

From: [REDACTED]
To: European Data Protection Supervisor
<EDPS@edps.europa.eu>
[REDACTED]
CC: [REDACTED]
Sent at: 23/12/16 18:04:02
Subject: new request for Prior-Checking Opinion: Frontex
Application for Return (FAR)

Dear Giovanni,
Dear Wojciech,

Thank you for your support during the year (meetings, visits, Video-Conferences, training activities, e-mails and formal letters, recommendations, follow-ups and reminders, guidelines published, oral consultations, informal talks and clarifications at different opportunities etc.).

It has been a challenging but a good year with the progress we made. Please let me wish you Merry Christmas, good rest and a Happy New Year 2017.

On the other note, I have also a new business case for your assessment: Frontex Application for Return (FAR). It has been prepared on the basis of the Art. 11b of the repealed Frontex Regulation, - this legal provision has been consumed recently by the Art. 48(1) of the new EBCG Regulation.

I attach to this e-mail the signed Notification for Prior Checking. That Notification is complemented by 8 annexes. I will try to attach these annexes to this e-mail.

To start analysing this planned data processing operation, I would kindly suggest maybe reading firstly the point 17 of the Notification. It includes an additional description from a general perspective.

We are ready to deliver you and your experts any additional insight and we are looking forward for having further possibilities to discuss deeply this case with you.

Best regards from Frontex.

[REDACTED]

[REDACTED]

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REGISTER NUMBER:

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION

CASE NUMBER:

INSTITUTION:

LEGAL BASIS: Article 27-5 of the REGULATION CE no 45/2001 ¹

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER



FRONTEX

Plac Europejski 6

00-844 WARSAW

POLAND

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

The RETURN SUPPORT UNIT (RSU): Only dedicated RSU staff members are entrusted with the data processing in Frontex Application for Return (FAR).

Member States' (MS)³ authorities dealing with return matters, which are in working contacts with Frontex RSU: those authorities appoint 'Direct Contact Points in Return Matters'⁴ (DCPRM). They are the data providers, as they upload the personal data of their returnees and staff⁵ relevant for the implementation of Return Operations coordinated under FAR. A strict access management policy to access FAR, via the ECAS (European Commission Authentication Service), will be applied (see Annex 1). The FAR users are granted access to the FAR by the FAR Access Manager, once their National DCPRM has validated their registration.

¹ Oj.L 8, 12.01.2001

² Please attach all necessary backup documents

³ The term Member State and the abbreviation "MS" mean Member States of the European Union or a Country associated with the implementation, application and development of the Schengen Acquis.

⁴ The list of DCPRM is being updated at the request of Member States.

⁵ Staff includes head of operation, escort leader, escorts, interpreter, medical staff, monitor, representative, observer of each country, which takes part in a return operation, including collecting return operation (CRO).

3/ NAME OF THE PROCESSING

Processing of personal data for return operations coordinated by Frontex on the Frontex Application for Return (FAR), operating under the Article 11b of the Frontex regulation⁶ and the Article 48(1) of the new EBCG regulation⁷.

4/ PURPOSE(S) OF THE PROCESSING

According to the FRONTEX regulation (article 11.b), FRONTEX may process personal data of persons who are subject to joint return operations referred to in Article 9 of the same regulation, to perform its tasks of organising and coordinating such operations. A return operation is considered as **joint** when fulfilling the last interpretation clarified in the ED (Executive Director) decision on the financing scheme for JROs⁸.

Additionally, the new EBCG Regulation states in its article 48(1) that "In performing its tasks of organising and coordinating the return operations and conducting return interventions, the Agency may process personal data of returnees." National and joint return operations but also collecting return operations⁹ are covered by the term "return operation"¹⁰, which can be organised for both voluntary departures and enforced returns.

Therefore, personal data are processed for the preparation and realisation of Return Operations coordinated by Frontex. Three different purposes justify the processing of three related sets of **personal data, which are all uploaded by each country participating in a relevant Return Operation:**

- the **contact list** contains the contact details of all the **key persons involved in the preparation or the organisation of the operation and may be contacted for interoperability purposes before and during the Return Operation, would they be staff members or technical personnel.**

-the **passengers list** contains the personal data of all announced passengers on a means of transport during a specific Return Operation **to be transferred to the carrier**, either by the Organising Member State (OMS)¹¹ or by FRONTEX when not transmitted by the OMS¹². This processing aims at **fulfilling the obligation set in the Article 29 of the Convention on International Civil Aviation to provide the carrier with a list of the names of passengers it carries.**

-the **returnees list**, extract from the passengers list, is **to be handed over to the Authorities of the Destination Country (DC)**¹³, **according to the readmission procedure and to readmission agreements**

⁶ Frontex Regulation: Council Regulation (EC) No 2007/2004 of 26 October 2004, OJ L 349/01, 25.11.2004, as last amended

⁷ 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

⁸ Article 2 of the ED Decision No 2016/36 on the financing for joint return operations and return related activities of 23/03/2016.

