

(To be filled out in the EDPS' office)
REGISTER NUMBER: 1270

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 06/10/2014

CASE NUMBER: 2014-0926

INSTITUTION: EEAS

LEGAL BASIS: ARTICLE 27-5 OF THE REGULATION CE N° 45/2001⁽¹⁾

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

Mr. Francesco Fini
Head of Division
EEAS K4
Sanctions Policy Division
CORT 07/075

2/ ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA

EEAS K4
Sanctions Policy Division

3/ NAME OF THE PROCESSING

Restrictive Measures (Sanctions) procedures of the EEAS in pursuit of specific foreign and security policy of the EU – Preparation and follow-up

4/ PURPOSE OR PURPOSES OF THE PROCESSING

Purposes of the processing operation

The overall purpose for which personal data are collected and retained by the EEAS in the context of the EU's sanctions policies is to enable the EEAS to prepare and follow-up on sanctions legal instruments which include restrictive measures against natural or legal persons or groups or other entities.

In this context, data are collected and retained by the EEAS for the following purposes:

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

- To prepare Council Decisions and, where applicable, Council Implementing Regulations for all EU sanctions regimes, including autonomous regimes, "mixed" EU/UN regimes and regimes implementing UN sanctions, where natural persons, legal persons, entities, bodies or groups are designated in relation to imposing a travel ban and/or an asset freeze on them for specific reasons in relation to the natural or legal persons concerned as set out in the statement of reasons in the legal act.
- To reply to letters to the EEAS by listed persons or entities, or by their lawyers. In those cases where lawyers have written to the EEAS in representation of their clients, the data processing may include data concerning the lawyers or the law firm representing a listed person or entity. Data concerning the persons or entities listed may also include information on Court cases before an EU Court in relation to such persons and entities.
- In cases where a person or entity writes to the EEAS claiming that a confusion of identity has occurred in relation to a listed person or entity or to point out that due to a similarity in identifying data such confusion may occur, the data of that person or entity may also be retained and processed in order to clarify the situation.
- In the context of a review of the sanctions regimes, in particular where an update of such data would be required in order to ensure the data contained in the Decision reflect the current data available. In this case too, the data may be processed in order to prepare an amendment to a Council Decisions and, where applicable, to a Regulation.

Description of the processing operation

The Sanctions Policy Division coordinates and manages, inter alia, the EU's restrictive measures (sanctions) policy in pursuit of specific foreign and security policy objectives of the EU, including implementation – in cooperation with relevant Commission services – of relevant UN Security Council resolutions, to promote peace and security.

The EU's sanctions policies are a part of the EU's Common Foreign and Security Policy, as laid down in Chapter 2 of the Treaty on European Union. Sanctions Decisions are taken on the basis of Article 29 of the Treaty. The data processing referred to here takes place in this context.

It is noted that the Council is the legislative authority for the legal instruments concerning restrictive measures (Council Decisions and Council Regulations) and that Council Regulations are for the most part prepared by the Commission.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Data are processed from the following individuals or group of people:

- Natural or legal persons included or considered for inclusion in travel ban and/or asset freezing lists in sanctions legal instruments, as decided upon in the framework of the EU's Common Foreign and Security Policy
- Lawyers representing listed natural or legal persons
- Natural or legal persons who have written to the EEAS in relation to a possible confusion of identity in otherwise in relation to a listed natural or legal person

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA

(including, if applicable, special categories of data (Article 10) and/or origin of data)

Categories of data can include

- Name (first name/s/, last name)
- Address
- Date and place of birth
- Nationality, passport and ID card numbers
- Fiscal and social security numbers
- Gender

- Address or other information on whereabouts
- Function or profession
- Names of the father and of the mother
- Telephone and fax numbers, email address
- (poss.) criminal records or proceedings being grounds for listing

Origin of data can be

for the purposes of preparation:

- the United Nations
(in particular Security Council Resolutions as publicized on the UN website or notified by means of note verbale from the UN);
- EU Member States;
- EU institutions, in particular the Council or the Commission, or EU delegations;
- authorities of third States or other international stakeholders;
- public sources

as well as, for the purposes of follow-up:

- all of the above
- the listed legal or natural person/data subject, or those representing such person;
- natural persons claiming that a confusion of identity has occurred in relation to a listed person or entity or to point out that due to a similarity in identifying data such confusion may occur.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

A Privacy Statement linked to this Notification contains all information provided to the Data Subject(s). The aforementioned distinct Privacy Statement is on the internet under EUROPA > EEAS > Common Foreign and Security Policy /CFSP/ > SANCTIONS (http://eeas.europa.eu/cfsp/sanctions/index_en.htm)

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

(Rights of access, to rectify, to block, to erase, to object)

Data subjects have the right to access their personal data and the right to correct any inaccurate or incomplete personal data, which will be implemented within 15 working days after the request has been deemed legitimate in relation to information held by the EEAS.

