

CIS SUPERVISION COORDINATION GROUP

**A GUIDE FOR EXERCISING THE RIGHT OF ACCESS
TO THE CUSTOMS INFORMATION SYSTEM**

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**This guide has been compiled by
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Persons whose personal data are collected, held or otherwise processed in the Customs Information System (hereinafter 'CIS') are entitled to rights regarding their personal data, in particular a right of access subject to strict limitations, a right to correction of inaccurate data, and a right to deletion of unlawfully stored data.

This Guide describes the modalities for exercising those rights.

The Guide falls into three sections: a description of the CIS, a list of the rights granted to the individuals whose data are processed in the CIS, and a description of the procedure for exercising the right of access in each of the countries concerned.

I. INTRODUCTION TO THE CUSTOMS INFORMATION SYSTEM

The CIS is a computer system centralizing customs information aiming at preventing, investigating and prosecuting breaches of Community customs or agricultural legislation.

The CIS is regulated under a double legal basis:

- Council 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 matters¹ (hereinafter "Regulation 515/97"), as amended by Regulation (EC) No 766/2008 of 9 July 2008², and
- Council Decision 2009/917/JHA of 30 November 2009 on the use of information technology for customs purposes³ (hereinafter "Decision 2009/917/JHA").

FIDE (Fichier d'Identification des Dossiers d'Enquêtes Douanières – Customs files identification database) is an EU-wide index used in the context of the CIS. It is composed of investigation records, generated by Member States' customs and other investigation authorities for administrative purposes and for purposes of criminal investigations and prosecutions in the customs area.

Upon entry of a detailed query, FIDE gives information:

- on the name and address of the investigating authority, and
- a file number of the investigation record of that authority,

in cases where there is information available on files concerning both pending or closed

¹ OJ L 82, 22.3.1997, p. 1.

² Regulation (EC) No 766/2008 of 9 July 2008 amending Council Regulation (EC) No 515/97 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 218, 13.8.2008, p. 48.

³ OJ L 323, 10.11.2009, p. 20.

investigations against natural or legal persons (“hit”). Following this, the office that entered the query may decide to ask for mutual assistance or provide spontaneous information.

Legal basis for FIDE

FIDE consists of two databases due to the two legal bases applicable to it, which are as follows:

- Regulation 515/97 as regards the area where the EU has exclusive competence (Article 3 of the Treaty on the Functioning of the European Union)
- Decision 2009/917/JHA as regards the area where the EU shares competence with Member States (Article 4 of the Treaty on the Functioning of the European Union).

Categories of information processed

As such, the data entered into the CIS relate to goods, means of transport, businesses and people associated to such breaches. They also relate to trends in fraud, available competencies, goods detained, seized or confiscated and cash detained, seized or confiscated.

Categories of personal data processed

The personal data which can be processed in the CIS are listed in Article 25(2) of Regulation 515/97 and in Article 4(2) of Decision 2009/917/JHA and can only include:

- (a) name, maiden name, forenames and aliases;
- (b) date and place of birth;
- (c) nationality;
- (d) sex;
- (e) any particular objective and permanent physical characteristics;
- (f) reason for inclusion of data;
- (g) suggested action;
- (h) a warning code indicating any history of being armed, violent or escaping;
- (i) registration number of the means of transport.

In all cases, personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership and data concerning the health or sex life of an individual shall not be included⁴.

⁴ These are data listed in Article 8 of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data applicable to customs activities carried out under Regulation 515/97, and in Article 6 of Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters applicable to customs activities carried out under decision 2009/917/JHA.

Architecture of the system

The CIS is composed of a central database ("Central CIS") accessible through terminals in each Member State⁵.

II. RIGHTS RECOGNIZED TO INDIVIDUALS WHOSE DATA ARE PROCESSED IN THE CIS

In accordance with data protection principles, all individuals whose data are processed in the CIS are recognised specific rights⁶ by the aforementioned decision and regulation. Specific attention has to be paid in those countries where Decision 2009/917/JHA has not been incorporated into the national law.

These rights are basically:

- the right of access to data relating to them stored in the CIS;
- the right to correction of inaccurate data or deletion when data have been unlawfully stored;
- the right to bring proceedings before the courts or competent authorities to correct or delete data or to obtain compensation⁷.

Anyone exercising any of these rights can apply to the competent authorities in the Member State of his choice.

Deadlines for replies to individuals requests

When an individual exercises his right of access, correction of inaccurate data and deletion of unlawfully stored data, replies by national competent authorities are due within deadlines set up at national level (see part II and III). The European institutions have to reply within three months to access requests⁸ and without delay to rectification requests⁹.

II.1. Right of access

The right of access is the possibility for anyone who so requests to consult the information relating

⁵ See Article 34 of Regulation 515/97 and Article 3(1) of Decision 2009/917/JHA.

⁶ See in particular Article 36 of Regulation 515/97 and Article 22 of Decision 2009/917/JHA.

⁷ See Article 36(5) of Regulation 515/97 and Article 23 of Decision 2009/917/JHA.

⁸ See Article 13 of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

⁹ See Article 14 of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

to him stored in a data file as referred to in national law. This is a fundamental principle of data protection which enables data subjects to exercise control over personal data kept by third parties.

This right is expressly provided for in Article 36 of Regulation 515/97 and in Article 22 of Decision 2009/917/JHA.

The right of access must be refused if it may jeopardise any on-going national investigations, or during the period of discreet surveillance or sighting and reporting¹⁰. When the applicability of such an exemption is assessed, the legitimate interests of the person concerned shall be taken into account. When the request made to a European institution concerns the deletion of the data, the EDPS usually recommends that EU institutions decide on whether to erase the data as soon as possible, but at the latest within 15 working days¹¹.

A Member State may also refuse access where such refusal constitutes a measure necessary to safeguard national security, defence, public safety and the rights and freedoms of others.

The right of access is exercised in accordance with the law of the State addressed. The rules of procedure differ from one country to another, as well as the rules for communicating data to the applicant. When a country receives a request for access to data supplied by another country, that State must give the issuing country the opportunity to state its position as to the possibility of disclosing the data to the applicant¹².

Also there are currently two types of system governing the right of access to police data files – and thus part of the data processed in the CIS. As described below, in some countries the right of access is direct, in others it is indirect.

Anyone who so wishes may obtain information about the system which is applicable to the right of access from the national data protection authority ("DPA") in the respective Member State.

II.1.1. Direct access

In this case the person concerned applies directly to the authorities handling the data (customs and financial intelligence units for CIS). If national law permits, the applicant may be sent the information relating to him

II.1.2. Indirect access

In this case the person sends his request for access to the national data protection authority of the State to which the request is addressed. The DPA conducts the necessary verifications to handle the

¹⁰ See Article 36(2) of Regulation 515/97 and 22 of Decision 2009/917/JHA.

¹¹ See EDPS Guidelines on the Rights of Individuals with regard to the Processing of Personal Data, Part 1(3), page 23, available at: https://secure.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Supervision/Guidelines/14-02-25_GL_DS_rights_EN.pdf.

¹² See Article 36(3) of Regulation 515/97.

request.

II.2. Right to correction and deletion of data

The right of access is accompanied by the right to obtain the correction of the data relating to them when they are factually inaccurate or incomplete or the right to ask for their deletion when they have been stored unlawfully¹³.

II.3. Right to block the data

Individuals have the right to request blocking of personal data relating to them processed in the CIS under Decision 2009/917/JHA¹⁴.

In this regard, in the guidelines issued on the Rights of Individuals with regard to the Processing of Personal Data, the EDPS has highlighted that two situations need to be distinguished when data subjects request the blocking of the data which influence the time period within which their request has to be dealt with :

- 1) Where data subjects contest the accuracy of the data relating to them, the data must be blocked 'for a period enabling the controller to verify the accuracy, including the completeness, of the data'. Consequently, where the controller receives a request for blocking on those grounds, the data must be immediately blocked for the period necessary to verify the accuracy and completeness of the data.
- 2) Where data subjects request the blocking of their data on grounds of unlawful processing or where the data must be blocked for purposes of proof, the controller will need a certain amount of time to conduct this assessment in order to decide whether the data should be blocked. In this case, even though the data cannot be blocked immediately, the request must be processed promptly in order to protect the data subject's rights. The EPDS therefore considers that such requests should be assessed as quickly as possible and, at the latest, within 15 working days.

II.4. Remedies: the right to complain to the data protection authority or file a judicial proceeding

Articles 36(5) of Regulation 515/97 and Article 23 of Decision 2009/917/JHA present the remedies accessible to individuals: they recall that any person may bring an action before the courts or the authority competent under the law of any Member State to rectify or erase factually inaccurate personal data, rectify or erase personal data entered or stored in the CIS contrary to Regulation 515/97 or Decision 2009/917/JHA, obtain access to personal data, block personal data, obtain compensation for any damage caused to them through the use of the CIS.

¹³ See Article 36(4) of Regulation 515/97 and Article 22 of Decision 2009/917/JHA.

¹⁴ See Article 22 of Decision 2009/917/JHA.

In case data were included by the Commission, the action may be brought before the Court of Justice in accordance with Article 263 of the Treaty on the Functioning of the European Union¹⁵.

III. DESCRIPTION OF THE PROCEDURE TO EXERCISE THE RIGHT OF ACCESS IN EACH MEMBER STATE USING THE CIS

The procedures specific to each country using the CIS which are to be followed by persons wishing to exercise their right of access, correction or deletion are described in the national fact sheets in chapters III.1-III.28.

¹⁵ Article 36(5) of Regulation 515/97.

III.1.AUSTRIA

1. Nature of the right (direct, indirect, mixed)

Direct access.

2. Contact details of the body to which requests for access should be addressed

Bundesministerium für Finanzen
Johannessgasse 5
1010 Wien
Österreich

3. Formalities for the request: information and documents to be supplied – possible costs

One access request per year is free of charge. The requesting person must prove his identity in an adequate manner (e.g. with copy of his/her passport).

4. Contact details of the national data protection authority and its possible role

Österreichische Datenschutzbehörde
Hohenstaufengasse 3
1010 Wien
E-Mail: dsb@dsb.gv.at

When there is no (satisfactory) answer within 8 weeks, the authority can be asked to enforce the right of access free of charge.

5. Expected outcome of the requests for access. Content of the information

The requester's personal data processed by the customs authority. The requester needs to cooperate and answer specific questions in order to help the controller to comply. Exemptions based on Article 13 of Directive 95/46/EC may apply.

6. References of the main national laws that apply

Bundesgesetz betreffend ergänzende Regelungen zur Durchführung des Zollrechts der Europäischen Gemeinschaften (Zollrechts-Durchführungsgesetz - ZollR-DG); BGBl. Nr. 659/1994
<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10004913>

Bundesgesetz über den Schutz personenbezogener Daten (Datenschutzgesetz 2000 - DSG 2000)
StF: BGBl. I Nr. 165/1999
<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=bundesnormen&Gesetzesnummer=10001597>

7. Language regime

German.

III.2.BELGIUM

According to the Belgian DPA, the competent authorities do not make use of the CIS system.

III.3. BULGARIA

1. Nature of the right (direct, indirect, mixed)

Mixed procedure.

The right of access and the rights to erase, rectify or block personal data that are not processed in compliance with the provisions of the Law for Personal Data Protection, are exercised by submitting a written application to the personal data controller. The application shall be filed personally by the individual or by explicitly authorized person with a power of attorney certified by a notary public.

2. Contact details of the body to which requests for access should be addressed

National Customs Agency

Address: 47 G.S.Rakovski Str.

1202 Sofia, Bulgaria

Telephone: + 359 2 9859 4210

E-mail: pr@customs.bg

Commission for Personal Data Protection

Address: 2 Prof. Tsvetan Lazarov Blvd.

Sofia 1592, Bulgaria

Call centre - tel. 3592/91-53-518

Reception hall - working hours 9:30 - 17:00

E-mail: kzld@cpdp.bg

Website: www.cdpd.bg

3. Formalities for the request: information and documents to be supplied – possible costs

The application must contain:

- 1) the name, address and other data necessary for identifying the respective individual;
- 2) a description of the request;
- 3) the preferred form of provision of the information;

- 4) the signature, date of submission of the application and mailing address.

In cases when the application is submitted by a duly authorized person, the power of attorney certified by a notary public shall be enclosed to the application.

The personal data controller shall keep a register of the applications.

The information required may be provided as an oral or written reference or in the form of the data review by the individual concerned or by another explicitly authorized person. The individual may request a copy of the personal data processed on a preferred carrier or by electronic means, unless this is prohibited by law.

The exercise of data subjects' rights is free of charge.

4. Contact details of the national data protection authority and its possible role

Commission for Personal Data Protection

Address: 2 Prof. Tsvetan Lazarov Blvd.

Sofia 1592, Bulgaria

Call center - tel. 3592/91-53-518

Reception hall - working hours 9:30 - 17:00

E-mail: kzld@cpdp.bg

Website: www.cdpd.bg

5. Expected outcome of the requests for access. Content of the information

The personal data controller shall be required to take into consideration the preferences stated by the applicant about the form of provision of the information.

The personal data controller or a person explicitly authorized by the former shall consider the application and shall respond within 14 days from its submission.

The timeframe may be extended by the data controller up to 30 days when the collection of all requested data objectively requires a longer period and this would impede seriously the activities of the data controller.

Within 14 days, the data controller shall decide whether to provide the applicant with full or partial information or shall make a reasoned denial to provide it or to take the relevant action or make a reasoned denial to take such action.

The personal data controller shall notify the applicant in writing of its decision or denial within the relevant time-limit.

The notice shall be delivered personally after signature or by mail with advice of delivery. The absence of notification shall be considered a denial.

In case of infringement of subjects' rights under the Law, any individual is entitled to have protection and may implement it both through administrative channels and by order of the court. In the first case the individual may approach the Commission for Personal Data Protection, whereas in the second case he/she may appeal against the actions and acts of the data controller before the relevant administrative court or the Supreme Administrative Court in compliance with the general jurisdiction rules.

6. References of the main national laws that apply

- Customs Act- prom.SG 15/06.02.1998, last amend. SG 66/26.07.2013
- Ministry of Interior Act- prom.SG 17/24.02.2006, last amend. and supplemented SG 70/09.08.2013, in force as from 09.08.2013
- State Agency for National Security Act- prom.SG 109/20.12.2007, last amend. SG 71/13.08.2013
- Judiciary System Act- prom.SG 64/07.08.2007, last amend. SG 19/05.03.2014
- Law for Protection of Personal Data- prom.SG 1/04.01.2002, last amend. and suppl. SG 15/15.02.2013

7. Language regime

Bulgarian or other European languages.

III.4.CROATIA

1. Nature of the right (direct, indirect, mixed)

Customs Administration is an organization within the Ministry of Finance established with a special Act - Customs Service Act (Official Gazette, No. 68/13, 30/14). This Act regulates the tasks of customs service, the organisation of customs service, the authority of customs officers and their labour law status. In accordance with the provisions of the Customs Service Act, Articles 24-3 regulates the area of authority for customs officers, relating to the collection, assessment, recording, processing and use of data and information which includes personal data.

In this regard the Article 28 stipulates the right of an interested person to access their information in records kept by the Customs Administration in accordance with the provisions of the regulations related to the protection of personal data (Provisions of Personal Data Protection Act, point VIII. Rights of the Data Subject and the Protection of These Rights, Articles 19 - 26.)

2. Contact details of the body to which requests for access should be addressed

Requests shall be submitted to the Ministry of Finance, Customs Administration. Bring the request in person to the Registry Office.

Ministry of Finance, Customs Administration

Address: Alexandera von Humboldta 4 a, 10 000 Zagreb
E-mail: javnost@carina.hr
Fax: 003851/6211-011
Every working day between 9.00 am and 3.00 pm

3. Formalities for the request: information and documents to be supplied – possible costs

According to Article 19 of the Personal Data Protection Act, the personal data filing system controller shall, at the latest within 30 days from receiving a request about it, provide the following to every data subject or his/her legal representatives or authorised persons:

- 1) deliver a confirmation as to whether or not data relating to the data subject is being processed;
- 2) provide the notice in an understandable form regarding information pertaining to him/her that is being processed, including its source;
- 3) allow access to the personal data filing system records and to personal data in the personal data filing system relating to the data subject, and allow the copying of such files;
- 4) deliver excerpts, certificates or printouts of the personal data held in the personal data filing system relating to the data subject, which must contain an indication of the purpose and legal basis for its collection, processing and usage;
- 5) deliver a printed copy containing the information on who obtained access to the data, for what purpose and on what legal basis regarding the personal data of the data subject;
- 6) provide information about the logic involved in any automatic processing of data concerning the data subject.

According to Article 22 of the same Act, all costs from Articles 19, 20 and 21 herein shall be borne by the personal data filing system controller, unless otherwise regulated by a special act.

4. Contact details of the national data protection authority and its possible role

Personal Data Protection Agency

Address: Martićeva 14
E-mail: azop@azop.hr
Telephone: 003851/4609-000
Fax: 003851/4609-099

The Personal Data Protection Agency has a supervisory and advisory role in the field of personal data protection. According to Article 32 paragraph 3, the Agency shall supervise the implementation of personal data protection upon request of the data subject, upon proposal of a third party or *ex officio*. In the same Article of the same Act (paragraph 1) there are also determined activities which are defined as public authorities: supervise the implementation of personal data protection, indicate the violations noted during personal data collection, compile a list of national and international organizations which have adequately regulated personal data protection, resolve requests to determine possible violations of rights guaranteed by this Act, maintain the Central Register.

5. Expected outcome of the requests for access. Content of the information

According to Article 19 of the Personal Data Protection Act, the personal data filing system controller shall, at the latest within 30 days from receiving a request about it, provide the following to every data subject or his/her legal representatives or authorised persons provide the requested information. (See answer to question 3.)

6. References of the main national laws that apply

The main national laws that apply are:

- Personal Data Protection Act (OG No. 103/03, 118/06, 41/08, 130/11, 106/12 - consolidated text)
- Law on the Right of Access to Information (OG, No. 25/13)
- Law on Protection of Confidentiality Data (OG 108/96) - This law came into force on 31.12.1996., And ceased to be valid 06.08.2007. upon the entry into force of the Law on Confidentiality of Dana, except the provisions of Chapter 8, and 9.
- Customs Service Act (OG, No. 68/13, 30/14)
- General Tax Act (OG, No. 147/08, 18/11, 78/12, 136/12, 73/13, 26/15)
- General Administrative Procedure Act (OG, No. 47/09)

7. Language regime

Croatian.

III.5.CYPRUS

1. Nature of the right (direct, indirect, mixed)

According to Cyprus' Data Protection Law (The Processing of Personal Data (Protection of Individuals) Law 138(I)/2001, as amended, the right to access is exercised by the data subject directly, in written, to the controller, who is in this case the Director of the Department of Customs & Excise of Cyprus.

2. Contact details of the body to which requests for access should be addressed

Director of the Department of Customs & Excise

M. Karaoli & Gr. Afxentiou corner, 1096, Nicosia

Mail address: Headquarters, 1440, Nicosia

E-mail address: headquarters@customs.mof.gov.cy

Telephone: + 357 22601713

Fax: + 357 22302031

3. Formalities for the request: information and documents to be supplied – possible costs

The cost for exercising the right of access is €17.

4. Contact details of the national data protection authority and its possible role

1, Iasonos Str., 1082, Nicosia

E-mail: commissioner@dataprotection.gov.cy

Telephone: + 357 22818456

Fax: + 357 22304565

5. Expected outcome of the requests for access. Content of the information

The Department of Customs & Excise is obliged to reply to the data subject within 4 weeks from the submission of the application. If it does not reply or if the reply is not satisfactory, the data subject has the right to appeal to the Commissioner.

6. References of the main national laws that apply

The right to access is governed by article 12 of the Processing of Personal Data (Protection of Individuals) Law 138(I)/2001, as amended.

7. Language regime

Greek.

III.6.CZECH REPUBLIC

1. Nature of the right (direct, indirect, mixed)

The data subject has a right of direct access to his/her data. The data subject should primarily exercise his/her rights in respect of the CIS vis-a-vis the data controller, i.e. the General Directorate of Customs.

2. Contact details of the body to which requests for access should be addressed

General Directorate of Customs

Budějovická 7

14069 Prague 4

Czech Republic

3. Formalities for the request: information and documents to be supplied – possible costs

Information on how to apply for information on or correction/deletion of the data is available on the website of the Customs Administration (www.celnisprava.cz) and the website of the Office for Personal Data Protection (www.uoou.cz)

Any data subject is entitled to send a written request to the General Directorate of Customs (address given above) asserting his/her right to information on and deletion or correction of his/her data processed in the CIS. Information about the processing of personal data in the CIS is to be revealed only to the data subject concerned (or his/her representative). The request must contain identification of the applicant – all first name/s, surname, date and place of birth and address. The General Directorate of Customs is obliged to answer within 30 days. Exercise of the right of access is free of charge.

4. Contact details of the national data protection authority and its possible role

The Office for Personal Data Protection

Pplk. Sochora 27

170 00 Praha 7

Czech Republic

The Office for personal data is competent to review personal data processing within the national part of the CIS at the request of data subject in the cases where there is suspicious of an unlawful procedure or where the controller (the General Directorate of Customs) has not provided a satisfactory response.

5. Expected outcome of the requests for access. Content of the information

The General Directorate of Customs should answer whether any personal data concerning the data subject is contained in the CIS, what it is, why it has been entered (for what purpose) and by which authority.