⁹ return operations for which the means of transport and forced-return escorts are provided by a third country of return

¹⁰ Article 28(9) of the new EBCG regulation

¹¹ Member State which is responsible for the organization of the Return Operation

¹² Article 48(4) of the new EBCG Regulation

¹³ The Destination Country, also called Country of Return (CoR), is the Third Country where the irregular migrants are returned to, during a Return Operation.

when implemented, either by the OMS. The Destination Country can then initiate the relevant verifications before the handover of the returnees.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Considering the Article 11.b of the FRONTEX regulation to be amended by the article 48(1) of the new EBCG Regulation¹⁴, the data subjects are the individuals who are subject to the Return Operations. According to the purpose of the processing, the three different categories of data subjects are composed as follows:

Returnee:

Third country national subject to an individual return decision issued by a Member State and who is removed from the territory of that MS to a destination country within a return operation coordinated by FX; the returnee can either depart voluntarily or be forced to return

Staff member:

Any person, including escorts, monitors, interpreters and medical staff, taking part in and physically present on board a return operation coordinated by Frontex, other than a returnee;

Technical personal:

Crisis Focal Points in the MS, brokers' contact, airlines' contact, handling agents, liaison officers from MS in the DC, involved in the preparation and/or organisation of a return operation but not physically on board the return transport.

The personal data of these data subjects are processed in lists:

The contact list, provided by each participating State (OMS, PMS and CoR), containing the contact details of relevant staff members participating in the RO (Head of operation, Escort leader and interpreter(s), observer(s), medic(s), monitor(s)) and technical personnel (Crisis Focal Point 24/7 of each participating Member State, the Handling Agents in relevant airports, liaison officer(s), airline(s)/broker(s) Points of Contacts) who need to be contacted for the implementation of the RO.

The passengers list which contains the personal data of all announced passengers on a specific Return Operation. The passengers' data subjects are the staff members and the returnees.

The returnees list, which contains only the details of the returnees, uploaded by MS returning them.

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA PER DATA SUBJECT:

The processed personal data will be limited to these needed for the purpose of their processing.

The following data are required for the data subject of the three above-mentioned lists:

Technical personnel:

The contact details of involved **technical personnel** in the **preparation or the organisation of the operation** as provided by the stakeholders (**OMS, PMS, DC, Brokers/airlines**) are the following:

¹⁴ 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

- 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 and/or desk phone

Staff members:

Personal data of staff members participating in a RO, provided by each participating country (OMS, PMS and DC), are the following:

- a/ Country to which the data subject is attached
- b/ Name and surname
- c/ Gender
- d/ email address
- e/ mobile number

Optional for staff members:

- f/ Type of travel document
- g/ Validity of the travel document
- h/ Desk phone number

Returnee:

The personal data of each returnee as provided by MS returning them, are, in addition to the data provided for staff members and technical personnel, the following:

- a/ Date of birth
- b/ Nationality
- c/ **An individual security risk assessment**, made by responsible MS for each of their returnees, out of a drop-down list proposing the below 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

d/ **The Health status:** Each responsible MS has to answer the question “**Is the returnee healthy?**” The only possible answers are **YES** or **NO**. No further medical information is inserted, for such can be only transmitted between medical staff. However, if a returnee from a participating MS is reported ‘not healthy’, this MS is reminded to provide an organising MS with a fit-to-travel form, to be presented to the airline/captain in command, on demand, before boarding¹⁵.

¹⁵ “ICAO Annex 9 standard, article 5.19.

e/ **The type of return:** enforced or voluntary (voluntary departure)

7/ INFORMATION TO BE GIVEN TO THE DATA SUBJECTS:

Eventually, there are following types of data subjects:

- **Staff members:** European/MS governmental institutions' representatives in charge of return: MS will have to agree on the privacy statement (see Annex 7) when they first log after being granted access the FAR, where the conditions on the processing of personal data in the FAR are stated.

- **Returnees:** Under the responsibility of the MS, each MS is in charge of informing their respective returnees on the processing of personal data in the FAR. This provision is included in the "Privacy statement" (see Annex 7).