It is to be noted that any possible proposal to modify the legal acts adopted by the Council requires a decision by the latter and is therefore under the Council's responsibility.

If the data subject has any queries concerning the processing of his/her personal data, s/he may address them to the data controller at the following functional mailbox: sanctions@eeas.europa.eu

The privacy statement informs the data subject/listed person that the controller should be contacted if he/she intends to exercise his/her rights under Regulation (EC) No 45/2001 and underlines that this can only be done in writing.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Manual processing with the use of electronic tools and databases.

10/ STORAGE MEDIA OF DATA

All available information concerning a listed person is kept in a dedicated folder. This folder includes non-published information, which may comprise in particular information on which the grounds for listing are based,

information on the grounds for listing, any letter(s) containing the listed person's views on the grounds for listing,. The folder also includes information on any case lodged against the Council Decision or Regulation and Commission Decision listing the natural person concerned, if any.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

The legal basis of the processing operation at stake is:

Article 29 in Chapter 2 of the Treaty on European Union determines that the Council shall adopt "decisions which shall define the approach of the Union to a particular matter of a geographical or thematic nature". Article 30(1) furthermore determines that "any Member State, the High representative for Foreign and Security Policy, or the High Representative with the Commission's support, may refer any question relating to the common and security policy to the council and may submit to it, respectively, initiatives or proposals". In addition, Article 215(2) of the Treaty on the Functioning of the European Union specifically states that "where a decision adopted in accordance with Chapter 2 of Title V of the Treaty on European Union so provides, the Council may adopt restrictive measures against natural or legal persons and groups or non-State entities.

It is therefore on the basis of the Treaty of Lisbon and in particular the articles thereof referred to above, that the role of the EEAS in submitting proposals to the Council in the area of restrictive measures, in particular in the form of preparation and submission to the Council of draft Council Decisions, including in regard to measures against natural or legal persons and groups or non-State entities, finds its legal basis.

12/ THE RECIPIENTS OR CATEGORIES OF RECIPIENT TO WHOM THE DATA MIGHT BE DISCLOSED

The recipients of your data will be:

- I. Dedicated staff of EEAS K.4 division (Sanctions Policy)
- II. The Council, in the context of preparatory work on EU sanctions decisions.

It is to be noted that

- after adoption of the legal instruments by the Council, some data can be published in the Official Journal under the Council's responsibility,

and that

the data as published in the Official Journal as part of published sanctions legal instruments will also be made available to economic operators by the Commission on the basis of a dedicated webpage managed by the Commission.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The folders with personal data, including information on the grounds for listing, shall be kept until not more than 5 years after the decision listing the natural person/data subject has been repealed by the Council or annulled by the General Court (provided there will be no appeal) or the Court of Justice.

Furthermore, where necessary in view of any pending lawsuit concerning the natural person/data subject, the personal data shall be kept until not more than 5 years after the judgment on the pending case is final.

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS *(Please, specify the time limits for every category, if applicable)*

Data subjects have the right to access their personal data and the right to correct any inaccurate or incomplete personal data, which will be implemented within 15 working days after the request has been deemed legitimate in relation to information held by the EEAS.

It is to be noted that any possible proposal to modify the legal acts adopted by the Council requires a decision by the latter and is therefore under the Council's responsibility.

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)

N/A

15/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

Where the EEAS is assessing the observations on the grounds for listing or related documents as part of the review of the listing decision, it may, where appropriate, contact a specific third country with a view to checking the veracity of a document of an authority or court of that country or reviewing observations on an action of that third country.

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,)

APPLICABLE. The data processed occasionally may include data related to suspected offences, offences, criminal convictions or security measures, especially where designations target natural or legal persons for terrorist activities.

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)

APPLICABLE. The purpose of the data processing activities is to propose designation of particular natural or legal persons for restrictive measures (sanctions). Although the EEAS does not decide upon the legal instruments, if adopted these will have the effect of excluding the natural or legal persons concerned from some rights.

Other (general concept in Article 27.1)

17/ COMMENTS
N/A

PLACE AND DATE: BRUSSELS, 19. SEPTEMBER 2014

DATA PROTECTION OFFICER: CARINE CLAEYS

INSTITUTION OR BODY: EUROPEAN EXTERNAL ACTION SERVICE (EEAS)