

(To be filled out in the EDPS' office)
REGISTER NUMBER: 1384

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 22/07/2016

CASE NUMBER: 2016-0674

INSTITUTION: EC - DG OLAF

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

CONTROLLER : RAVILLARD PATRICK

E-MAIL:

DELEGATE : POREBSKA EMILIA

E-MAIL:

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

THE EUROPEAN COMMISSION
DG OLAF - DIRECTORATE D.4

3/ NAME AND DESCRIPTION OF THE PROCESSING

NAME: Import, export, transit directory

The competent authorities of the Member States communicate and exchange anti-fraud information with each other and with the Commission in the framework of Regulation (EC) No 515/97 with the aim of preventing, investigating and prosecuting breaches of customs or agricultural legislation. The Import, export, transit directory is an IT application developed to assist the competent authorities in the fight against customs fraud and facilitate the exchange of information. The Import, export, transit directory establishes the supporting IT solution able to receive and store import declarations (from

¹ OJ L 8, 12.01.2001.

ICS or Surveillance), export declaration (limited to sensitive goods: alcohol, tobacco and energy products) from ECS (Export Control System), transit declarations from NCTS (New Computerized Transit Information System). This directory is used by OLAF and Member States to conduct investigations against fraud. The directory is accessible to the authorities of the Member States and the Commission in order to analyse data. The competent authorities may also compare data included in the import, export, transit directory with Container Status Messages (CSMs) reported under the CSM directory (please see notification DPO 213), and may exchange information on the results. Exchanges of information are made by means of the application of the Anti-Fraud Information System (AFIS).

4/ PURPOSE OR PURPOSES OF THE PROCESSING, AND PROCESSORS

The purpose of the processing is to enable the competent authorities in the Member States to analyse and compare data and to communicate and exchange anti-fraud information among themselves and with the Commission in the framework of the Regulation (EC) No 515/97, with the aim of preventing, investigating and prosecuting breaches of customs or agricultural legislation

PROCESSORS:

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Natural persons and natural persons whose name may be identified through the name of a legal person listed in the customs declaration.

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA (*including, if applicable, special categories of data (Article 10) and/or origin of data*).

For Consignor/Exporter Trader, Consignor Security Trader, Consignee Trader, Consignee Security Trader, Principal Trader, Declarant/Representative Trader data fields include:- Name- Street and number- Postal code- City- Country code- EORI number

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Please see enclosed privacy statement.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

Please see privacy statement enclosed to Q11.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Automated: The messages are received through the CCN bridge and are processed in the following way: a copy of the message is created and stored in the Import, export and transit directory by the system. The system automatically filters out the export-related messages to remove all the goods not covered by the reporting obligation (sensitive goods). Manual: The manual processing operations are:- search for messages using a set of search criteria - view details of each message including history of movements- print- export in excel and/or pdf. Further explanation of the processing operation can be found in the annexed document.

10/ STORAGE MEDIA OF DATA

The Import, export, transit directory resides on a web server and is part of the Anti-Fraud Information System (AFIS) platform. The application provides access to AFIS end users, through Internet and the CCN network using the HTTP protocol, for the consultation of import, export and transit messages.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Legal basis 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 as amended by Regulation (EU) No 2015/1525. Lawfulness The processing operations are related to the functioning of the mutual administrative assistance in customs and agriculture matters in accordance with the provisions of Regulation (EC) No 515/97 and thus lawful pursuant to Art 5(a) of Regulation (EC) No 45/2001. The processing is subject to prior checking in accordance with Art 27 of Regulation (EC) No 45/2001.

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

Data included in the Import, export, transit directory will be made available to the specifically designated Commission departments (OLAF) and specifically designated national authorities for the purposes of detecting and investigating customs fraud. Data will be made available by means of the Import, export, transit application via the AFIS portal.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Data are kept only for the time necessary to achieve the purpose for which they were introduced and may not be stored for more than five years with an additional period of two years if justified.

13 A/ TIME LIMIT TO BLOCK/ERASE 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.

Not relevant.

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

No transfer of data out of UE/EEA currently takes place. Based on the amending Regulation (EU) 2015/1525 the ATIS administrative arrangement has been updated to reflect new legal basis for collecting and sharing of transit data. The amended administrative arrangement (attached) foresees the possibility in the future to provide access to the transit part of the directory to competent national authorities of countries who are parties to the Convention on Common Transit Procedure of 1987.

16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING

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

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

17/ COMMENTS

The transit part of this directory replaces the already established Anti-Fraud Transit Information System ("ATIS").

PLACE AND DATE: BRUXELLES, 25.07.2016

DATA PROTECTION OFFICER: RENAUDIÈRE PHILIPPE

INSTITUTION OR BODY: THE EUROPEAN COMMISSION