The collection of the returnees and MS staff personal data takes place under the national data protection regulation of the Member State providing with their personal data. Consequently, the "Privacy Statement" recalls the obligation, for Member States, to inform the returnees on the processing of their personal data and on their rights in general, and in the FAR in particular.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

(THE RIGHTS OF ACCESS, TO RECTIFY, TO BLOCK, TO ERASE, TO OBJECT)

As regards the right of access set in Regulation (EC) 45/2001, rectification and blocking of the data, Frontex agrees to process returnees' explicit requests and to take care of the whole process when the request deals with "ACCESS":

- obtain confirmation as to whether data related to him or her are being/have been processed, and the purposes for which they are being/have been processed - Article 13
- obtain notification of third parties to whom the data have been disclosed - Article 17
- be provided with the identity of the controller - Article 12(1)

For rectification of inaccurate or incomplete personal data - Article 14 - and blocking the processing of their data - Article 15 -, Frontex would ask the MS responsible of the returnee to investigate, as Frontex is not authorised to do so for data are provided by MS' authorities.

As regards the information to the data subject - Article 11 and 12 -, as a main rule, the information to the returnees on their rights comes from the individual MS involved in the RO¹.

9/ AUTOMATED/ MANUAL PROCESSING OPERATION

Automated.

10/ STORAGE DATA OF MEDIA

All files will be stored in a secured FRONTEX ICT environment and any use of data or other physical media while printing/exporting functionality will only be available to authorised users after justification of the action.

- Every access to the FAR will be logged by the system.
- Expired data will be anonymised by the file management system
- Paper files (which do not contain any returnees personal data) from the respective year are stored in the RSU offices and the older ones in the Frontex Archives. The paper files are kept according to the current Frontex archiving policy.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING

All processing will be done in full compliance with the Frontex Regulation as last amended and the Data Protection Regulation (EC) 45/2001. More specifically, the legal basis for processing personal data for Return Operations on the FRONTEX Application for Return (FAR) is the Article 11b of the Frontex regulation and the article 48(1) of the new EBCG Regulation.

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

Having different purposes, the three different categories of personal data listed in the FAR can be read/written according to the user roles and have different recipients:

- **Contact list:** Only participating countries (**OMS, Participating MS (PMS)¹⁶ and DC¹⁷**) and dedicated RSU staff (Frontex Manager¹⁸ and Frontex Operational Team (FOT))¹⁹ **are granted access to this list**, which compiles the data provided by them. They can extract the contact list for operational grounds (see 4/).
- **Passengers list:** the recipient of this list is **the carrier**, according to the international convention (see 4/.) Fed by each participating country (OMS, PMS and DC) and Frontex Manager, only the dedicated RSU staff and the OMS can view and export the complete list of passengers. The PMS can only view and extract their own national list of passengers which they have uploaded in the FAR.
- **Returnees list:** this list has to be **handed over to the Authorities of the DC either by the OMS**. As for the returnees list, only the dedicated RSU staff and the OMS can view and export the complete list, whereas PMS can only view and extract their own returnees' data.

13/ RETENTION POLICY OF PERSONAL DATA

The personal data will be automatically anonymized as soon as the purpose for which they have been collected is achieved and no later than 10 days after the return operation is completed.

Processing the personal data exclusively in the FAR guarantees their automated deletion after the determined period of 10 days, which therefore highly improves the implementation of data protection.

14/ STATISTICAL PURPOSES

Anonymised data are used for statistics and analysis purposes

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

Regarding the **returnees list**, in addition to the obligation of each MS (OMS and PMS) to inform the destination country about the planned date and way of the return of third country nationals (scheduled carriage or chartered), the Organising MS has to inform the Destination Country on the name of all returnees that will be returned.

¹⁶ Member State which participates in a Return Operation organized by an OMS and coordinated by Frontex

¹⁷ when referred to DC as a participating country, then it is in the case of CRO, not in regular return operations

¹⁸ The Frontex Manager role in FAR is granted to the Frontex Head of Return Support Unit and his delegate