6. References of the main national laws that apply

- Act No 101/2000 Coll., on the Protection of Personal Data and on Amendment to Some Acts (Art. 12 and 21)
- Act No 17/2012 Coll., on the Customs Administration of the Czech Republic (Art. 61)

7. Language regime

The Czech language is the only official language for communication with the Czech authorities. However, the Czech DPA communicates in English as well. The basic information on how to apply for the right of access is also available in English on the website of the Czech DPA.

III.7.DENMARK

1. Nature of right of access

The data subject has a right of direct access.

2. Contact details of the body to which requests for access should be addressed

Requests for access should be addressed to the Customs Service, which is the data controller:

SKAT

Østbanegade 123

DK-2100 København Ø

Telephone: +45 72 22 18 18

www.skat.dk

3. Formalities for the request: information and documents to be supplied – possible costs

There are no particular formal requirements for the dispatch of requests.

Requests for access must be answered as soon as possible, and where in exceptional cases an answer cannot be given within 4 weeks, the data controller must inform the applicant accordingly. Such communication must state the reasons why a decision cannot be taken within 4 weeks and when it can be expected to be taken.

Access should in principle be given in writing if the applicant so requests. Where the data subject goes in person to the data controller, it should be established whether the former wants a written reply or an oral explanation of the contents of the data.

Requests for access are free.

4. Contact details of the national data protection authority and its possible role

Datatilsynet

Borgergade 28, 5. sal

DK-1300 København K

Telephone: +45 3319 3200

Fax: +45 3319 3218

E-mail: dt@datatilsynet.dk

www.datatilsynet.dk

Complaints about the Customs Service's decision on access may be made to the DPA as the last administrative instance for complaints. In processing complaints, the DPA examines the case itself to ensure that no data have been entered in a way which conflicts with the rules of the Council Regulation (EC) No 515/97 and Council Decision 2009/917/JHA.

5. Expected outcome of requests for access. Content of the information supplied

Under Section 31(1) of the Act on Processing of Personal Data, the controller (in this case the Customs Service) has to inform a person who has submitted a request whether or not data relating to him are being processed. Where such data are being processed, communication must be made to him in an intelligible form about the data that are being processed, the purposes of the processing, the categories of recipients of the data and any available information as to the source of such data.

Under Section 32(1) in conjunction with Section 30(2) of the Act, this does not apply if the data subject's interest in obtaining this information is found to be overridden by vital public interests, including:

- (1) national security
- (2)
- (3) public security
- (4) the prevention, investigation, detection and prosecution of criminal offences or of breaches of ethics for regulated professions
- (5)
- (6)

Under Article 23(2) of the Council Regulation No 515/97 with amendments, the aim of entering information in the Customs Information System is: “[...] *to assist in preventing, investigating and prosecuting operations which are in breach of customs or agricultural legislation by making information available more rapidly and thereby increasing the effectiveness of the cooperation and control procedures of the competent authorities referred to in this Regulation.*” Under Article 1(2) of the Council Decision 2009/917/JHA the aim of entering information in the Customs Information System is: “[...] *to assist in preventing, investigating and prosecuting serious contraventions of national laws by making information available more rapidly, thereby increasing the effectiveness of the cooperation and control procedures of the customs administrations of the Member States.*”

In relation to these aims, there will be situations where the data subject may not be told whether information has been entered about him. The data subject might otherwise be able to take steps which could seriously jeopardise the measures to be implemented as a result of the information entered, see also Article 36(2) of Council Regulation (EC) No 515/97 and Article 22 of the Council Decision 2009/917/JHA.

6. References of the main national laws that apply

- Act No 429 of 31 May 2000 on Processing of Personal Data.

7. Language regime

Danish is the official language for communication with the Danish authorities. However it is also possible to communicate with Danish authorities in English

III.8. ESTONIA

1. Nature of the right (direct, indirect, mixed)

Data subjects have the right to obtain personal data relating to him or her from the processor of personal data. Any person may ask the Estonian Data Protection Inspectorate to check personal data relating to himself in the CIS and the use which has been or is being made of those data. There is no practice.

2. Contact details of the body to which requests for access should be addressed

Estonian Tax and Customs Board, Lõõtsa 8a, Tallinn 15176, <http://www.emta.ee/index.php?id=973>

Estonian Data Protection Inspectorate, Väike-Ameerika 19, Tallinn, <http://www.aki.ee/en/inspectorate/structure-and-contacts>

3. Formalities for the request: information and documents to be supplied - possible costs

According to the Estonian Data protection Act § 19 section 2, a data subject has the right to obtain personal data relating to him or her from the processor of personal data. Where possible, personal data are issued in the manner requested by the data subject. The processor of personal data may demand a fee of up to 0.19 euros per page for release of personal data on paper starting from the twenty-first page, unless a state fee for the release of information is prescribed by law.

According to the Public Information Act, § 14, Sections 1 and 2, a request for information shall set out the following information orally or in writing:

- 1) the given name and surname of the person making the request for information;
- 2) the name of the legal person or agency in the case of a request for information made on behalf of an agency or legal person;
- 3) the contact details of the person making the request for information (postal or electronic mail address, or fax or telephone number), through which the holder of information could release the information or contact the person making the request for information;
- 4) the content of the information or the type, name and content of the document requested, or the requisite information on the document known to the person making the request for information;
- 5) the manner of complying with the request for information.

If a person requests information which contains restricted personal data concerning him or her or third persons, the holder of information shall identify the person making the request for information. If a person requests restricted private personal data concerning a third person, he or she shall inform the holder of information of the basis and purpose of accessing the information.

4. Contact details of the national data protection authority and its possible role

Estonian Data Protection Inspectorate, Väike-Ameerika 19, Tallinn.

<http://www.aki.ee/en/inspectorate/structure-and-contacts>

According to the Estonian Data Protection Act, § 33, the Data Protection Inspectorate shall:

- 1) monitor compliance with the requirements provided by this Act;
- 2) apply administrative coercion on the bases, to the extent and pursuant to the procedure prescribed by Acts;
- 3) initiate misdemeanor proceedings where necessary and impose punishments;
- 4) co-operate with international data protection supervision organisations and foreign data protection supervision authorities and other competent foreign authorities and persons.

The Data Protection Inspectorate may initiate supervision proceedings on the basis of a complaint or on its own initiative.

5. Expected outcome of the requests for access. Content of the information

The data subject has received information in the manner requested or refused lawfully.

According to the Estonian Data Protection Act 19 section 3, the processor of personal data is required to provide a data subject with information and the requested personal data or state the reasons for refusal to provide data or information within five working days after the date of receipt of the corresponding request. Derogations from the procedure for provision of information concerning personal data and release of personal data to a data subject may be prescribed by an Act.

6. References of the main national laws that apply

- [Personal Data Protection Act](#),
- [Code of Criminal Procedure](#) (FIDE),
- [Public Information Act](#).

7. Language regime

In Estonia, the language regime is Estonian. In foreign communication, language suitable for both sides is used.

III.9.FINLAND

1. Nature of the right (direct, indirect, mixed)

Indirect.

2. Contact details of the body to which requests for access should be addressed

Office of the Data Protection Ombudsman

PL 800

00521 HELSINKI

Finland

tietosuoja@om.fi

3. Formalities for the request: information and documents to be supplied – possible costs

Personal data can be checked once a year free of charge. Request that the Data Protection Ombudsman verify the lawfulness of data should include:

- Personal identity code (or date and place of birth);
- Family name (also previous family name);
- Given names (also previous given names);
- Contact details: address, postal code and town;
- Signature (of data subject exercising right of access).

4. Contact details of the national data protection authority and its possible role

Office of the Data Protection Ombudsman

PL 800

00521 HELSINKI

Finland

tietosuoja@om.fi

The Data Protection Ombudsman can verify that the data is legal.

5. Expected outcome of the requests for access. Content of the information

The Data Protection Ombudsman conducts the necessary verifications to handle the request and shall inform the result to the data subject by letter.

6. References of the main national laws that apply

- Customs law (1466/1994) Article 23 e)

7. Language regime

Finnish, Swedish and English.

III.10. FRANCE

1. Nature of the right of indirect access

In France, the right of access to the CIS is indirect.

2. Contact details of the agency to which the right of access request should be made

The request should be made to the:

Commission Nationale de l'Informatique et des Libertés

8, rue Vivienne - CS 30223

F-75083 Paris Cedex 02

Telephone: ++33 1 53 73 22 22

Fax: ++33 1 53 73 22 00

E-mail: mabiven@cnil.fr

www.cnil.fr

3. How to formulate the request : information and requested documents – potential cost

The right of access is strictly personal. The request for access should be submitted and signed by the applicant. The applicant can however mandate a lawyer to introduce the request in his or her name, on the condition that the mandate is clearly stated in the request.

There is no particular formal requirement for the request, but the applicant must attach to his letter a legible copy of an official document certifying his or her identity (name, surname, date and place of birth) such as an identity card, a passport, a residence permit, a birth certificate...

The right of access proceedings are entirely free.

4. Contact details for the national data protection agency and its role

Commission Nationale de l'Informatique et des Libertés

8, rue Vivienne - CS 30223

F-75083 Paris Cedex 02

Telephone: ++33 1 53 73 22 22

Fax: ++33 1 53 73 22 00

E-mail: mabiven@cnil.fr

www.cnil.fr

Once the request is received, the Commission appoints one of its members, who is or has been a magistrate of the “Conseil d’Etat”, the “Cour de Cassation” or the “Cour des Comptes”, to carry out the necessary investigations and have the necessary modifications made. In order to do so, the appointed magistrate goes directly to the Direction Nationale du Renseignement et des Enquêtes Douanières (DNRED) offices and verifies in person the reason why the applicant is potentially

registered in the file.

5. Expected outcome of the requests for access

After the verifications have been made, the results can only be communicated to the applicant subjected to a national alert if the member of the Commission establishes, with the agreement of the data controller, that the disclosure of the data does not prejudice “the prevention, investigation and prosecution of operations which are in breach of customs or agricultural legislation”. The communication will therefore be denied if the alert suggests “discreet surveillance”, “sighting and reporting” or if it constitutes a threat to the intended action or to the rights and freedoms of others.

When the data controller objects to the disclosure of the information, the Commission informs the applicant that the necessary verifications have been carried out but that no further information can be given to the applicant. The Commission also informs the applicant of the means and period of time at his or her disposal in order to contest this objection.

If the applicant is the subject of an alert introduced by another CIS partner, communication can only be permitted if the supplying partner has been given the opportunity to state its position.

The CNIL magistrate in charge of the right of indirect access can, during the verifications, ask for the data to be corrected or deleted.

The average processing time varies between one and four months, depending whether or not the applicant is the subject of an alert and whether or not there is a need to undergo further proceedings, depending on its source.

