

June 2020

PRIVACY NOTICE FOR ANTI-FRAUD TRANSIT INFORMATION SYSTEM (ATIS)

1. DESCRIPTION OF THE PROCESSING OPERATION

The Anti-Fraud Transit Information System (A-TIS) is a central repository developed by the European Anti-Fraud Office (OLAF) to assist the competent authorities of the Member States and OLAF in their fight against customs fraud and to facilitate the exchange of information between competent authorities and OLAF¹. It contains information on the movement of goods placed under the transit regime by means of a declaration in the New Computerised Transit System (NCTS), including the TIR procedure. The purpose of the processing is helping to fight fraud in the transit regime, including the TIR procedure.

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 A-TIS 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,
- A-TIS Administrative Arrangement, as amended³;
- Regulation 883/2013⁴, as amended,
- Treaty on the Functioning of the European Union (TFEU), Article 325 (5), reporting requirement.

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, and repealing Regulation (EC) 45/2001 and Decision No. 1247/2002/EC, OJ L 295 of 21 November 2018, p. 39, ("EUDPR").

³ Amended administrative arrangement on the Anti-Fraud Transit Information System (A-TIS), concluded between OLAF, on the one hand, and the Member States and EFTA Working Group on "Common Transit" and the "Simplification of formalities in trade in goods", applicable from 1 September 2016, reference: ARES(2016)5843846 of 10 October 2016.

⁴ 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.

3. CATEGORIES OF PERSONAL DATA COLLECTED

The following categories of personal data related to the legal persons (name of consigner, consignee, carrier and principal) whose name may lead to the identity of a natural person from a transit declaration are recorded in A-TIS:

- Name,
- Street and number,
- Postal code,
- City,
- Country code, and
- Economic Operators Registration and Identification number (EORI).

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?

The information in A-TIS is only **accessible** to dedicated staff in:

- the competent authorities of the Member States,
- the European Anti-Fraud Office (OLAF) of the European Commission, and,
- the competent authorities of the Common Transit countries parties to the Convention on Common Transit Procedure of 1987^{5,6}.

The information in A-TIS may be **disclosed** to dedicated staff within:

- the competent authorities of the Member States,
- the European Commission same remark as above and the European Anti-Fraud Office, and,
- the competent authorities of the Common Transit countries parties to the Convention on Common Transit Procedure of 1987.

Dedicated staff are those staff members within the organisations mentioned above that are tasked with detecting, investigating or prosecuting infringements of customs or agricultural legislation, in particular those tasked with strategic and operational analysis for preventing and combating customs fraud.

Personal data recorded in A-TIS will be transferred outside the EU only to Common Transit countries, acting as the country of the customs office of departure or of destination, empowered to carry out strategic and operational analysis of data for preventing and combating customs fraud.

⁵ Convention on a Common Transit Procedure, Signed in Interlaken (Switzerland) on 20 May 1987, OJ L 226 of 13 August 1987.

⁶ In accordance with point 7.1.3 of A-TIS Administrative Arrangement, as amended, "Common Transit countries" for the purposes of the Arrangement are: Norway, Iceland, North Macedonia, Serbia and Turkey.

5. HOW DO WE PROTECT AND SAFEGUARD YOUR INFORMATION?

In order to protect your personal data, a number of technical and organisational measures have been put in place. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the data being processed. Organisational measures include restricting access to the data to authorised persons with 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 10 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 Decisions⁷.

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.

⁷ 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.