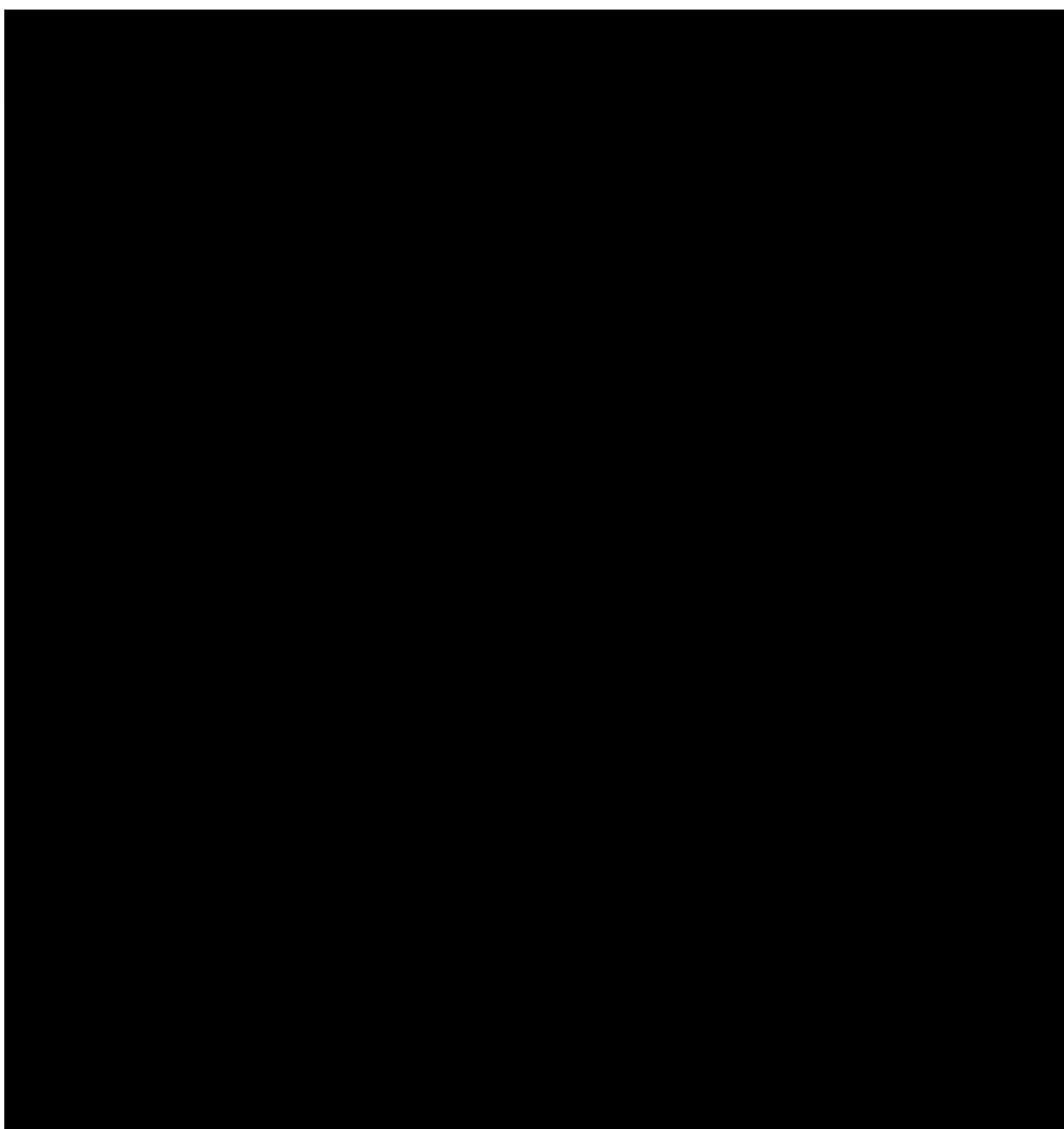
¹⁹ The Frontex Operational Team, appointed per Return Operation by Frontex Head of Return Support Unit, is composed of the Operational Manager, the Operational Assistant and the Administrative Assistant

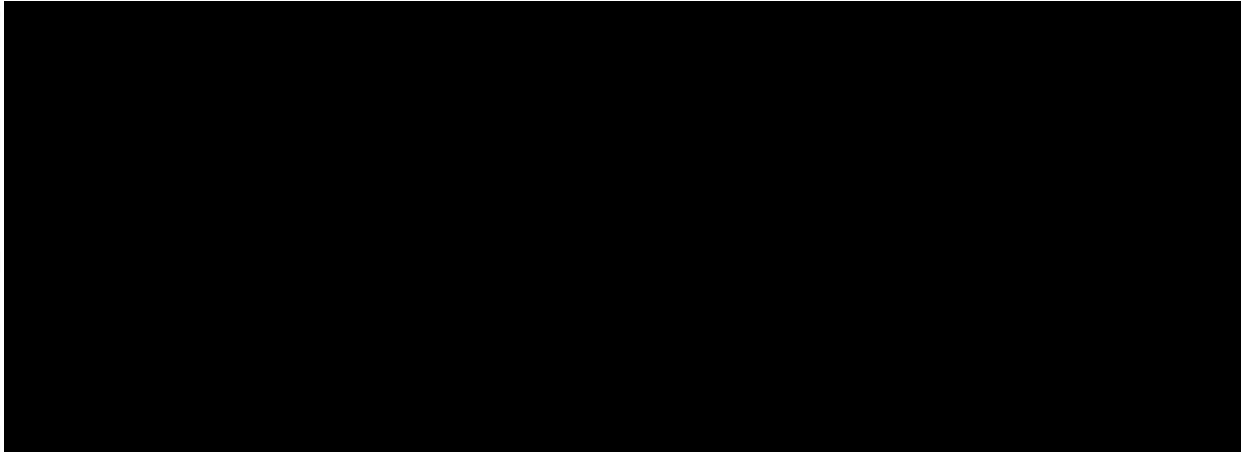
This **returnees list is sent to** a destination country up to 15 days prior to the return flight or just one day before (depending on individual requirements by each DC). As cancellations of returnees can occur until the last moment prior to the departure, the returnees and passengers list can be updated in the same way. An **up-to-date returnees list** will be provided to the **authorities** of the Destination Country **upon arrival**, before hand-over and disembarkation of the returnees.

