

Processing personal data for Return Operations in Frontex Application for Return (FAR) - Privacy statement

Q- Who is the data controller?

The Data Controller for personal data processed within FAR is The Head of the Return Support Unit of Frontex (HoRSU).

Q – What is the purpose for processing personal data in FAR?

Within the context of return operations, the purpose for processing personal data is the organisation and/or coordination of return operations¹ within Frontex mandate. In particular, the purpose is to share contact details of key persons involved in the preparation or organisation of an operation; to transfer the personal data of returnees and accompanying staff to the carrier; and to establish lists of returnees to be handed over to the authorities of the Third Countries of Return.

Within the context of identification missions, personal data will be processed for the purpose of organising verification checks of returnees done by Third country officials.

Q – What categories of personal data are processed and from whom?

With regard to **operational personnel**, the following categories of data are processed:

- a. Country to which the data subject is attached
- b. Third Country of Return to which the data subject is travelling
- c. Function/role during the return operation (Escort; Escort Leader; Interpreter; Medical Personnel; Monitor; Observer; Representative; Frontex representative)
- d. Name and surname
- e. Gender
- f. Mobile phone number

For operational personnel when third country of return requires so:

- g. Type of travel document
- h. Validity of the travel document

Operational personnel includes any person on board a return operation, but returnees: escorts, monitors, interpreters, medical staff and observers.

For **technical personnel**, the following data categories are processed:

- a. Country to which the data subject is attached
- b. Role during the return operation and/or its preparation
- c. Name and Surname
- d. Professional email address
- e. Mobile phone
- f. Desk phone

Technical personnel includes any person involved in the preparation and/or organisation of a return operation but not present on board: Crisis Focal Points of each participating MS, brokers' contact, airlines' and/or shipping company's contact, handling agents in relevant airports, liaison officers in the third country of return.

For **returnees**:

- a. Country to which the data subject is attached
- b. Third Country of Return to which the data subject is travelling
- c. Name and surname
- d. Date of birth
- e. Nationality

¹ National and joint return operations but also collecting return operations are covered by the term "return operation" in the Article 28(9) of the new EBCG regulation.

- f. Gender
- g. Type of travel document
- h. validity of the travel document
- i. Individual security risk assessment , with the following status: Not security risk; Criminal activity; Dirty protester; Disinhibited behaviour; Disruptive behaviour; Escapee; Food/Fluid refusal; Known suicide attempt; Known violent behaviour; Mental illness; National security; Serious criminal activity; Threat of self-harm
- j. Health status (YES/NO)
- k. The type of return (enforced/voluntary)

Returnees are third country national subject to an individual return decision issued by a Member State in order to leave the territory of that MS to a third country of return. The returnee can either depart voluntarily or be removed.

For Third Country officials:

- a. Country/institution to which the data subject is attached
- b. Role during the identification mission and/or its preparation
- c. Name and Surname
- d. Professional email address
- e. Mobile phone and/or desk phone
- f. Passport number
- g. Validity of the passport
- h. Visa requirement

Third Country officials are either taking part in an Identification Mission or are the relevant contact persons in the Third Countries for the preparation and/or implementation of the mission.

For Member States contact persons in the context of Identification missions:

- a. Country/institution to which the data subject is attached
- b. Role during the identification mission and/or its preparation
- c. Name and Surname
- d. Professional email address
- e. Mobile phone and/or desk phone

MS contact person are the persons in each MS hosting the third country delegation who are involved in the preparation and/or implementation of the identification mission.

Q- Who is recipient of the data?

The list containing the contact details of the contact persons within the MS or other participating entities is updated by and made available for the MS organising the return operation (OMS), the participating MS and to Frontex, to ensure smooth communication and cooperation before and during the operation.

The relevant data of the passengers is transferred to the carrier either by the travel agency responsible for pre booking and booking transport tickets, by the OMS or by Frontex.

A list of the returnees is used by the OMS and Frontex for the preparation and implementation of the RO. Furthermore, it is also sent to the Third Country of Return (TCoR) prior to the return operation upon request and delivered to the representatives of the TCoR during the hand-over procedure.

Q – Mandatory nature of the data fields and consequences of failure to reply

For the data subjects who insert the data into FAR themselves (operational personnel), the information to be provided in FAR is of compulsory nature, with the exception of the fields type and validity of the travel document. The consequences of not inserting the requested data in FAR will be the impossibility to participate in a Return operation.

Q- Do you have a right to access and to rectify the data concerning you?

Any data subject whose data is processed within FAR has the right of access and rectification as established in Articles 13 and 14 of Regulation (EC) 45/2001. As per the means to exercise these rights, any request can be directed directly to the Data Controller of this platform (Head of Frontex Return Support Unit) or to the DPO of Frontex. Operational or technical data subjects whose data has not been inserted by themselves have the possibility to exercise their rights via request to their FAR General Manager.

Returnees will have the rights to access, but the right to rectification can be restricted on the basis of Article 20.1 (d) of the Regulation (EC) 45/2001 for reasons of public security.

Q- What is the legal basis for processing personal data in FAR?

Article 45, 46 and 48 of the EBCG regulation² constitute the legal basis for Frontex to process personal data for this project, while Article 5 of Regulation (EC) 45/2001 states that processing is allowed when necessary for the performance of a task carried out in the public interest.

Q- What is the retention period?

The personal data of staff involved in the operations will be automatically deleted as soon as the purpose for which they have been collected is achieved (e.g. returnees have been successfully returned to the country of return) and no later than 30 days after the end of the return operation.

The personal data of the returnees will be sanitised 30 after the operation at the latest.

Q – Who is to be contacted in case of further questions?

Data subjects may contact the above mentioned Data Controller. They may also contact Frontex Data Protection Officer (dataprotectionoffice@frontex.europa.eu). At any time, data subjects are entitled to recourse to the European Data Protection Supervisor (https://edps.europa.eu/data-protection/our-role-supervisor/complaints_en).

Q – What is the source of the personal data that Frontex processes?

Member States insert the personal data of returnees directly into the FAR system. They also insert the data of operational and technical personnel.

Frontex inserts the personal data of its own operational and technical staff.

² REGULATION (EU) OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC