CIS SUPERVISION COORDINATION GROUP

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

Secretariat of the CIS Supervision Coordination Group
European Data Protection Supervisor
Postal address: Rue Wiertz 60, B-1047 Brussels
Offices: Rue Montoyer 30, 1000 Brussels
E-mail : EDPS-CIS@edps.europa.eu
Tel.: 02-283 19 13 - Fax : 02-283 19 50

This guide has been compiled by
the CIS Supervision Coordination Group

Postal address: Rue Wiertz 60, B-1047 Brussels
Offices: Rue Montoyer 30, 1000 Brussels
E-mail : EDPS-CIS@edps.europa.eu
Tel.: 02-283 19 13
Fax: 02-283 19 50

TABLE OF CONTENTS

I. Introduction to the Customs Information System 4
II. Rights of individuals whose data are processed in the CIS 6
II.1. Right of access 7
II.1.1. Direct access 8
II.1.2. Indirect access 8
II.2. Right to correction and deletion of data 8
II.3. Right to restriction of processing or to block the data 8
II.4. Remedies: the right to complain to the data protection authority or file a judicial proceeding 8
III. Description of the procedure to exercise the right of access in each Member State using the CIS 9
III.1. AUSTRIA 9
III.2. BELGIUM 10
III.3. BULGARIA 11
III.4. CROATIA 13
III.5. CYPRUS 16
III.6. CZECH REPUBLIC 17
III.7. DENMARK 18
III.8. ESTONIA 20
III.9. FINLAND 21
III.10.FRANCE 23
III.11.GERMANY 24
III.12.GREECE 26
III.13.HUNGARY 28
III.14.IRELAND 30
III.15.ITALY 31
III.16.LATVIA 34
III.17.LUXEMBOURG 36
III.18.LITHUANIA 37
III.19.LUXEMBOURG 40
III.20.MALTA 41
III.21.NETHERLANDS 43
III.22.POLAND 45
III.23.PORTUGAL 47
III.24.ROMANIA 49
III.25.SLOVAK REPUBLIC 49
III.26.SLOVENIA 50
III.27.SPAIN 53
III.28.SWEDEN 55
Annexes (Model letters) 57

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 matters[1] (hereinafter "Regulation 515/97"), as amended by Regulation (EC) No 766/2008 of 9 July 2008[2] and Regulation (EU) No 2015/1525[3], and

- Council Decision 2009/917/JHA of 30 November 2009 on the use of information technology for customs purposes[4] (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:

[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] Regulation (EU) 2015/1525 of the European Parliament and of the Council of 9 September 2015 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 243, 18.9.2015, p. 1.
[4] OJ L 323, 10.11.2009, p. 20.

- 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 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:

- Council Regulation (EC) No 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 included[5].

[5] 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 an on the free movement of such data applicable to customs activities carried out under

Architecture of the system

The CIS is composed of a central database ("Central CIS") accessible through terminals in each Member State[6].

II. RIGHTS OF INDIVIDUALS WHOSE DATA ARE PROCESSED IN THE CIS

In accordance with data protection principles, all individuals whose data are processed in the CIS are granted specific rights[7] 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 compensation[8].

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 individuals exercise their right of access, correction of inaccurate data and deletion of unlawfully stored data under Council Regulation (EC) No 515/97, national competent authorities shall provide information about the follow up to their requests without undue delay, and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests; individuals shall be informed of any such extension and the reasons for the delay within one month[9]. The same deadlines apply to European Union institutions[10].

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.

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

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

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

[9] See Article 12(3) of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1.

[10] See Article 14(3) of Regulation (EU) 2018/1725 of the European Parliament and of the Council of

When individuals exercise their right of access, correction and deletion under Decision 2009/917/JHA, replies by national competent authorities are due within deadlines set up at national level. In any event, national competent authorities shall inform individuals about the follow up to their requests without undue delay[11].

II.1. Right of access

The right of access is the possibility for individuals who so request to consult the information relating to them stored in data files 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 Council Regulation (EC) No 515/97, which specifies Article 15 of Regulation (EU) 2016/679, and in Article 22 of Decision 2009/917/JHA, which specifies Article 14 of Directive (EU) 2016/680.
The right of access may be refused if it would likely jeopardise any on-going national investigations, or during the period of discreet surveillance or sighting and reporting[12]. When the applicability of such an exemption is assessed, the legitimate interests of the person concerned shall be taken into account.

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 Member State addressed. The rules of procedure may 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 applicant[13].

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.

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23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39

11 See Article 12(3) of Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, OJ L 119, 4.5.2016, p. 89.

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

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

II.1.1. Direct access

In this case individuals concerned apply directly to the authorities handling the data (customs and financial intelligence units for CIS). If national law permits, applicants may be sent the information relating to them.

II.1.2. Indirect access

In this case individuals send their 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 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 unlawfully[14].

II.3. Right to restriction of processing or to block the data

Individuals have the right to request the restriction of processing of personal data relating to them processed in the CIS[15], i.e. the marking of their personal data stored in the CIS with the aim of limiting their processing in the future.

Individuals have the right to request blocking of personal data relating to them processed in the CIS under Decision 2009/917/JHA, which shall be exercised in accordance with the laws, regulations and procedures implementing Directive (EU) 2016/680[16].

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[17] 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

[14] See Article 36(4) of Regulation 515/97, which specifies Articles 16 and 17 of Regulation (EU) 2016/679, and Article 22 of Decision 2009/917/JHA, which specifies Article 16 of Directive 2016/680.
[15] See Article 18 of Regulation (EU) 2016/679 and Article 20 of Regulation (EU) 2018/1725.
[16] See Article 22 of Decision 2009/917/JHA and Article 16(3) of Directive (EU) 2016/680 on the right to restriction of processing.
[17] Those rights are also provided by Articles 77 and 79 of Regulation (EU) 2016/679 and Articles 52 and 54 of Directive (EU) 2016/680.

personal data, rectify or erase personal data entered or stored in the CIS contrary to Council Regulation (EC) No 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.

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 Union[18]. In addition, the individuals concerned have a right to lodge a complaint with the European Data Protection Supervisor[19].

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.

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
Johannesgasse 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

[18] See Article 36(5) of Regulation 515/97.
[19] See Article 63 of Regulation (EU) 2018/1725.

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

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

The right of access is indirect. It is exercised through the Data Protection Authority.

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

Autorité de protection des données
Rue de la Presse 35
1000 Bruxelles
e-mail: contact@apd-gba.be

Gegevensbeschermingsautoriteit
Drukpersstraat 35
1000 Brussel
e-mail: contact@apd-gba.be

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

The data subject must file a written, dated and signed request. The filing of a request is free of charge.

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

Autorité de protection des données	Gegevensbeschermingsautoriteit
Rue de la Presse 35	Drukpersstraat 35
1000 Bruxelles	1000 Brussel
e-mail: contact@apd-gba.be	e-mail: contact@apd-gba.be

The DPA will handle the request of access (see point 2).

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

The Data Protection Authority shall communicate only to the person concerned that the necessary checks have been carried out. It may provide the data subject with certain legally determined contextual information.

6. **References of the main national laws that apply**

Act of 3 December 2017 establishing the Data protection Authority.

Act of 30 July 2018 on the protection of natural persons with regard to the processing of personal data.

7. **Language regime**

The data subject may file his request in French, Dutch or German. It is also possible to communicate with the DPA in English.

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.cpdp.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.cpdp.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, 115/16). 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 24-30 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.

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, send by post on the adress below or send request via e-mail at zastita.podataka@carina.hr.

When request are submitted by post or e-mail, Customs Administration will make reasonable efforts to confirm the identity of interested person to prevent unauthorized personal data processing.

Ministry of Finance, Customs Administration
Address: Alexandera von Humboldta 4 a, 10 000 Zagreb
E-mail: zastita.podataka@carina.hr

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 15 of the General Data Protection Regulation, the data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:

(a) the purposes of the processing;

(b) the categories of personal data concerned;

(c) the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;

(d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;

(e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;

(f) the right to lodge a complaint with a supervisory authority;

(g) where the personal data are not collected from the data subject, any available information as to their source;

(h) the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

2. Where personal data are transferred to a third country or to an international organization, the data subject shall have the right to be informed of the appropriate safeguards pursuant to Article 46 relating to the transfer.

3. The controller shall provide a copy of the personal data undergoing processing. For any further copies requested by the data subject, the controller may charge a reasonable fee based on administrative costs. Where the data subject makes the request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form.

4. The right to obtain a copy referred to in paragraph 3 shall not adversely affect the rights and freedoms of others.

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

Personal Data Protection Agency
Address: Selska cesta 136, 10 000 Zagreb
E-mail: azop@azop.hr
Telephone: 003851/4609-000
Fax: 003851/4609-099

The Personal Data Protection Agency is (in Act of implementation of the General Data Protection Regulation (OG, No. 42/18)) appointed as independent supervisory authority acccording to the Article 51 of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) and is competent for the performance of the tasks assigned to her and the exercise of the powers conferred on it in accordance with this Regulation on the territory of the Republic of Croatia.

Also the Personal Data Protection Agency is appointed as *independent supervisory authority* acccording to Law on Protection of Individuals with regard to Processing and Exchange of Personal Data for the purpose of Prevention, Investigation, Discovery or Prosecution of Criminal Offenses or Execution of Criminal Sanctions (OG, No. 68/18) which transpose Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA.

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

According to Article 15 of the General Data Protection Regulation, the data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data (See answer to question 3.)

6. References of the main national laws that apply

The main national laws that apply are:

- Act of implementation of the General Data Protection Regulation (OG, No. 42/18)

- Law on Protection of Individuals with regard to Processing and Exchange of Personal Data for the purpose of Prevention, Investigation, Discovery or Prosecution of Criminal Offenses or Execution of Criminal Sanctions (OG, No. 68/18)
- Law on the Right of Access to Information (OG, No. 25/13, 85/15)
- Law on Protection of Confidentiality Data (OG, No. 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 Data, except the provisions of Chapter 8, and 9.
- Customs Service Act (OG, No. 68/13, 30/14, 115/16)
- General Tax Act (OG, No. 115/16)
- 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
140 69 Prague 4
Czech Republic

Phone: 00420 261 331 111
podatelna@cs.mfcr.cz
Data box ID: 7puaa4c

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 Prague 7
Czech Republic

Phone: 00420 234 665 111
posta@uoou.cz
Data box ID: qkbaa2n

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 110/2019 Coll., on Personal Data Processing (Art. 28, 29, 31)
- Act No 111/2019 Coll., introducing amendments to several laws in relation to adoption the Act on the Personal Data Processing
- 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 requests: information and documents to be supplied – possible costs

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

Please see annex 1 for model letter for requesting access.

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

Datatilsynet
Carl Jacobsens Vej 35
DK-2500 Valby
Telephone: +45 3319 3200
E-mail: dt@datatilsynet.dk
www.datatilsynet.dk

Complaints about the Customs Service's decision on access may be made to the Danish DPA as the last administrative instance for complaints.

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

Requests for access will be processed taking into account relevant exemptions.

6. References of the main national laws that apply

- The Act on supplementary provisions to the regulation on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (the Data Protection Act No. 502 of 23 May 2018).
- The Act on Law Enforcement Authorities' Processing of Personal Data (the Law Enforcement Act No. 410 of 27 April 2017).

The abovementioned act is accessible on the Danish DPA's website in both English and Danish.

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

These explanations about Estonia were reviewed on 19.03.2020

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

Data subjects have the right to obtain personal data relating to him or her from the controller 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**

Direct access: Estonian Tax and Customs Board, Lõõtsa 8a, Tallinn 15176, https://www.emta.ee/eng/private-client

Indirect access: Estonian Data Protection Inspectorate, Tatari 39, 10134 Tallinn, https://www.aki.ee/en/contacts

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

We accept request on paper if they are manually signed and with a copy of a valid ID card or passport. If the request is submitted electronically and it is electronically signed, then here is no need to add a copy of a valid ID card or passport. If you are representing another person, then a copy of document proving the representation right must also be attached to the request. It is recommended to use this Guide's modal letters for the requests (found at the end of the Guide).If there are suspicions about your identity, additional information might be asked.

Processing of the request is free of charge. Where requests are manifestly unfounded or excessive, in particular because of their repetitive character, the controller may either:

(a) charge a reasonable fee taking into account the administrative costs of providing the information or communication or taking the action requested; or
(b) refuse to act on the request.

The controller shall bear the burden of demonstrating the manifestly unfounded or excessive character of the request.

Additional information about access requests can be found in three languages:

- In Estonian: https://www.aki.ee/et/teenused-poordumisvormid/paring-rahvusvahelistest-andmebaasidest In English: https://www.aki.ee/en/inspectorate/request-international-database In Russian: https://www.aki.ee/ru/mezhdunarodnye-informacionnye-sistemy

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

Estonian Data Protection Inspectorate, Tatari 39, 10134 Tallinn.

https://www.aki.ee/en/contacts

According to the Estonian Data Protection Act § 51, the Data Protection Inspectorate is the independent supervisory authority for the purposes of Article 51(1) of Regulation (EU) 2016/679 of the European Parliament and the Council and Article 41 of Directive (EU) 2016/680 of the European Parliament and the Council. The Inspectorate has, among other powers, the powers to:

1) monitor compliance with the requirements provided by Regulation 2016/679 and the Estonian Personal Data Protection Act (which entails transposed provisions from the Directive 2016/680);
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. The controller has to provide an answer to the within 30 days (one month). This deadline can be extended up to three months. If the request is related to Decision 2009/917/JHA, the national deadline is 30 days.

In case of protection of any criminal proceedings etc. access is limited to such data. The Inspectorate can supervise the validity of such limitation. The national deadline for the Inspectorate for reviewing the complaint is 30 days that can be extended up to three months.

6. **References of the main national laws that apply**

- Personal Data Protection Act,
- Code of Criminal Procedure (FIDE),

7. **Language regime**

In Estonia, the language regime is Estonian. In foreign communication, we accept requests in English and Russian. We reply in Estonian and English.

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 (CNIL)
3 place de Fontenoy- TSA 80715
75334 Paris CEDEX 07
Telephone: +33 1 53 73 22 22
Website: 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 (CNIL)
3 place de Fontenoy- TSA 80715
75334 Paris CEDEX 07
Telephone: +33 1 53 73 22 22
Website: 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)

The right of access in Germany is direct. It is exercised directly by application to the authority responsible for processing the data (data controller). If desired or in case of denial of access, the person concerned may exercise the right of access through the data protection authority (indirect).

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

Generalzolldirektion
Zollkriminalamt
Bergisch Gladbacher Straße 837
51069 Köln

Telephone: +49 (0) 221 672-0
Fax: +49 (0) 221 672-4500
Email: poststelle@zka.bund.de

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

The right of access is principally not subject to any condition. The person concerned should state surname (maiden name where applicable), first name and date of birth so as to avoid any confusion. An informal letter is sufficient, and the procedure is basically free of charge. Apart from that, there are no particular formal requirements. However, it is within the competence of the responsible authority to determine details of the further procedure within the framework of the legal requirements.

If the right of access is exercised through the data protection authority, the requesting citizen is required to provide a signed copy of his or her passport or identity card in order to verify the identity. Since not all characteristics of the identity document are required for verification, the serial number and the passport photography can be blackened.

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

The national data protection authority (DPA) supports the person concerned in exercising data subjects' rights by forwarding the request for information to the responsible data controller, reviewing the information given by data controllers or by initiating a data protection inspection. Furthermore, the data subject has the right to lodge a complaint with the national DPA if the data subject considers that the data controller not fully complied with data protection obligations. The authority's address is:

Der Bundesbeauftragte für den Datenschutz und die Informationsfreiheit
Graurheindorfer Str. 153
53117 Bonn

Telephone: +49 (0)228-997799-0
Fax: +49 (0)228-997799-5550
Email: poststelle@bfdi.bund.de

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

The obligation to provide information is governed by either Article 36 Regulation 515/97 in conjunction with Article 15 GDPR (complemented by Section 34 of the Federal Data Protection Act) or Section 57 of the Federal Data Protection Act depending on the kind of information held in the system.

Under certain conditions, access can be denied. In case of denial the person concerned may exercise the right of access through the Data Protection Authority (DPA). The data controller has to provide full information to the DPA for reviewing the denial of access.

In principle, the competent authority (Zollkriminalamt) will examine incoming requests. If necessary, it will contact other competent authorities. The competent authority will check whether personal data concerning the data subject is contained in the CIS, what is listed, why it has been entered (for what purpose) and by which authority. If there is an entry, the competent authority will examine whether there are legitimate grounds for refusal of access. If this is not the case, a copy/an extract of the entry will be sent to the person concerned.

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 (Art. 36 (3) Regulation 515/97).

6. References of the main national laws that apply

Federal Data Protection Act (Bundesdatenschutzgesetz (BDSG))

- Parts 1 and 2 apply within the scope of the GDPR;
- Parts 1 and 3 apply within the scope of Directive (EU) 2016/680.

7. Language regime

According to the national legislation (Section 23 of the Federal Law on administration procedures - "Verwaltungsverfahrensgesetz") the official language is German, but with regard to European Union citizenship, as mentioned in Article 17 ff. EEC Treaty, applications or requests in EU languages other than German are accepted, too.

III.12. GREECE

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

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

Requests for access should be addressed to the Independent Authority for Public Revenue, which is the data controller:

Independent Authority for Public Revenue (IAPR)
Independent Department for the Support of the Data Protection Officer
Panepistimiou 20
10672 Athens, Greece
Τηλ: +302132113127-130 and +302132113132
Email: dpo@aade.gr

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

There is no particular formal requirement for the requests. However, 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 legible photocopy of their passports or other official document certifying his or her identity. Please see annex 1 for model letter for requesting access.

Exercising the right of access, rectification, deletion or restriction is free of charge. Where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, the controller may either: (a) charge a reasonable fee taking into account the administrative costs of providing the information or communication or taking the action requested; or (b) refuse to act on the request.

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

The national DPA is the independent supervisory authority to which the data subject can address any complaint related to the exercise of the right of access, rectification, deletion or restriction.

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

According to Article 15 of the GDPR (in conjunction with article 36 of Regulation 515/97 and article 22 of Decision 2009/917/JHA), the data subject shall have the right to obtain from the data controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data. These requests for access shall be processed in accordance with any relevant applicable exemptions. A response to a request shall be given within one month of receiving the request. In certain limited circumstances, the one-month period may be extended by two months (taking into account the complexity of the request and the number of requests).

6. References of the main national laws that apply

Law 4624/2019, with measures for implementing Regulation (EU) 2016/679 (GDPR) and transposition of Directive (EU) 2016/680 (LED) and other provisions.

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/Tax_and_Customs_Directorates_of_the_NTCA/Central_Customer_Serv20160412.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

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 subject 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 2,
D02 F342,
Ireland

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

A data subject may make a written request 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 the General Data Protection Regulation or the Data Protection Act 2018. There is no fee payable to make an access request.

Information on how a data subject may request a copy of their personal data is available from https://www.revenue.ie/en/corporate/statutory-obligations/data-protection/data-access-requests/can-you-obtain-all-data-held-about-you.aspx

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

Postal Address
The Data Protection Commission
Canal House

Station Road
Portarlington
R32 AP23
Co. Laois
Ireland

Telephone +353 57 8684800
+353 (0)761 104 800
E-mail: info@dataprotection.ie

As set out in the Customs Act 2015, the Data Protection Commission is the national supervisory authority for the purposes of the Naples II Convention and for the purposes of Article 24 of the Council Decision 2009/917/JHA of 20 November 2009 on the use of information technology for customs purposes.

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

The Office of the Revenue Commissioners will be obliged to respond to a data subject's access request within one month of receiving the request. In certain limited circumstances, the one-month period may be extended by two months (taking into account the complexity of the request and the number of requests). Where the Office of the Revenue Commissioners extends the period for replying to a subject access request, it must inform the data subject of any extension, and the reason(s) for the delay in responding, within one month of receiving the request.

A data subject has the right of complaint to the Data Protection Commission 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. The web form facilitating a data subject to **Raise a Concern** is available from– https://www.dataprotection.ie/docs/raise-a-concern-Form/m/1727.htm

6. **References of the main national laws that apply**

- Customs Act 2015
- Customs and Excise (Mutual Assistance) Act, 2001
- Data Protection Act 2018

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. LATVIA[20]

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 if 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?

[20] 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.

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.

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. LUXEMBOURG

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

The right of access is direct (Article 13 of the Act of 1 August 2018 on the protection of individuals with regard to the processing of personal data in criminal and national security matters).

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

Requests for access should be addressed to the data protection officer of the Customs and Excise Administration:

Direction des Douanes et Accises
A l'attention du **délégué à la protection des données**
Boite postale 1605
L-1016 Luxembourg
Website : www.douanes.lu

email: dpo@do.etat.lu

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

The data subject must file a written, dated and signed request and join a copy of an official identity document.

The procedure is free of charge.

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

Commission nationale pour la protection des données

15, Boulevard du Jazz
L-4370 Belvaux
Tél. : (+352) 26 10 60 -1
Website : www.cnpd.lu

In the cases referred to in Article 12 (3) (delaying, restricting or omitting information to the data subject), Article 14 (1) (refusal or restriction of access to personal data) and Article 15 (4) (refusal of rectification or erasure of personal data) of the Act of 1 August 2018 on the protection of individuals with regard to the processing of personal data in criminal and national security matters, the right of access may also be exercised through the national data protection authority.

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

Requests for access will be processed by the Customs and Excise Administration taking into account relevant exemptions and/or limitations.

In cases referred to in point 4. the national data protection authority will handle requests and inform the data subject at least that all necessary verifications or a review by the data protection authority have taken place. The data subject will also be informed of his or her right to seek a judicial remedy.

6. References of the main national laws that apply

Articles 11, 12, 13, 14, 15, 16 and 17 of the Act of 1 August 2018 on the protection of individuals with regard to the processing of personal data in criminal and national security matters (implementing Directive (EU) 2016/680).

7. Language regime

The applicant can submit his or her request in:

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

III.20. 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 and a copy of the information in line with the General Data Protection Regulation, and with the national provisions contained in the Maltese Data Protection Act (Chapter 586 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 General Data Protection Regulation 2016/679, theData Protection Act (Cap 586) and Subsidiary Legislation S.L.586.08 and S.L.586.09.

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.21. NETHERLANDS

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

Direct.

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

Tax and Customs Administration/ Belastingdienst
P.O. Box 2508
6401 DA HEERLEN
The Netherlands

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

When submitting a request for access the following data should be provided:

Contact details, such as name, address, postal code, town/city of residence, and the telephone number on which the data subject can be reached during the day.
In case specific information is sought, it might be necessary to provide additional data, such as for example vehicle plate number or citizen service number.

The actual disclosure of such data depends on the statutory scope, grounds for refusal and destruction deadlines (for example, the deadline for destroying camera images could be 48 hours). No fee is charged for access requests. Fees are not permitted under the General Data Protection Regulation (GDPR), except in the case of additional copies.