16/ SPECIFIC RISK DURING THE PROCESSING OF PERSONAL DATA WHICH JUSTIFIES PRIOR CHECKING

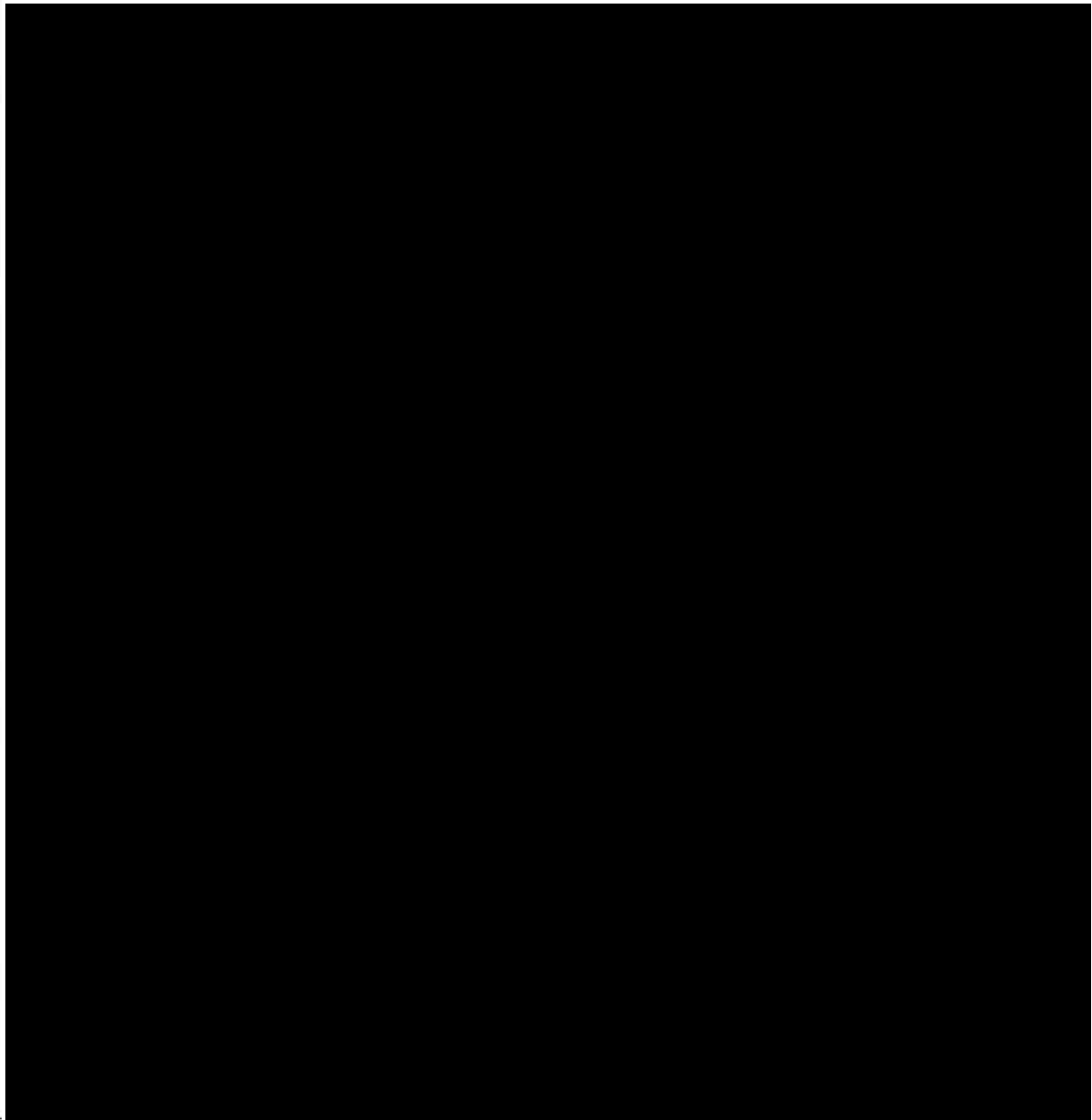
The processing will include personal data regarding the risk assessment and health status of the returnees during return operations. The risk assessment should take into account all pertinent factors, including medical, mental and physical fitness for carriage on a mean of transport, willingness or unwillingness to travel, behavioural patterns, any history of violence, as requested by international conventions (Art. 27.1 Data Protection Regulation)