6. References

- Article 41 of the Act No 78-17 of 6 January 1978 modified on Information Technology, Data Files and Civil Liberties.
- Article 86 and following of the Decree No 2005-1309 of 20 October 2005 enacted for the application of Act No 78-17 aforementioned.
- Decree of 15 September 2005 on the Customs Information System, Article 8 in particular.

7. Language regime

The applicant can submit his or her request either in French or in English.

III.11. GERMANY

1. Nature of the right (direct, indirect, mixed)

In Germany, the person concerned can apply to the competent authority handling the data (direct) or can send his request to the national data protection authority (indirect).

2. Contact details of the body to which requests for access should be addressed

The competent customs authority via the Federal Ministry of Finance, Wilhelmstr. 97, 10117 Berlin.

Or the National DPA

Federal Commissioner for Data Protection and Freedom of Information

Husarenstraße 30, 53117 Bonn.

3. Formalities for the request: information and documents to be supplied - possible costs

According to German law the general right of access is principally not subject to any condition. An informal letter is sufficient; there are neither deadlines nor fees. However it has to be ensured that the applicant identifies himself vis-à-vis the customs authority or the BfDI with a certified copy of his identity card and with his signature.

4. Contact details of the National Data Protection Authority and its possible role

See answers to questions 1 and 2.

5. Expected outcome of the requests for access. Content of the information

The obligation to provide information is governed by Sect. 19 para. I BDSG. In principle the letters are written after the examination of the individual case. As a rule a printout from the respective data processing procedure is not provided for tactical reasons relating to the investigations.

There are no national deadlines.

6. References of the main national laws that apply

Federal Data Protection Act, Section 19

Section 19

Access to data

(1) Upon request, data subjects shall be given information on

1. recorded data relating to them, including information relating to the source of the data,
2. the recipients or categories of recipients to which the data are transferred, and
3. the purpose of recording the data.

The request should specify the type of personal data on which information is to be given. If the personal data are recorded neither in automated form nor in non-automated filing systems, this information shall be provided only if the data subject provides information enabling the data to be located and if the effort required is not disproportionate to the data subject's interest in the information. The controller shall exercise due discretion in determining the procedure for providing such information and in particular the form in which it is provided.

(2) Subsection 1 shall not apply to personal data recorded only because they may not be erased due

to legal, statutory or contractual provisions on retention, or only for purposes of monitoring data protection or safeguarding data, and providing information would require a disproportionate effort.

(3) If the provision of information relates to the transfer of personal data to authorities for the protection of the constitution, to the Federal Intelligence Service, the Military Counterintelligence Service and, as far as the security of the Federation is concerned, other agencies of the Federal Ministry of Defence, such provision shall be lawful only with the consent of these bodies.

(4) Information shall not be provided if

1. the information would endanger the orderly performance of tasks for which the controller is responsible,

2. the information would threaten the public security or order or otherwise be detrimental to the Federation or a Land, or

3. the data or the fact of their recording, in particular due to the overriding legitimate interests of a third party, must be kept secret by law or due to the nature of the data, and therefore the data subject's interest in obtaining information shall not take precedence.

(5) No reasons must be given for refusing to provide information if stating the actual and legal grounds for refusal would threaten the purpose of refusing to provide information. In this case, data subjects shall be informed of the possibility to contact the Federal Commissioner for Data Protection and Freedom of Information.

(6) If no information is provided to the data subject, at the data subject's request this information shall be supplied to the Federal Commissioner for Data Protection and Freedom of Information unless the relevant supreme federal authority finds in the individual case that doing so would endanger the security of the Federation or a Land. The information provided by the Federal Commissioner to the data subject may not provide any indication of the knowledge available to the controller without its consent.

(7) Information shall be provided free of charge.

7. Language regime

There is no provision concerning the language. But the official language is German.

III.12. GREECE

1. Nature of the right (direct, indirect, mixed)

Under Article 12 of the Law 2472/1997 the right of access is direct (applicants submit their requests directly to the competent national authority – see Q2). If applicants send their requests to the Hellenic Personal Data Protection Authority (HDPa), they will be advised to submit them directly to the competent national authority.

2. Contact details of the body to which requests for access should be addressed

Ministry of Finance

General Directorate of Customs and Excise

D33 Directorate of Customs Law Enforcement

10 Karageorgi Servias str.
GR- 101 84, Athens, Greece
Telephone: +302107259311, +302107259324, +302103238252
Fax: +302107250113
E-mail: d33-a@otenet.gr, d33ltel@otenet.gr

3. Formalities for the request: information and documents to be supplied – possible costs

Requests must state, as a minimum, the applicant's name and forename, father's forename and applicant's full date of birth. Applicants must provide a photocopy of their passports or another identity document.

According to Decision 122 adopted by the Personal Data Protection Authority on 9 October 2001, in order to exercise their right of access under Article 12 of Law 2472/1997 subjects must pay 5 euro to the data controller. However, it should be noted that, in order to exercise the right of access to the CIS, the sum of 5 euro is, in practice, never levied.

4. Contact details of the national data protection authority and its possible role

Hellenic Data Protection Authority

1-3 Kifisias Av.
GR – 115 23, Athens, Greece
Telephone: +302106475600
Fax: +302106475628
E-mail: contact@dpa.gr
www.dpa.gr

As per article 12 of the Law 2472/1997, if the Data Controller fails to answer in writing within 15 days, or in case the answer thereof is not satisfying, the data subject may then file a complaint with the HDPA requesting that his/her case be examined.

5. Expected outcome of the requests for access. Content of the information

Article 12 of Law 2472/1997 foresees that the data subject has the right to know whether his/her personal data are being processed or have been processed. More specifically, he/she has the right to request and obtain from the Controller, without undue delay and in an intelligible and express manner, information about the nature of his/her personal data, their origin, the purposes of processing and the recipients, if any, thereof.

As per the same article, the Data Controller must answer to the data subject, that exercised his/her right of access, in writing within fifteen (15) days, or in case the answer thereof is not satisfying, the data subject may then file a complaint with the HDPA requesting that his/her case to be examined.

By virtue of a decision by the HDPA, upon application by the Controller, this obligation of the Controller to reply to the data subject (Applicant) may be lifted in whole or in part, provided that

the processing of personal data is carried out on national security grounds or for the detection of particularly serious crimes. In this case the President of the HDPA or his/her substitute carries out all necessary acts and has free access to the files.

6. References of the main national laws that apply

The applicable provisions are: article 36 of Regulation (EC) 515/1997, and article 12 of Law 2472/1997.

7. Language regime

The official language is Greek. However requests in English will also be accepted.

III.13. HUNGARY

1. Nature of the right (direct, indirect, mixed)

Direct.

2. Contact details of the body to which requests for access should be addressed

Request should always be addressed to the data processor. The address of the possible data processors for CIS can be found at:

http://en.nav.gov.hu/contact/customs_field/customs_opening_hours.html

3. Formalities for the request: information and documents to be supplied – possible costs

The controller shall provide clear information in writing within the shortest delay following the submission of the request; however, no later than within 30 days.

The rights of data subjects may be restricted by law in order to safeguard the external and internal security of the State, such as defense, national security, the prevention and prosecution of criminal offences, the safety of penal institutions, to protect the economic and financial interests of central and local government, safeguard the important economic and financial interests of the European Union, guard against disciplinary and ethical breaches in regulated professions, prevent and detect breaches of obligation related to labour law and occupational safety including in all cases control and supervision and to protect data subjects or the rights and freedoms of others. Information is provided free of charge, if the individual requesting the information has not yet submitted a request for information to the controller in connection with the same scope of data in the same year.

Pursuant to the request of the data subject, the controller is entitled to provide information on the subject's data he/she controls, as well as on the data processed by the data processor he/she contracted, his/her sources, the objective of the control, its legal grounds and duration, the name and address of the data processor and the activities he/she undertakes in connection with the control, in

addition to the legal grounds and recipients should the personal data of the data subject were transferred.

4. Contact details of the national data protection authority and its possible role

The Hungarian Authority for Data Protection and Freedom of Information (Authority) can intervene at first or second instance too. If the data controller is not giving an answer the Authority can launch an investigation or an administrative proceeding for data protection at first instance. At second instance the Authority can launch the same procedures if the data subject files a founded claim against the decision of the data controller.

Postal address: 1530 Budapest, Pf.: 5.

Address: 1125 Budapest, Szilágyi Erzsébet
fasor 22/c

Phone: +36 (1) 391-1400

Fax: +36 (1) 391-1410

E-mail: ugyfelszolgalat@naih.hu

URL <http://naih.hu>

GPS
coordinates: É 47°30'56"; K 18°59'57"

5. Expected outcome of the requests for access. Content of the information

See answer to question 3.

6. References of the main national laws that apply

- Act CXII of 2011 on Informational Self-Determination and Freedom of Information
- Act CXXII of 2010 on the National Tax and Customs Administration
- Act CXL of 2004 on the General Rules of Administrative Proceedings and Services

Other references to the relevant laws can be found at: http://en.nav.gov.hu/tax_laws

7. Language regime

The language of an administrative proceeding is Hungarian by law. However as a general rule nobody shall suffer damage or be discriminated by the fact he/she does not speak Hungarian. For the applicable rules and regulations concerning the language regime one should refer to the provisions of the Act CXL of 2004 on the General Rules of Administrative Proceedings and Services.

III.14. IRELAND

Customs Division, Office of the Revenue Commissioners

1. Nature of the right (direct, indirect, mixed):

The right of access is direct, so all access requests should be made directly to the Office of the Revenue Commissioners.

2. Contact details of the body to which requests for access should be addressed:

Data Protection Unit, Office of the Revenue Commissioners.

Ph: +353 (0)1 8589160,

Email: dataprotection@revenue.ie

In writing:

Revenue Data Controller,

Ground Floor,

Cross Block,

Dublin Castle,

Dublin

3. Formalities for the request: information and documents to be supplied – possible costs

Under Section 4 of the Data Protection Act 1988, a data subject may make a written request, with the appropriate fee (€6.35) to the Office of the Revenue Commissioners seeking a copy of any personal information held by the Revenue Commissioners about them, subject to the restriction of any such right of access under Section 5 of the Data Protection Act 1988.

4. Contact details of the national data protection authority and its possible role:

The Office of the Data Protection Commissioner

Canal House,

Station Road

Portarlinton

Co. Laois

Ireland

In terms of the role of the Office of the Data Protection Commissioner, the Customs Act 2015 states:

(3) The Data Protection Commissioner—

(a) who was designated by section 6 of the Act of 2001 as the national supervisory authority for the purposes of the Naples II Convention, continues to be so designated, and

(b) is designated as the national supervisory authority for the purposes of Article 24 of the CIS

Decision.

(4) For the purposes of this Act, the Naples II Convention and the CIS Decision, the Data Protection Acts 1988 and 2003 shall apply and have effect, with any necessary modifications, to the collection, processing, keeping, use or disclosure of personal data.