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

Dutch Data Protection Authority/ Autoriteit Persoonsgegevens
P.O. Box 93374
2509 AJ THE HAGUE
The Netherlands
info@autoriteitpersoonsgegevens.nl

When access requests are denied or dealt with in an unsatisfactory manner, a complaint may be sent to the Dutch DPA. The Dutch DPA acts in complete independence when exercising the functions entrusted to it. 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

The requested information will be disclosed unless one of the following restrictions applies:
- prevention, investigation, detection or prosecution of criminal offences;
- other important objectives of general public interest of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, including monetary, budgetary and taxation matters and public health and social security (for instance information provided to the tax authorities for tax disclosure purposes);
- a monitoring, inspection or regulatory function connected, even occasionally, to the exercise of official authority.

If one or more of the above situations applies to a requested category of data, the reason for not disclosing the information will be explained per category in the decision.

6. References of the main national laws that apply

Customs legislation that applies to import and export duties includes:
- the Union Customs Code (UCC)
- the General Customs Act (*Algemene Douanewet*; ADW).

The Dutch Customs is also tasked with collecting levies under excise legislation/consumption tax falling under the Dutch State Taxes Act (*Algemene wet inzake rijksbelastingen*; AWR) regime. This includes:
- the Excise Duty Act (*Wet op de accijns*)
- Consumption Tax (Non-alcoholic Beverages) Act (*Wet op de verbruiksbelasting van alcoholvrije dranken*)

7. Language regime

Dutch, English. Although correspondence may take place in English, decisions will be provided in Dutch.

III.22. 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.23. PORTUGAL

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

The data subject exercises the rights directly towards the data controller.

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

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

10. 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.
There are no standard forms for submitting the request and the exercise of the right of access, rectification, deletion or restriction is free of charge.

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

Comissão Nacional de Proteção de Dados (Data Protection Authority)
Av. D. Carlos I, 134
1200-651 Lisboa
Telephone: +351 213928400
Fax: +351 213976832
Email: geral@cnpd.pt
https://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, deletion or restriction.

12. References of the main national laws that apply

Regulation (EU) 2016/679 (GDPR)
Law 58/2019, of 8 August, implementing GDPR at national level
Law 59/2029, of 8 August, transposing Directive (EU) 2016/680 (LED)

13. Language regime

Portuguese.

III.24. ROMANIA

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

III.25. 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.26. 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 Financial Administration of the Republic of Slovenia:

Finančna uprava RS
Generalni finančni urad
Šmartinska cesta 55
1000 Ljubljana
Slovenija

Phone: +386 1 478 3800
Fax: +386 1 478 3900
E-mail: gfu.fu@gov.si, dpo.furs@gov.si
Website: www.fu.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)
Dunajska 22
1000 Ljubljana
Slovenija
Phone: +386 1 230 97 30
Fax: +386 1 230 97 78
E-mail: gp.ip@ip-rs.si
Website: 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 defence, 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: https://www.ip-rs.si/en/legislation/personal-data-protection-act/
- Information Commissioner Act (Official Gazette of the Republic of Slovenia, no. 113/2005), unofficial English translation of the Act available at: https://www.ip-rs.si/en/legislation/information-commissioner-act/

- 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, 5/2012), only Slovene text of the Rules available at: http://pisrs.si/Pis.web/pregledPredpisa?id=PRAV8565

7. Language regime

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

III.27. 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.28. 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 data protection officer (dataskyddsombudet) or address the letter or e-mail to him/her.

Tullverket
Box 12854
S-112 98 Stockholm
Sweden
Telephone: +46 (0)771 520 520
E-mail: dataskyddsombud@tullverket.se
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 Criminal Data Act and other related data protection legislations. The Swedish Data Protection Authority may initiate an audit either based on a complaint or on its own initiative. A person who is not satisfied with how his/her 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 the 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

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)