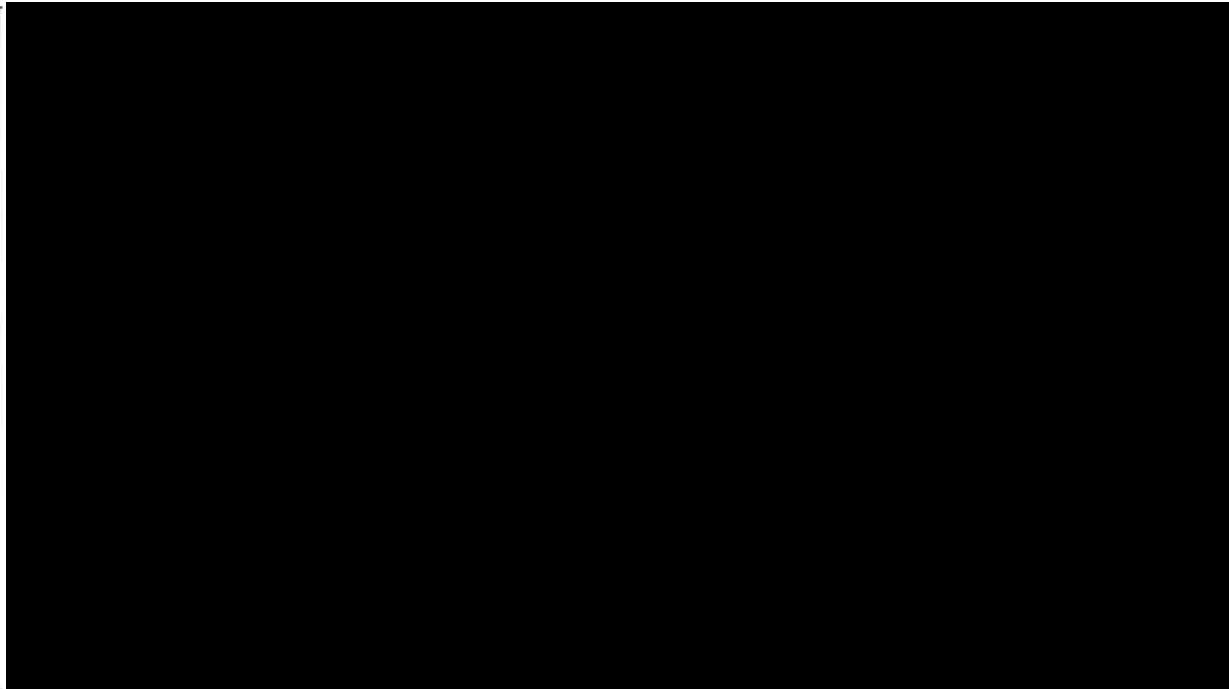
17/ COMMENTS: (Additional description of the planned processing)





18/ TECHNICAL AND OPERATIONAL MEASURES TO ENSURE SECURITY OF THE PROCESSING

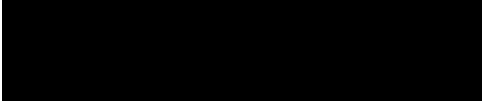




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PLACE AND DATE: *Warsaw, 23 December 2016*

DATA PROTECTION OFFICER: 

INSTITUTION OR BODY: 

ANNEXES:

- Annex 1: Integrated Return Management Application (IRMA) Users' Manual
- Annex 2: diagrams
- Annex 3: Contact list
- Annex 4: Passengers list
- Annex 5: Returnees list
- Annex 6: data system security
- Annex 7: Privacy statement
- Annex 8: screenshot of a MS' view in FAR, when not participating in a RO

¹ A note will be included in the FAR access form so that MS are aware of their obligation to inform the returnees on their rights.

(To be filled out in the EDPS' office)

EDPS OPINION

OF DATE:

CASE NUMBER:

(To be filled out in the EDPS' office)

FOLLOW UP (in case of acting measures to be taken)