5. Expected outcome of the requests for access. Content of the information (any specific national deadlines for reply should be inserted here):

In terms of any expected outcome of the requests for access, to date there have not been any access requests made to the Revenue Commissioners or indeed queries to the Office of the Data Protection Commissioner regarding the right of access, correction or deletion.

There is a deadline of 40 days by which an organization must respond to an access request. Also, a data subject has the right of complaint to the Data Protection Commissioner if they consider that an organization to which it has made an access request has not complied with or responded to the request in a valid manner. Information on how a data subject may access their personal information under section 4 of the Data Protection Acts is available at <http://www.dataprotection.ie/docs/Accessing-Your-Personal-Information/14.htm>

6. References of the main national laws that apply

- Customs Act 2015
- Customs and Excise (Mutual Assistance) Act, 2001
- Data Protection Act 1988 & 2003

7. Language Regime

English/Irish.

III.15. ITALY

According to the Italian Customs Agency (“Agenzia delle dogane”), the FIDE has never been used and no information related to frauds within its competence has been inserted in the CIS since 2006. Furthermore, no requests (for access/rectification/deletion) have been received by the Agency. Therefore, the following description of “the right of access system” to personal data processed in CIS is made by referring to the general dispositions of applicable laws and is still under verification with the competent authorities.

1. Nature of the right (direct, indirect, mixed)

In Italy, the right of access to personal data processed by CIS Authorities has a direct nature as the data subject can apply directly to the competent Authorities.

If an application for exercising these rights is not handled timely or the data subject is not satisfied with the reply provided to him, he may claim his rights before the data protection authority (see the answers to the following questions for the specific dispositions applying in case of processing carried out for administrative purposes or in case of purposes of the prevention, detection or suppression of offences as expressly provided for by laws that specifically refer to such processing).

2. Contact details of the body to which requests for access should be addressed

Agenzia delle dogane – Ufficio antifrode, Via Mario Carucci, 71, 00143 Roma

Guardia di Finanza – Ufficio Relazioni con il Pubblico, Viale XXI Aprile 51, 00162 Roma.

3. Formalities for the request: information and documents to be supplied – possible costs

To exercise the rights of access, the data subject's identity shall be verified on the basis of suitable information, also by means of available records or documents or by producing a copy of an identity document.

The data subject can exercise his rights via registered mail, by sending faxes, or emailing a message and a general model form to exercise these rights can be downloaded from the website of the Garante and from the website of the Ministry for Home Affairs. The request should contain a summary description of the grounds on which it is lodged and appropriate contact details of the complainant, if possible the postal address, in order to facilitate correspondence.

The data subject does not have to pay any charges, as a rule. As for personal data that are processed for administrative purposes, a fee ("handling fee") may be charged by the data controller only if it is found that no data relating to the data subject is held.

4. Contact details of the national data protection authority and its possible role

Italian Data Protection Authority

Garante per la protezione dei dati personali

Piazza Monte Citorio 121

00186 Roma

Email: garante@garanteprivacy.it

If an application for exercising any of the rights of access is not handled timely or the data subject is not satisfied with the reply provided to him, he may claim his rights before the Italian data protection authority (Garante) that will verify the complaint according to the dispositions applying in the relevant case.

As for the processing of personal data carried out for administrative purposes, the complaint

handling procedure set out by Articles 145 et seq. of the Data Protection Code will apply. At the end of it, the Garante shall order with a reasoned decision, if the complaint is found to be grounded, that the data controller abstain from the unlawful conduct and shall also specify the remedies to enforce the data subject's rights and set a term for their implementation.

As for processing carried out for purposes of the prevention, detection or suppression of offences, the specific procedure under article 160 of the Data Protection Code will apply (the relevant inquiries shall be carried out by the agency of a member designated by the Garante) and, should the processing fail to comply with laws or regulations, the Garante shall draw the data controller's or processor's attention to the changes and additions that are required and verify that they are implemented. Where the request for the inquiries was made by the data subject, the latter shall be informed of the relevant outcome unless this may be prejudicial to actions or operations aimed at protecting public order and security or preventing and suppressing offences, or if there exist grounds related to State defence or security.

5. Expected outcome of the requests for access. Content of the information

As for the request of access related to processing carried out for administrative purposes, the Data Controller must handle the application appropriately, also via a Person Tasked with the Processing, without delay and in any case:

- Within 15 days from receiving it;
- Within 30 days from receiving it if replying proves especially complex in terms of the steps to be taken, or if there is any other justifiable ground. In this case, the Data Controller or the Data Processor must get back to the Data Subject and inform him within the 15-day term mentioned above.

The response provided to the data subject shall include all the personal data concerning him/her that are processed by the data controller, unless the request concerns either a specific processing operation or specific personal data or categories of personal data.

In case of processing of personal data for reasons of prevention, detection or suppression of offences, a response should be given to the data subject within 30 days.

6. References of the main national laws that apply

Data Protection Code (Decree no. 196 of 30 June 2003):

- Sections 7 et seq. for data processed for administrative purposes under Regulation 515/97;
- Section 175 that modified Section 10 of Act no. 121 of 1 April 1981 for the processing of personal data that is carried out for purposes of the prevention, detection or suppression of offences, under Decision 2009/917/JHA.

7. Language regime

Usually the right of access is exercised in Italian, but no specific provision on that aspect is contained in the relevant legislation.

III.16. LATVIA¹⁶

1. Nature of the right of data subject (direct, indirect, mixed)

For CIS the data subjects can exert their rights directly, in due legal form by submitting a request to the State Revenue Service of the Republic of Latvia.

2. Contact details of the body to which requests for access should be addressed

The written requests regarding CIS should be submitted to the State Revenue Service of Latvia, Talejas iela 1, Riga, LV-1978, Latvia.

3. Formalities for the request of data subject:

- 1) information and documents to be supplied (indicate how the identification of the data subject is ensured) – not specifically determined in any legal act;
- 2) procedure how the documents should be supplied – no specific procedure. The representatives of the State Revenue Service of Latvia upon receiving a request for information from data subject verify the identity of the data subject requesting information. The State Revenue Service carries out the necessary checks regarding the request submitted and within one month provides the data subject with an answer or a refusal to provide information by sending a reply to the address indicated by the data subject.
- 3) possible costs (when the exercise of the rights are free of charge, this should be clearly stated) – it is free of charge.

4. What are the deadlines regarding the provision of information to the data subject?

The data subject should be provided with an answer within one month after the request has been received in the competent authority (it is determined by the Personal Data Protection Law).

5. What is the expected outcome of the guideline regarding the requests of data subjects for the access to Customs Information System?

No specific expectations from the State Revenue Service, however data subject awareness raising information regarding CIS would be appreciated.

6. What is the proposed content of the information for the guidelines?

No specific propositions.

¹⁶ This information was submitted by the Data State Inspectorate of Latvia based on the information provided by the State Revenue Service of the Republic of Latvia.

7. Please provide the references of the main national laws that apply to the access rights of data subjects to the Customs Information System.

- Personal Data Protection Law of the Republic of Latvia;
- Cabinet of Ministers Regulations of 11 October 2005 “General Security Requirements for National Information Systems”;
- Security policy of IS of the State Revenue Service, which approved on 27 February 2012 with the Order of the Director General of the State Revenue Service No.423;
- Rules for the users No.8 of the State Revenue Service Information Systems, which were approved on 28 April 2012;
- Security provisions No.18 of State Revenue Service Information Systems, approved on 13 July 2012.

8. Language regime used (both regarding the application from data subjects and regarding replies to data subject).

All proceedings before Latvian state institutions should be in Latvian, according to the Official Language Law of the Republic of Latvia. Documents from persons in a foreign language shall be accepted if the official translation to the Latvian Language is attached, certified in accordance with the procedures prescribed by the Cabinet of Ministers or with the notarial certification. However the Law on Petitions (Article 7 section 1 paragraph 4) states that a petition or complaint may be unanswered if the text of the petition cannot be objectively read or understood.

Data State Inspectorate is of different opinion and considers that the answers should be provided to data subjects at least in English (the same regarding the submitted requests) regarding the CIS. This issue will be discussed with the State Revenue Service.

9. How many requests from data subjects regarding their access rights to the Customs Information System have been received in 2013 and 2014?

There have been no requests received regarding CIS neither by the State Revenue Service nor Data State Inspectorate.

10. Contact details of the national data protection authority and its possible role.

Data State Inspectorate of Latvia, Blaumana iela 11/13-15, Riga, LV-1011, Latvia. This year a report was submitted to the Cabinet of Ministers of the Republic of Latvia by the Ministry of Justice regarding the current situation in the field of supervision of personal data protection in Latvia. It was indicated that with the currently allocated budgetary resources Data State Inspectorate can't effectively exercise its duty of personal data supervision, including also the supervision of personal data protection and processing carried out in the Republic of Latvia regarding CIS. Current budgetary resources limit also the possibilities to take part at the meetings if CIS Supervision Coordination Group and there is no specific employee assigned for this assignment (the same problematic situation is regarding the SIS II, Eurodac, VISA and the related supervision). Furthermore Data State Inspectorate has no rights to prioritize its assignments and has to investigate

each complaint submitted to our institution. The Cabinet of Ministers has considered this issue and it will be discussed again in the second half of October 2014 along with the assignment of the budgetary resources. Thus Data State Inspectorate will provide additional information to the CIS Supervision Coordination Group regarding this situation.

III.17. LUXEMBOURG

1. Nature of the right (direct, indirect, mixed)

The right of access is indirect, in that sense that it can only be exercised through the supervisory authority.

2. Contact details of the body to which requests for access should be addressed

Requests for access should be addressed to the specific Supervisory Authority established under Article 17 of the Law of 2 August 2002 on the Protection of Persons with regard to the Processing of Personal Data, as modified. This specific authority has the exclusive competence for the supervision of processing operations carried out by the Police, the Army, the Intelligence Services and the Customs and Excise.

Parquet Général du Grand-Duché de Luxembourg
(Principal State Prosecutor's Office)
BP 15
L-2010 Luxembourg
Telephone: ++352 47 59 81–331
Fax: ++352 47 05 50
E-mail: parquet.general@mj.etat.lu

3. Formalities for the request: information and documents to be supplied – possible costs

The Law of 2002 lays down no particular requirements for requests. However they should be submitted in writing and signed. A copy of an official identity document should also be annexed.

The procedure is free of charge.

4. Contact details of the national data protection authority and its possible role

The national DPA has no competence over this matter but a separate and specific Supervisory Authority as explained under point 2.

5. Expected outcome of the requests for access. Content of the information

Pursuant to article 17 of the Law of 2002 the supervisory authority will carry out the appropriate verification and investigations and arrange for any necessary rectifications or deletion of data.

The supervisory authority will then inform the data subject that the processing in question does not contain any data contrary to the treaties, laws and implementing regulations.

