

REGISTER NUMBER: 1153

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 09/09/2013

Case number: 2013-1003

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 address of the controller

2) Name and First Name of the Controller: XENAKIS Yannis

3) Title: Head of Unit

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

FIDE (Fichier d'Identification des Dossiers d'Enquêtes Douanières Customs files identification database) Database

4/ Purpose or purposes of the processing

To reinforce the fight against fraud through mutual administrative assistance in customs matters, by enabling OLAF and national authorities to identify competent authorities of other Member States that are investigating or have investigated the persons or businesses concerned in a given matter.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

1. Individuals involved in operations which constitute, or appear to constitute, breaches of Community customs or agricultural legislation.
2. The officials of the Member State authorities working on the matter.

16) Category(ies) of Data Subjects:

1. Individuals involved in operations which constitute, or appear to constitute, breaches of Community customs or agricultural legislation.
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

- (a) Surname, former surnames/maiden name, forenames and aliases;
- (b) date and place of birth;
- (c) nationality;
- (d) sex

No data fields which fall under Article 10.

As the person or the business must be identifiable, at least one of the surnames (current or former) of a person must be provided. For the same reason the business name or trading name and country of a business must be provided.

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

Category "Person information" containing only data fields mentioned under the item17

No data fields which fall under Article 10.

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)"

FIDE is an EU-wide index of investigation records, generated by Member States' customs and other investigation authorities for administrative purposes.

A FIDE file may be created in order to identify the competent authorities of the other Member States or the other Commission departments which are or have been investigating the persons or companies concerned. If the Member State or the Commission making a search in the FIDE needs more complete information on the investigation files on persons or companies, it may request assistance of the supplier Member State on the basis of Regulation 515/97.

Upon entry of a detailed query, FIDE gives information
- on the name and address of the investigating authority and
- a file number of the investigation record of that authority

A "hit" occurs where there is information available on files concerning both pending or closed investigations against natural or legal persons. Following this, the office that entered the query may decide to ask for mutual assistance or provide spontaneous information.

FIDE is part of the Anti Fraud Information System (AFIS).

8) Automated Processing operation(s):

9) Manual Processing operation(s):

The manual processing operations are draft, storage, search, edit, print, deletion. The main manual processing operation is search. The objective of search in FIDE is to enable the national authorities who are responsible for carrying out investigations in the customs area:

- to coordinate their investigations at EU level, and/or
- to exchange available information or evidence.

FIDE concerns both ongoing and completed investigations. With the information provided with a hit the authority making the search will be able to request mutual assistance from authorities in other Member States investigating the same person or the same business.

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:

Regulation (EC) 766/2008 of the European Parliament and of the Council of 9 July 2008 (OJ L218-13.08.2008) amending 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) inserted a new Title Va related to FIDE.

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 necessary to achieve the objectives of reinforcing the fight against fraud through 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 may be applicable in some cases. The processing is subject to prior checking under Art.27.

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

20) Recipient(s) of the Processing:

Responsible officials of the competent authorities of the Member States and the European Commission who have direct access rights to FIDE, by means of a user ID and password.

21) Category(ies) of recipients:

Responsible officials of the competent authorities of the Member States and the European Commission who have direct access rights to FIDE, by means of a user ID and password.

13/ retention policy of (categories of) personal data

The data storage period shall depend on the laws, regulations and procedures of the Member State supplying them. The following are the maximum periods established by the provisions in Art.41d of Regulation (EC) 515/97, calculated from the date of entry of the data in the investigation file, which may not be exceeded:

- (a) data concerning current investigation files may not be stored for more than three years without any irregular operation being observed; data must be deleted before that time limit if one year has elapsed since the last observation;
- (b) data concerning investigations in which an irregular operation has been established but which have not yet given rise to a conviction or an order to pay a criminal fine or an administrative penalty may not be stored for more than six years;
- (c) data concerning investigations which have given rise to a conviction or an order to pay a criminal fine or an administrative penalty may not be stored for more than ten years.

At all stages of an investigation file as referred to in paragraph 1(a), (b) and (c), as soon as a person to whom Article 41b applies is cleared of suspicion under the laws, regulations and procedures of the supplier Member State, data concerning that person shall immediately be deleted.

The FIDE automatically deletes the data as soon as the maximum storage period provided for in paragraph 1 has elapsed. In any event, the combined periods referred to in paragraph 1 may not exceed ten years.

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.

Not applicable.

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

Not applicable.

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

7) Description of Processing:

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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,

yes

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:

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 :

Please find enclosed the FIDE Handbook, where you can find more information about FIDE.

PLACE AND DATE:10/07/2013

DATA PROTECTION OFFICER: LAUDATI Laraine

INSTITUTION OR BODY:OLAF