

June 2020

PRIVACY NOTICE FOR CONTAINER STATUS MESSAGES (CSM) DIRECTORY

1. DESCRIPTION OF THE PROCESSING OPERATION

The Computer Status Messages (CSM) directory is an IT application and filing system under the Anti-Fraud Information System (AFIS), developed by the European Anti-Fraud Office (OLAF), to assist the competent authorities¹ of the Member States and OLAF in their fight against customs fraud and to facilitate the access to information on container movements for competent authorities and OLAF. The CSM directory establishes the supporting IT solution that receives and stores the so-called "container status messages" (CSMs), which contain data relating to the physical movements of the maritime containers. The information on such messages is collected by most major international container lines in their ordinary course of business dealings. Exchanges of information are made by means of the application of AFIS.

The purpose of the processing is to enable the competent authorities in the Member States to analyse and to compare data with a view to communicate and to share anti-fraud information among themselves and with the Commission in the framework of the implementation of the amended Regulation 515/97 ("Mutual Assistance Regulation"), with the aim of preventing, investigating and prosecuting infringements of customs or agricultural legislation.

The controller of the processing operation is the European Commission, European Anti-Fraud Office (OLAF), Unit B.1 – Customs, Trade and Tobacco Anti-Fraud Strategy.

Personal data recorded in the CSM directory will not be used for automated individual decision-making, including profiling². Data subjects will not be subjected to a decision solely based on automated processing, including profiling, which produces legal effects concerning him or her or similarly affects him or her.

2. LEGAL BASIS FOR THE PROCESSING

The legal bases for this processing are:

- Regulation 2018/1725, the EU Data Protection Regulation ("EUDPR"), in particular Article 4 (1) (a) and (b) on the lawfulness of processing,
- Regulation 515/97, as amended, the "Mutual Assistance Regulation", in particular Article 18d,
- Regulation 883/2013³, as amended,

¹ The term 'Competent authorities' is defined in Article 2(2) of Council Regulation (EC) 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 L 082, 22 March 1997, as amended.

² As defined in Article 24 of Regulation (EU) 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union Institutions, bodies, offices and agencies and on the free movement of such data, OJ L 295 of 21 November 2018, p. 39, ("EUDPR").

³ Regulation (EU, Euratom) No. 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No. 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No. 1074/1999, OJ L 248 of 18 September 2013.

- Treaty on the Functioning of the European Union (TFEU), Article 325 (5), reporting requirement.

3. CATEGORIES OF PERSONAL DATA COLLECTED

The following categories of personal data, related to legal persons, whose name may lead to the identification of a natural person indicated on the CSMs, are recorded in the CSM directory:

- Company data.

Personal data are only collected from a natural person if s/he is linked to a legal entity for which data are collected. Personal data of natural persons who are not linked to a legal entity are not collected.

The provision of personal data is mandatory to meet the requirements under Article 18(d) of the Mutual Assistance Regulation. A failure to provide the data may lead the Commission to default on its obligations under the Mutual Assistance Regulation.

4. WHO HAS ACCESS TO YOUR INFORMATION AND TO WHOM IS IT DISCLOSED?

Information in the CSM directory is only **accessible** to dedicated staff in:

- the competent authorities of the Member States,
- the European Commission and the European Anti-Fraud Office.

The information in the CSM directory may be **disclosed** to dedicated staff within:

- the competent authorities of the Member States,
- the European Commission and the European Anti-Fraud Office.

Dedicated staff are those staff members within the organisations above that are tasked with assisting competent authorities in preventing, investigating and prosecuting breaches of customs or agricultural legislation.

Personal data recorded in CSM directory will not be transferred outside the EU.

5. HOW DO WE PROTECT AND SAFEGUARD YOUR INFORMATION?

In order to protect your personal data, technical and organisational measures have been put in place. Technical measures include appropriate actions to ensure online security as well as measures to address risks of data loss, alteration of data or unauthorised access, taking into consideration the risks presented by the processing and the nature of the data that are processed. Organisational measures include actions restricting data access to authorised persons who have a legitimate need to know for the purposes of this processing operation.

6. HOW LONG DO WE KEEP YOUR DATA?

Your personal data may be retained by OLAF for a maximum of 5 years.

7. WHAT ARE YOUR RIGHTS AND HOW YOU CAN EXERCISE THEM?

You have the right to request access to your personal data, rectification or erasure of the data, or restriction of their processing. You have the right to object to the processing of your data.

Any request to exercise one of those rights should be directed to the Controller (OLAF-FMB-DATA-PROTECTION@ec.europa.eu). Where you wish to exercise your rights in the context of one or several specific processing operations or files, please provide their description and reference(s) in your request.

The controller may apply exceptions in accordance with the Regulation 2018/1725 and, where applicable, restrictions based on Article 25 thereof, in accordance with the relevant Commission Decisions⁴.

8. CONTACT DETAILS OF THE DATA PROTECTION OFFICER

You may contact the Data Protection Officer of OLAF (OLAF-FMB-DPO@ec.europa.eu) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

9. RIGHT OF RECOURSE

You have the right to have recourse to the European Data Protection Supervisor (edps@edps.europa.eu) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by OLAF.

⁴ Commission decisions based on Article 25 of the EUDPR will be published in the Official Journal as well as on the internet pages of OLAF.