Nothing is disclosed with regard to the content of the applicant's data.

6. References of the main national laws that apply

Law of 2 August 2002 on the Protection of Persons with regard to the Processing of Personal Data.

7. Language regime

- Luxembourgish;
- French;
- German;
- English.

III.18. LITHUANIA

1. Nature of right of access (direct, indirect or mixed right of access)

The data subject has a right of direct access.

2. Contact details of the body to which requests for access should be addressed

Requests for access, correction or deletion should be addressed to the Customs Department under the Ministry of Finance of the Republic of Lithuania, which is the data controller:

A. Jaksto str. 1, 01105 Vilnius, Lithuania

Telephone: +370 5 266 6111

Fax. +370 5 266 6005

E-mail: muitine@cust.lt

3. Formalities for the request: information and documents to be supplied - possible costs

Requests have to be submitted in writing and signed. They have to include the identity of the person wishing to have access to data concerning him or her, or to have data concerning him or her corrected/deleted (surname(s) and first name(s), personal identification number (if he does not have a personal identification number, date of birth), place of residence, contact details (phone or email address)). The applicant must provide the data controller with a document certifying his or her identity. Exercise of the rights is free of charge.

4. Contact details of the national data protection agency and its possible role

State Data Protection Inspectorate

A.Juozapavičiaus str. 6, LT-09310 Vilnius

Lithuania

Phone +370 5 279 1445, fax +370 5 261 9494

E-mail: ada@ada.lt

Internet: www.ada.lt

If the data subject is not satisfied with the reply received from the data controller, or the data controller refuses to grant the data subject's request to exercise his/her right to have access to his/her personal data, to request rectification or destruction of his personal data or suspension of further processing of his personal data, or the data controller does not reply to the data subject within 30 calendar days of the date of his application, the data subject may appeal against acts (omissions) by the data controller to the State Data Protection Inspectorate within three months of receipt of the reply from the data controller or within three months of the date when the deadline for replying expires. The data subject can attach documents (the data controller's answer to the data subject's request, etc.), where they exist, substantiating the facts mentioned in the data subject's complaint, in order to ensure that the complaint is investigated efficiently.

After receiving the data subject's complaint, the State Data Protection Inspectorate checks the lawfulness of the personal data processing and takes a decision on the facts described in the complaint.

5. Expected outcome of requests for access. Content of the information supplied

The data subject has the right to obtain information on the sources and the type of personal data that has been collected on him, the purpose of their processing and the data recipients to whom the data are or have been disclosed at least during the past year. On receiving an enquiry from a data subject concerning the processing of his personal data, the data controller must inform the data subject whether personal data relating to him have been processed, and disclose the requested data no later than within thirty calendar days of the date of the data subject's enquiry (Article 25 of the Law on Legal Protection of Personal Data).

Where the data subject, after inspecting his personal data, finds that they are incorrect, incomplete and inaccurate and applies to the data controller, the data controller must check the personal data concerned without delay and at a written request of the data subject submitted in person, by post or by means of electronic communications, rectify the incorrect, incomplete and inaccurate personal data and (or) suspend processing of such personal data, except storage, without delay. If he finds that personal data are being processed unlawfully and unfairly and applies to the data controller, the data controller must check without delay and free of charge the lawfulness and fairness of the processing of personal data and, at a written request of the data subject, destroy the personal data collected unlawfully and unfairly or suspend processing of such personal data, except storage, without delay.

The data controller must inform the data subject and the data recipients of the rectification, destruction of personal data or suspension of processing of personal data at the request of the data subject, without delay (Article 26 of the Law on Legal Protection of Personal Data).

According to paragraph 2 of Article 23 of the Law on Legal Protection of Personal Data the data controller must provide conditions for the data subject to exercise his rights, with the exception of cases provided by law when necessary to ensure:

- 1) state security or defense;
- 2) public order, the prevention, investigation, detection and prosecution of criminal offences;
- 3) important economic or financial interests of the state;
- 4) prevention, investigation and detection of breaches of official or professional ethics;
- 5) protection of the rights and freedoms of the data subject or any other persons.

The data subject must be refused information about his personal data where necessary to perform actions regarding the alert or to defend the rights and liberties of third parties. Information concerning personal data must not be disclosed to the data subject within the timeframe valid for alerts on discreet surveillance.

Proper reasons must be given for the data controller's refusal to fulfil the data subject's request. The data controller must inform the data subject of his refusal to provide the requested data within no more than 30 calendar days of receipt of the data subject's request.

6. References of the main national laws that apply

- The Law on Legal Protection of Personal Data
- Regulation of Integrated Customs Information System

7. Language regime

Requests for access, correction or deletion must be submitted in the official language of the state (Lithuanian). Requests received in any other language will be investigated according to a general procedure. If the data subject's request is in a language other than the official language of the state, it must be translated into Lithuanian. The reply will be given to the applicant in the official language of the state (Lithuanian).

The language of the complaint investigation procedure is Lithuanian. Where a complaint by a data subject is lodged with the State Data Protection Inspectorate in any other language, it has to be translated into Lithuanian. The decision on the complaint is to be adopted and the reply to the complainant given in the official language of the state (Lithuanian).

III.19. MALTA

1. Nature of the right (direct, indirect, mixed)

The data subject has a right of direct access.

2. Contact details of the body to which requests for access should be addressed

Requests for access, correction or deletion should be addressed to the competent national authority through the following contact:

The Data Controller
Customs Department

Custom House, Lascaris Wharf
Valletta VLT 1920
Malta
E-mail: datacontrol.customs@gov.mt

3. Formalities for the request: information and documents to be supplied – possible costs

In accordance with Maltese law, the request must be submitted in writing and signed by the data subject. There are no costs applicable in the exercise of data subjects' rights. The request should be accompanied by a copy of an official identity document (e.g. passport) as proof of identification. The information is to be provided without excessive delay.

4. Contact details of the national data protection authority and its possible role

Office of the Information and Data Protection Commissioner

2, Airways House,
High Street
Sliema SLM 1549
Malta
Tel: +35623287100, fax: +35623287198
E-mail: idpc.info@gov.mt
Website: www.idpc.gov.mt

In the case of a restriction or refusal, the individual has a right to file a request with the Information and Data Protection Commissioner who will investigate matters to assess whether the restriction or refusal is justifiable.

Where personal data is being used by the Customs Authority for the purposes of criminal investigations, specific modalities are applicable. In those cases, a restriction or refusal of a request relating to such data may be appealed within thirty days from when the decision is communicated to the individual or when the individual may reasonably be deemed to know about such a decision.

5. Expected outcome of the requests for access. Content of the information

Having submitted a request, an individual is entitled to receive written information in line with the general data protection provisions contained in the Maltese Data Protection Act (Chapter 440 of the Laws of Malta), and regulations there under, where specifically applicable.

Information should be provided in intelligible form about the actual personal data being processed, the source from where information was collected, the purpose of processing, and the possible recipients of information. No specific deadline for responding to similar requests is established by law. However, the data controller shall take measures to ensure that a reply is given without excessive delay.

Refusal or restriction to the right of access may only occur when this is justified for the suppression of criminal offences, in those cases where the data is processed for such purposes, or where necessary for the protection of the data subjects or the freedoms of other individuals.

6. References of the main national laws that apply

The applicable legal instruments are the Data Protection Act (Cap 440) and Subsidiary Legislation S.L.440.05 and S.L. 440.06.

7. Language regime

The request must be made in Maltese or English, which are the two official languages recognised by the Maltese Constitution. The reply should be provided in the same language as used by the individual submitting the request.

III.20. NETHERLANDS

1. Nature of the right (direct, indirect, mixed)

Direct.

2. Contact details of the body to which requests for access should be addressed

Ministerie van Financiën
Directoraat-Generaal Belastingdienst
Attn. Ms. A.C.M. Stuijt
Data Protection Officer
P.O. Box 20201
NL - 2500 EE THE HAGUE
The Netherlands

3. Formalities for the request: information and documents to be supplied – possible costs

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4. Contact details of the national data protection authority and its possible role

Dutch Data Protection Authority
P.O. Box 93374
NL – 2509 AJ THE HAGUE
The Netherlands
info@cbpweb.nl

When access requests are denied or dealt with in an unsatisfactory manner, a complaint may be sent to the Dutch DPA. Please note however the Dutch DPA acts in complete independence when exercising the functions entrusted to it. This means that the Dutch DPA determines its own priorities within the framework set out by the law. It chooses these priorities based, amongst others, on criteria such as the seriousness and magnitude of infringements of the law and the number of individuals affected. This may result in a decision not to take up an individual complaint for further investigation or mediation. Alternatively, if an access request has an unsatisfactory result, a complaint can be filed to the courts.

5. Expected outcome of the requests for access. Content of the information

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6. References of the main national laws that apply

Algemene Douanewet (General Customs Act): <http://wetten.overheid.nl/BWBR0023746> [in Dutch]

7. Language regime

Dutch, English.

III.21. POLAND

1. Nature of the right (direct, indirect, mixed)

The data subject has a right of direct access.

2. Contact details of the body to which requests for access should be addressed

Chief of the Customs Service
Ministry of Finance
ul. Świętokrzyska 12

00-916 Warsaw, Poland
tel. +48 22 694 55 55, +48 22 694 55 58
fax: +48 22 694-44-41
e-mail: kancelaria@mf.gov.pl

3. Formalities for the request: information and documents to be supplied – possible costs

Everyone has the right to obtain comprehensive information regarding personal data concerning them which are processed in data filing systems.

In accordance with Article 32 (5) of the Act of 29 August 1997 on the Personal Data Protection (Journal of Laws of 2015, item 2135, with subsequent amendments), the person concerned may exercise his/her right to obtain information once every six months.

An application for access is free of charge.

Pursuant to Article 32 (1-5a) of the Act on the Personal Data Protection the data subject may request the following information regarding the processing of his/her personal data:

- whether the data exist in the system,
- for how long the data have been processed,
- the source of data acquisition,
- how data is made available,
- the purpose and scope of data processing,
- to what extent and to whom the data were made available.

The controller will reply regarding the requested information within 30 days.

The request for information should include:

- 1) name and surname of the applicant,
- 2) Polish national identification number - PESEL (where applicable),
- 3) nationality,
- 4) date and place of birth,
- 5) photocopy of an identity document containing,
- 6) place of residence (country, city, street and house number/apartment),
- 7) subject matter of the request,
- 8) signature of person making the request.

In accordance with Article 32 of the Act of 14 June 1960 on the Code of Administrative Procedure (Journal of Laws of 2013, Item 267, with subsequent amendments), a party may be represented in administrative proceedings by a plenipotentiary, unless the nature of the activities requires action in person. Article 33 of the Code establishes the procedural rules for power of attorney, i.e.:

- the plenipotentiary may be a natural person having legal capacity;

- power of attorney should be notified in writing;
- the plenipotentiary files an original or officially certified copy of the power of attorney.

