC) 515/97 and thus lawful pursuant to Art.5(a) of Council regulation (EC) 45/2001.
The exemptions and restrictions specified in art.20 of R.45/2001 may be applicable in some cases.
The processing is subject to prior checking according to Art.27 of Council regulation (EC) 45/2001

   Article 27.2.(a) Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

yes

   Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject,

yes

   Article 27.2.(c) Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

no

   Article 27.2.(d) Processing operations for the purpose of excluding individuals from a right, benefit or contract,

no

   Other (general concept in Article 27.1)

no

17/ Comments

1) Date of submission:

10) Comments if applicable:

From 15th June 2010, CIS has been integrated into a single system called Mutual Assistance Broker (MAB), which is part of the Anti-Fraud Information System (AFIS). Yachtinfo, Marinfo, Ciginfo and MAB mail (DPO 160) are also integrated into MAB.

When a case handler creates a MAB Case, several case types can be covered at the same time, according to the scope selection. For example, a CIS case combined with a MarInfo one: the two cases share the bulk of information. But, once the case handler publishes these cases, they are set on their own independent paths. The two published cases will have no further interaction.

36) Do you publish / distribute / give access to one or more printed and/or electronic directories?

Personal Data contained in printed and/or electronic directories of users and access to such directories shall be limited to what is strictly necessary for the specific purposes of the directory.
If Yes, please explain what is applicable.

no

37) Complementary information to the different questions if applicable, including attachments to this notification which should not be public :

- AFIS Security Policy Document

PLACE AND DATE:11/10/2010

DATA PROTECTION OFFICER: LAUDATI Laraine

INSTITUTION OR BODY:OLAF