ANNEX – PASSENGERS LIST

	A	B	C	D	E	F	G	H	I	J	K	L
1	Returnees	from						Annex to our ref. no:				
	<p>¹ According to the Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders (2004/573/EC), Annex - Common Guidelines on Security Provisions for Joint Removals by Air, No. 1.1.2.</p> <p>Relevant PMS inform the OMS in advance about medical condition of a returnee which would need special care and attention.</p> <p>The processing of medical information must be carried out in line with applicable and relevant personal data protection legislation. (Art.7 of Code of Conduct for JRO coordinated by Frontex)</p>											
2	This Annex shall be sent only to the organising Member State.											
3	No.	Last Name*	First Name*	Date of Birth* (dd/mm/yyyy)	Nationality*	Sex* (male/female)	Type of Document*	Validity (dd/mm/yyyy)	Security risk assesment*	Is the returnee healthy?*	Special assistance needed?	Voluntary/enforced*
4	1	Test0	Name0	29/06/1980	American	male	National ID Card	29/06/2016	No security risk	yes	no	voluntary
5	2	Test1	Name1	30/06/1980	Russian	male	ETC	30/06/2016	Disruptive behaviour	no	yes	enforced
6	3	Test2	Name2	01/07/1980	Russian	male	EC Laissez-Passer	01/07/2016	Escapee	no	yes	enforced
7	4	Test3	Name3	02/07/1980	Russian	male	Covering/Guiding Letter	02/07/2016	Food/Fluid refusal	no	yes	enforced
8	5	Test4	Name4	03/07/1980	Russian	male	National Passport	03/07/2016	Known suicide attempt	no	yes	enforced
9	6	Test5	Name5	04/07/1980	Russian	male	ETC	04/07/2016	Known violent behaviour	no	yes	enforced
10	7	Test6	Name6	05/07/1980	Russian	male	ETC	05/07/2016	Mental illness	no	yes	enforced
11	8	Test7	Name7	06/07/1980	Russian	male	ETC	06/07/2016	National security	no	yes	enforced
12	9	Test8	Name8	07/07/1980	Russian	male	ETC	07/07/2016	Serious criminal activity	no	yes	enforced
13	10	Test9	Name9	08/07/1980	Russian	male	ETC	08/07/2016	Threat of self harm	no	yes	enforced
14	11	Test10	Name10	09/07/1980	Russian	male	ETC	09/07/2016	Dirty protester	no	yes	enforced

LIMITED
Releasable to the JRO Organising Member State

Passenger List for Joint Return Operation

Participants		from:	JRO to (country of return) by (OMS) on (dd/mm/yyyy)		
No.	Surname	Given Name	Sex	Function	Mobile phone (with an international access code)
1					
2					
3					
4					
5					
6					
7					

	A	B	C	D	E	F	G	H	I	J	K	L
1	Returnees		from									Annex to our ref. no:

¹ According to the Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders (2004/573/EC), Annex - Common Guidelines on Security Provisions for Joint Removals by Air, No. 1.1.2.

Relevant PMS inform the OMS in advance about medical condition of a returnee which would need special care and attention.

The processing of medical information must be carried out in line with applicable and relevant personal data protection legislation.

(Art.7 of Code of Conduct for JRO coordinated by Frontex)

2 **This Annex shall be sent only to the organising Member State.**

No.	Last Name*	First Name*	Date of Birth* (dd/mm/yyyy)	Nationality*	Sex* (male/female)	Type of Document*	Validity (dd/mm/yyyy)	Security risk assesment*	Is the returnee healthy?*	Special assistance needed?	Voluntary/ enforced*	
3												
4	1	Test0	Name0	29/06/1980	American	male	National ID Card	29/06/2016	No security risk	yes	no	voluntary
5	2	Test1	Name1	30/06/1980	Russian	male	ETC	30/06/2016	Disruptive behaviour	no	yes	enforced
6	3	Test2	Name2	01/07/1980	Russian	male	EC Laissez-Passer	01/07/2016	Escapee	no	yes	enforced
7	4	Test3	Name3	02/07/1980	Russian	male	Covering/Guiding Letter	02/07/2016	Food/Fluid refusal	no	yes	enforced
8	5	Test4	Name4	03/07/1980	Russian	male	National Passport	03/07/2016	Known suicide attempt	no	yes	enforced
9	6	Test5	Name5	04/07/1980	Russian	male	ETC	04/07/2016	Known violent behaviour	no	yes	enforced
10	7	Test6	Name6	05/07/1980	Russian	male	ETC	05/07/2016	Mental illness	no	yes	enforced
11	8	Test7	Name7	06/07/1980	Russian	male	ETC	06/07/2016	National security	no	yes	enforced
12	9	Test8	Name8	07/07/1980	Russian	male	ETC	07/07/2016	Serious criminal activity	no	yes	enforced
13	10	Test9	Name9	08/07/1980	Russian	male	ETC	08/07/2016	Threat of self harm	no	yes	enforced
14	11	Test10	Name10	09/07/1980	Russian	male	ETC	09/07/2016	Dirty protester	no	yes	enforced

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

Q- What is the legal basis for processing personal data under this project?

Article 48(1) of the new EBCG regulation¹ is the legal basis for Frontex to process personal data for this project, while Article 5 of Regulation (EC) 45/2001 states that processing may only take place if it is necessary for the performance of a task carried out in the public interest, and necessary for compliance with a legal obligation to which the controller is subject.

Q- Who is the data controller?

The Head of the Return Support Unit (HoRSU) assumes the role of the Data Controller for personal data processed under FAR.