A lawyer, legal counsel or patent agent may themselves authenticate a copy of the power of attorney granted to him/her.

Refusal to provide information on processed personal data

According to Article 34 of the Act on the Personal Data Protection the controller shall refuse to disclose the information referred to in Article 32 paragraph 1 point 1-5a to the data subject if it would lead to:

- 1) a disclosure of confidential information;
- 2) a threat to national defense or national security, to life and health of individuals or to public security and public order;
- 3) a threat to a vital economic or financial interest of the State;
- 4) a significant breach of personal rights of the data subject or of other persons.

The right to correct the data, request the suspension of their processing or removal

The data subject may ask the controller to supplement, update, correct, remove, and temporarily or permanently suspend processing of his/her data. However, the data subject must demonstrate that the data are incomplete, outdated, inaccurate, have been collected in violation of the law or that their processing is no longer necessary to achieve the purpose for which they were collected.

Application proceedings are conducted in accordance with the provisions of the Code of Administrative Procedure.

4. Contact details of the national data protection authority and its possible role

The Inspector General for Personal Data Protection supervises whether the use of CIS data violates the rights of data subjects. This supervision is exercised in accordance with the laws on personal data protection.

Address for correspondence:

Bureau of the Inspector General for Personal Data Protection (GIODO)

2 Stawki Street

00-193 Warsaw, Poland

tel. +48 (22) 53 10 440

fax +48 (22) 53 10 441

<http://www.giodo.gov.pl>

kancelaria@giodo.gov.pl

Any person whose data are processed in the Customs Information System, is entitled to submit a complaint to the Inspector General for Personal Data Protection in relation to the implementation of the provisions on the protection of personal data.

5. Expected outcome of the requests for access. Content of the information

Having submitted a request, an individual is entitled to receive written information in line with the general data protection provisions contained in the Act on the Personal Data Protection. Information should be provided in intelligible form about the actual personal data being processed, the source from where information was collected, the purpose of processing, and the possible recipients of information, within 30 days.

6. References of the main national laws that apply

- Act of 29 August 1997 on the Personal Data Protection,
- Act of 14 June 1960, Code of Administrative Procedure,
- Act of 7 October 1999 on the Polish Language.

7. Language regime

The requests must be submitted in Polish, as well as any documents enclosed shall be translated into Polish.

III.22. PORTUGAL

1. Nature of the right (direct, indirect, mixed)

Direct, in case of access to CIS data processed under Regulation 515/97.

Indirect, in case of access to CIS data processed under Decision 2009/917/JHA.

2. Contact details of the body to which requests for access should be addressed

For direct access (the data controller):

Autoridade Tributária e Aduaneira
Direção de Serviços Antifraude Aduaneira
Divisão de Informações
Av. Duque de Ávila, nº 71 – 2º Andar
1000-139 Lisboa
Telephone: +351213595482
Fax: +351213584855
Email: dsafa-di@at.gov.pt

For indirect access:

Comissão Nacional de Protecção de Dados (the Data Protection Authority)

Rua de S. Bento, 148, 3º
1200-821 Lisboa
Telephone: +351 213928400
Fax: +351 213976832
Email: geral@cnpd.pt
www.cnpd.pt

3. Formalities for the request: information and documents to be supplied – possible costs

In case of direct access, the request can be submitted in person, by post mail, by fax and by electronic mail. Identification has to be provided.

In case of indirect access, the request can be submitted in person or by post mail. If in presence of the data subject, an ID card (citizen ID card or passport) has to be showed for ID verification. If the request is submitted by post mail, an authenticated copy of the ID card has to be provided.

In both situations, there are no standard forms for submitting the request and the exercise of the right of access, rectification or deletion is free of charge.

4. Contact details of the national data protection authority and its possible role

Comissão Nacional de Protecção de Dados (the Data Protection Authority)
Rua de S. Bento, 148, 3º
1200-821 Lisboa
Telephone: +351 213928400
Fax: +351 213976832
Email: geral@cnpd.pt
www.cnpd.pt

The national DPA is the independent body for which the data subject can address any complaint related to the exercise of the right of access, rectification or deletion in the situation where the direct access applies.

It is also the national competent authority to handle the requests in the situation where the indirect access applies, in particular by verifying if the personal data is processed in compliance with the legal framework.

5. References of the main national laws that apply

Law 67/98, of 26 October – Data Protection Law

6. Language regime

Portuguese.

III.23. ROMANIA

According to the Romanian DPA, the competent authorities are not using the CIS system. However, the DPA is still investigating the matter.

III.24. SLOVAK REPUBLIC

1. Nature of the right (direct, indirect, mixed)

The data subject has a direct right for access to processed personal data pursuant to Article 15 of the Convention Drawn up on the basis of Article K.3 of the Treaty on European Union, on the use of information technology for customs purpose as well as pursuant to Section 55 of the Act no. 652/2004 Coll. on State Authorities in Customs.

2. Contact details of the body to which requests for access should be addressed

Financial Directorate of the Slovak Republic
Lazovná 63
974 01 Banská Bystrica
Slovak Republic

3. Formalities for the request: information and documents to be supplied – possible costs

The controller, the Financial Directorate of the Slovak Republic, has to satisfy the request of data subject free of charge, except for a fee in the amount not exceeding the amount of material costs accrued in connection with the making of copies, providing technical carriers and sending the information to the data subject.

The data subject has to notify to the controller its name, surname, maiden name, date and place of birth, nationality and postal address.

The Financial Directorate published a form on its website which the data subject can fill in and send to the Financial Directorate.

4. Contact details of the national data protection authority and its possible role

Office for Personal Data Protection of the Slovak Republic

Hraničná 12
820 07 Bratislava 27
Slovak Republic

The Office is an independent state authority in the field of personal data protection and its main

task is a supervision of data processing and its compliance with law. In case the data subject suspects that his/her personal data are processed unlawfully, he/she is not satisfied with the process and manner how his/her request is dealt, he/she may notify the Office which will start a procedure on personal data protection.

5. Expected outcome of the requests for access. Content of the information

The controller shall respond to the request of data subject within 30 days from its receipt. The Financial Administration is allowed to refuse provide information on processed personal data only under the conditions stipulated by law (Article 36(2) of Regulation 515/97, Article 22 of Decision 2009/917/JHA and Section 55 (3) to (5) of Act 652/2004).

6. References of the main national laws that apply

- Act no. 122/2013 Coll. on Personal Data protection (Section 28)
- Act no. 652/2004 Coll. on State Authorities in Customs (Section 55)

7. Language regime

Slovak.

III.25. SLOVENIA

1. Nature of the right (direct, indirect, mixed)

Direct.

2. Contact details of the body to which requests for access should be addressed

Applications can be filed in written form or also orally, for the record, with the Customs Administration of the Republic of Slovenia:

Carinska uprava RS
Generalni carinski urad
šmartinska cesta 55
1523 Ljubljana
Slovenija

P: +386 1 478 3800

Free phone: +386 2222 1122

F: +386 1 478 3900

E: carina@gov.si

I: www.carina.gov.si

3. Formalities for the request: information and documents to be supplied – possible costs (when the exercise of the rights are free of charge, this should be clearly stated)

The process of exercising the right to consult one's own personal data in Slovenia is regulated in accordance with the Personal Data Protection Act (Articles 30 and 31) and the Information Commissioner Act.

Article 30 of the Personal Data Protection Act requires the Customs Administration, which is subordinate to the Ministry Finance and a data controller, to:

- 1) enable consultation of the CIS filing system catalogue;
- 2) certify whether data relating to the data subject are being processed or not, and enable him to consult personal data contained in the national CIS filing system that relate to him, and to transcribe or copy them;
- 3) supply him with an extract of personal data contained in the national CIS filing system that relate to him;
- 4) provide a list of data recipients to whom personal data were supplied, stating when, on what basis and for what purpose;
- 5) provide information on the sources on which records about the individual in the CIS are based, and on the method of processing;
- 6) provide information on the purpose of processing and the type of personal data being processed in the CIS, and all necessary explanations in this connection;
- 7) explain the technical and logical-technical procedures of decision-making.

The processing of applications is at present free of charge. The requesting individual may be charged only material costs for photocopying as stipulated in the Rules on the charging of costs related to the exercise of the right of an individual to access his own personal data.

4. Contact details of the national data protection authority and its possible role

Informacijski pooblaščenec
(Information Commissioner)
Zaloška 59
1000 Ljubljana
Slovenija

Tel.: +386 1 230 97 30
Fax: +386 1 230 97 78
E-mail: gp.ip@ip-rs.si
Internet: www.ip-rs.si

The Information Commissioner is competent for deciding on an appeal by an individual when a request to consult his personal data has been refused or the competent authority has refused to answer his application.

Applicants who consider that any of their rights have been violated in relation to an application for access may lodge a claim with the Information Commissioner. The Information Commissioner, having received the complaint, forwards it to the data controller, so that he can draw up any statements he regards as relevant. Finally, the Information Commissioner takes a decision on the complaint and forwards it to those concerned, after receiving the statements and the reports, evidence and other investigation documents, as well as inspection of the files where necessary and interviews with the person concerned and the controller of the file.

The processing of such an appeal is at present free of charge.

5. Expected outcome of the requests for access. Content of the information (any specific national deadlines for reply should be inserted here)

If data relating to the person concerned are contained in the CIS and if the request is granted, the controller of the file will provide the person concerned with the data relating to him in the form requested. The Customs Authority must enable the individual to consult, transcribe, copy and obtain a certificate no later than 15 days from the date of receipt of the request, or within the same interval, inform the individual in writing of the reasons for refusal. The Customs Authority is obliged to supply the extract mentioned above in point 3, the list in point 4, the information in points 5 and 6 and the explanation in point 7 to the individual within 30 days from the date the request was received, or, within the same interval, to inform him in writing of the reasons for refusal.

Individual's right to consult personal data that relate to him may only exceptionally be restricted in accordance with the Article 36 of the Personal Data Protection Act - by statute, for reasons of protection of national sovereignty and national defense, protection of national security and the constitutional order of the state, security, political and economic interests of the state, the exercise of the responsibilities of the police, the prevention, discovery, detection, proving and prosecution of criminal offences and minor offences, the discovery and punishment of violations of ethical norms for certain professions, for monetary, budgetary or tax reasons, supervision of the police, and protection of the individual to whom the personal data relate, or the rights and freedoms of others. These restrictions may only be imposed to the extent necessary to achieve the purpose for which the restriction was provided.

6. References of the main national laws that apply

- Personal Data Protection Act (Official Gazette of the Republic of Slovenia, no. 94/2007, official consolidated text), unofficial English translation of the Act available at: <http://www.ip-rs.si/index.php?id=339>
- Information Commissioner Act (Official Gazette of the Republic of Slovenia, no. 113/2005), unofficial English translation of the Act available at: <http://www.ip-rs.si/index.php?id=325>
- Rules on the charging of costs related to the exercise of the right of the individual to access own personal data (Official Gazette of the Republic of Slovenia, no. 85/2007), only Slovene text of the Rules available at: <http://www.ip-rs.si/zakonodaja/zakon-o-varstvu-osebnihih>

7. Language regime

In general, Slovene but English is also acceptable for such applications.

III.26. SPAIN

1. Nature of right of access

Data subjects have the right of direct access, but, when the data controller fails to respond to a request for access or when the answer provided is deemed unsatisfactory they also have the right to indirect access through the Spanish DPA.

2. Contact details of the body to which requests for access should be addressed

Requests for access to information should be submitted to:

Agencia Estatal de Administración Tributaria
Departamento de Aduanas e Impuestos Especiales
Coordinación - CIS
Subdirección General de Operaciones
Avenida Llano Castellano, 17
E-28017 Madrid

3. Formalities for the request: information and documents to be supplied – possible costs

Any request for access must be submitted in writing to the data controller. To this end, data subjects must send an application to the data controller by any means that provides evidence of the dispatch and receipt of the application.

There is no an official standard application form or any formal requirements. Nevertheless, following the general administrative procedure, the application should provide a full description of the request and must be accompanied by a photocopy of a document proving the identity of the data subject – i.e. a national identity card or passport. In addition, data subjects can attach to the request copies of any relevant documents they consider important in support of the request described in the application.

The procedure is free of charge.

4. Contact details of the national data protection authority and its possible role

Agencia Española de Protección de Datos (Data Protection Authority)

C/ Jorge Juan, 6
E - 28001 – Madrid
Tel.: + 34 901 100 099
E-mail: ciudadano@agpd.es
Internet: www.agpd.es

As already mentioned, data subjects have the right of direct access. Nevertheless, they also have indirect access through the Spanish DPA when a data controller fails to respond to a request for access made by a data subject or when the answer provided is unsatisfactory. In both cases, data subjects can lodge a claim with the Spanish DPA. Under section 117 of Royal Decree 1720/2007, that approves the regulation implementing the Organic Act 15/1999, on the Protection of Personal Data, the procedure is to be initiated at the request of the data subject, clearly expressing the content of his/her claim.

Once the Spanish DPA has received the claim, a procedure to protect rights of individuals is initiated. According to this procedure, the Spanish DPA forwards the claim to the data controller in order to give the administrative body the opportunity to lodge any defence it deems appropriate to support the denial of access or the answer provided to the applicant.

These comments, if any, are forwarded to the applicant, who can make further statements and comments. These comments are forwarded to the data controller, which has the opportunity to provide explanations of its decision and respond to the comments and statements made by the applicant.

Having received the statement of defence and the other statements and documents, the Director of the Spanish DPA delivers a decision resolving the claim received.

It is important to stress that the time-limit for issuing and notifying the decision is six months following the date of receipt of the claim at the Spanish DPA.

If the decision is in favour of the request, the Spanish DPA communicates it to the data controller, who must grant the data subject exercise of the right of access within ten days following the notification. Moreover, the data controller is obliged to provide written evidence of compliance with the decision of the Spanish DPA to this supervisory authority within the same period of time.

5. Expected outcome of requests for access. Content of the information supplied

It is for the controller to decide on the content of the information supplied to applicants. Usually, the data subject receives copies of documents containing personal data stored in the filing system.

6. References of the main national laws that apply

- Organic Act 15/1999, on the Protection of Personal Data.
- Royal Decree 1720/2007, which approves the regulation implementing the Organic Act 15/1999, on the Protection of Personal Data.

7. Language regime

A data subject who wants to start the procedure for the right of access in Spain should address public bodies in Spanish.

III.27. SWEDEN

1. Nature of the right (direct, indirect, mixed)

There is a right of direct access.

2. Contact details of the body to which requests should be addressed

Request for access must be made to the Swedish Customs (Tullverket), which is the Swedish authority responsible for the processing of data in custom information system. When calling the applicant should ask for the personal data representative (personuppgiftsombudet) or address the letter or e-mail to him/her.

Tullverket

Box 12854

S-112 98 Stockholm

Sweden

Telephone: +46 (0)771 520 520

Fax: +46 (0)8 20 80 12

E-mail:

<http://www.tullverket.se/en/startpage/contactus/sendanemail/forms/emailyourquestionstoswedishcustoms.4.6edda07011f9252a5a98000917.html>

Internet: www.tullverket.se

3. Formalities for the Request: information and documents to be supplied – possible costs

Request must be made in writing to the Swedish Customs and signed personally by the applicant. In general, a request for access must be answered within one month. Applicants are entitled to free access to information once every calendar year.

4. Contact details of the national data protection authority and its possible role

The Swedish Data Protection Authority (Datainspektionen) makes sure that personal data processing in Sweden complies with the rules of the Personal Data Act and other data protection legislations. The Swedish Data Protection Authority may initiate supervision either based on a

complaint or in its own initiative. A person who is not satisfied with how his/hers request for access to information has been dealt with may submit a complaint to the Swedish Data Protection Authority. The complaint may result in an investigation of whether the rules on right of access have been complied with. Swedish Customs decision regarding the right of access may however also be appealed to administrative court.

Datainspektionen
Box 8114
Drottninggatan 29, 5th floor
S-104-20 Stockholm
Phone: +46 (0)8 657 61 00
Fax: +46 (0)8 652 86 52
E-mail: datainspektionen@datainspektionen.se
Internet: www.datainspektionen.se

5. Expected outcome of the request for access. Content of the information

Whether or not the information is disclosed depends on the provision of the Official documents and Secrecy Act (2009:400) which may prohibit the disclosure of certain data. When disclosure of the data is permitted, it shall contain:

- a) which information about the applicant that is processed,
- b) where this information has been collected,
- c) the purpose of the processing,
- d) to which recipients or categories of recipients the information is disclosed.

6. Reference to the main national laws that apply

Laws applicable: Section 26 and 27 of the Personal Data Act (1998:204).

7. Language regime

There are no specific rules concerning language in Sweden. An application in English would be accepted.

III.28. UNITED KINGDOM

1. Nature of the right (direct, indirect, mixed)

Direct.

2. Contact details of the body to which requests for access should be addressed

Her Majesty's Revenue and Customs Service (HMRC)

CIS is not specifically mentioned. This is the same for all such databases. To make it as easy as possible for a data subject, an individual can ask for any and all personal data HMRC holds via their website. A link to which is below:

<http://www.hmrc.gov.uk/leaflets/dp-fs1.htm>

3. Formalities for the request: information and documents to be supplied – possible costs (when the exercise of the rights are free of charge, this should be clearly stated)

This is what HMRC says about requests on its website.

“....to help locate the information you want and deal with your request more quickly, you should make your DPA request to the HMRC office that you have been dealing with. You should address your request to the 'Data Protection Officer', and you must include enough details to enable us to verify your identity and locate the relevant information. For example, you should tell us:

- your date of birth
- previous or other name(s) you have used
- your previous addresses in the past five years
- personal reference number(s) that we may have given you, for example your National Insurance number, your tax reference number or your VAT registration number
- what type of information you want to know.

To make sure we are providing information to the right person, we will check the details that you provide to us against your National Insurance number.

If you do not have a National Insurance number, you must send a copy of the back page of your passport or a copy of your driving licence together with a copy of a recent utility bill.

The DPA requires that we comply with a request for information promptly and in any event within 40 days of receipt. HMRC will always try to provide a response within this timescale.

We will not charge you for dealing with a DPA request....”

4. Contact details of the national data protection authority and its possible role

The Information Commissioner

Here is how you can contact the Information Commissioner:

- Telephone: 01625 545 745
- Fax: 01625 524 510.
- Email the Information Commissioner
- Write to
The Information Commissioner
Wycliffe House

Water Lane
Wilmslow
Cheshire
SK9 5AF.

5. Expected outcome of the requests for access. Content of the information (any specific national deadlines for reply should be inserted here)

All subject access requests in the UK have a time limit for a response within 40 calendar days of the date of request being received.

6. References of the main national laws that apply

Section 6 cover subject access request rights under the data protection act 10098
<http://www.legislation.gov.uk/>

7. Language regime

English.

ANNEXES (MODEL LETTERS)

The following model letters can be used to file your request unless the national competent authority to which you address your request asks you to use a specific standard form.

Annex 1

Model letter for requesting access

To: **Title and address of the competent authority**

DD-MM-XXXX,
Place

Dear Sir / Madam,

Pursuant to Article 36 of Council 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 (hereinafter " Regulation 515/97") and Article 22 of Council Decision 2009/917/JHA of 30 November 2009 on the use of information technology for customs purposes (hereinafter " Decision 2009/917/JHA").

I _____ (name, surname), _____ (nationality),
_____ (date and place of birth), _____ (address), would
like to request access to my personal data entered in the Customs Information System.

Please find enclosed:

1. Copy of a valid identity document under the national law of the Member State (passport/identity card/driving licence (other valid identity document);
2. Copy of the legal authorisation to represent the applicant;
3. Other.

The Applicant / The Legal Representative

(Signature)

Annex 2

Model letter for requesting correction or deletion of the data processed

To: **Title and address of the competent authority**

DD-MM-XXXX,
Place

Dear Sir / Madam,

Pursuant to Article 36 of Council 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 (hereinafter " Regulation 515/97") and Article 22 of Council Decision 2009/917/JHA of 30 November 2009 on the use of information technology for customs purposes (hereinafter " Decision 2009/917/JHA"),

I _____ (name, _____ surname), _____ (nationality),
_____ (date and place of birth), _____ (address),
would like to request correction of factually inaccurate data relating to me or deletion of data relating to me which have been unlawfully stored in the Customs Information System. My personal data should be corrected/deleted because:

Please find enclosed:

1. Copy of a valid identity document under the national law of the Member State (passport/identity card/driving licence (other valid identity document);
2. Copy of the legal authorisation to represent the applicant;
3. Other.

The Applicant/The Legal Representative

(Signature)

Annex 3

Model letter for requesting the blocking of the data processed

To: **Title and address of the competent authority**

DD-MM-XXXX,
Place

Dear Sir / Madam,

Pursuant to Article 22 of Council Decision 2009/917/JHA of 30 November 2009 on the use of information technology for customs purposes (hereinafter " Decision 2009/917/JHA"),

I _____ (name, _____ surname), _____ (nationality),
_____ (date and place of birth), _____ (address),
would like to request the blocking of factually inaccurate data relating to me or of data relating to me which have been unlawfully stored in the Customs Information System. My personal data should be blocked because:

Please find enclosed:

1. Copy of a valid identity document under the national law of the Member State (passport/identity card/driving licence (other valid identity document);
2. Copy of the legal authorisation to represent the applicant;
3. Other.

The Applicant/The Legal Representative

(Signature)