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

In performing its tasks of organising and coordinating return operations (RO)², Frontex collects from Member States³ (MS), typically from law enforcement authorities, personal data of persons who are subject to the return operations.

The data are inserted in FAR by the contact persons in the organising Member State (OMS)⁴ and the participating Member State(s)⁵ (PMS), tasked with managing either the organisation of, or the participation in a return operation .

Q- Who are the data subjects?

In performing its tasks of organising and coordinating the return operations and conducting return interventions, the Agency may process personal data of returnees. Additionally, the personal data of the RO participants, meaning staff members⁶, from the OMS or PMS, and technical personnel⁷ are processed in the FAR.

Q - What are the purposes of the processing?

The aforementioned data are processed for the preparation and realisation of RO. Three different lists are then compiled in a standardized form by the system and processed:

- **the contact list** contains the contact details of the head of operation, escort leaders, contact persons, CFP 24/7 and other technical personal (handling agents, medical staff, monitors, liaison officers); the contact details are used for interoperability purposes before and during the return operation.
- **the passengers list** contains the personal data of all announced passengers on a means of transport during a specific Return Operation **to be transferred to the carrier**, either by the Organising Member State (OMS)⁸ or by FRONTEX. This processing aims at fulfilling the obligation set in the Article 29 of the Convention on International Civil Aviation to provide the carrier with a list of the names of passengers.
- **the returnees list**, extracted from the passengers list, contains only the details of the returnees. It is to be **handed over on demand to the Authorities of the DC**, either by the OMS or by Frontex.

Q - Who is recipient of the data?

¹ 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

² National and joint return operations but also collecting return operations are covered by the term “return operation”, which can be organised for both voluntary departures and enforced returns.

³ The term “Member State” means a Member State of the European Union or a Country associated with the implementation, application and development of the Schengen acquis

⁴ Member State which is responsible for the organisation of a RO, including the contacts with the Destination Countries

⁵ Member State which participates in a JRO organised by the organising Member State

⁶ Staff members are Any person, including escorts, monitors, interpreters and medical staff, taking part in and physically present on board a return operation coordinated by Frontex, other than a returnee;

⁷ Technical personnel is composed of: Immigration/European Return Liaison Officers and other attachés in the Destination Countries (DC) from MS and/or from the DCs, Crisis Focal Points in the MS, brokers' contact, airlines' contact, and handling agents involved in the preparation and/or organisation of a return operation but not physically on board the return transport.

⁸ Member State which is responsible for the organization of the Return Operation

The **contact list** is updated by and made available for the OMS and the PMS involved in the RO and to Frontex, for interoperability purposes. The contact list is attached to an Implementation Plan for a relevant RO and provided to all MS involved in the RO prior to the operation.

The **passengers list** is transferred to the carrier, by the OMS or by Frontex

The **returnees list** is used by the OMS and Frontex for the preparation and implementation of the RO. Furthermore, it is also sent to the DC prior to the RO upon request and delivered to the representatives of the DC during the hand-over procedure.

Q- What is the retention period?

The personal data will be automatically deleted as soon as the purpose for which they have been collected is achieved and no later than 30 days after the end of the return operation.

Q- Does Frontex process special categories of personal data?

The following special categories of personal data related to returnees are processed in the FAR:

- Personal data related to security risk, to allow the OMS to adjust the number of back-up team (escorts) accordingly,
- Personal data related to health assessment, to inform the OMS who has to inform the carrier if the returnee is healthy or not, as assessed by a competent authority of the MS; Frontex does not receive any detailed medical information about returnees.

Q- What are the rights of the data subjects?

As regards the right of access to own data, rectification and blocking of the data, Frontex will process returnees' explicit requests and will take care of the whole process if a given person would like to:

- obtain confirmation as to whether data related to him or her are being/have been processed, and the purposes for which they are being/have been processed - Article 13
- obtain notification of third parties to whom the data have been disclosed - Article 17
- be provided with the identity of the controller - Article 12(1)

For rectification of inaccurate or incomplete personal data - Article 14 - and blocking the processing of their data - Article 15 -, Frontex would ask the MS responsible of the returnee to investigate, as Frontex is not authorised to do so for data are provided by MS' authorities.

As regards the information to the data subject - Article 11 and 12 -, as a main rule, the information to the returnees on their rights comes from the individual MS involved in the RO. MS are hereof aware of their obligation to inform the returnees on their rights.

Q - What categories of personal data are processed?

name and surname, date of birth, nationality, gender, type and validity of travel document, and in case of the returnees additionally security risk assessment, health status, the MS returning the person and if the return is voluntary or enforced.

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 (dpo@frontex.europa.eu). They are entitled to lodge a complaint to the European Data Protection Supervisor (www.edps.europa.eu).