

From: [REDACTED]
To: [REDACTED]
CC: [REDACTED]
Sent at: 29/07/09 17:46:47
Subject: 2009-0281 prior check of Return Operations' Data Processing

Dear [REDACTED],

Following your email, I have the honor to reply to your questions:

1) Has Frontex already processed personal data in this context?

Up to now, Frontex has assisted and participated in 47 joint return operations, and Frontex staff has participated in the majority of them. The current type of assistance, coordination and participation can be done without processing personal data. It's the organising Member State that collects the data. As mentioned in the form "Participation in an Offered Return Flight-Information Sheet" (attached to this email), the participating Member States are asked to send this sheet both to the organising MS and Frontex, but the Annex to this sheet (containing personal details of escorts and returnees) is just sent to the organiser. Member States are always reminded on this procedure and are well informed that Frontex does not at this stage collect personal data.

2) Does Frontex decide, in any way, the "purposes and means" for the processing operation conducted? What is the degree of initiative of Frontex, in what concerns the processing of personal data? Does Frontex use the data for any other purpose apart from assisting the MS/SAC in the preparation and realisation of JRO?

The operations are conducted on the basis and in accordance with the Council Decision 2004/573/EC of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders, and its Annex - Common Guidelines on Security Provisions for Joint Removals by Air. Frontex does not decide on purposes and means for processing personal data but the concerned Member State. In case that Frontex starts to process such data for joint return operation, it will be done only for the purposes of of return operations and in accordance with the Council Decision.

Yours sincerely,

[REDACTED]
On behalf of [REDACTED]
Data Protection Officer

[REDACTED]
Legal Officer

Frontex
Rondo ONZ 1, 00-124 Warsaw, Poland
Tel: [REDACTED]
Fax: +48 22 544 95 01
www.frontex.europa.eu

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From: [REDACTED]
Sent: 17 July 2009 17:18
To: [REDACTED]
Subject: 2009-0281 prior check of Return Operations' Data Processing

Dear [REDACTED],

Thank you very much for your answer.

I would like to ask you some further questions:

1) Has FRONTEX already processed personal data in this context? I have to define whether it is a "true prior check" or an "ex post prior check". Even if in your letter you said that "Frontex plans to start processing personal data...", in another part it seems that Frontex has already participated in JRO.

2) Does Frontex decides, in any way, the "purposes and means" for the processing operation conducted? What is the degree of initiative of Frontex, in what concerns the procesing of personal data? Does Frontex use the data for any other purpose apart from assisting the MS/SAC in the preparation and realisation of JRO?

Please note that the procedure will be suspended until the receipt of your answer.

Best regards,

[REDACTED]
Legal adviser

European Data Protection Supervisor
Contrôleur Européen de la Protection des Données

[REDACTED]
Tel: [REDACTED]
Fax: 02/283.19.50
Website: www.edps.europa.eu
Mail address: Rue Wiertz 60 - MO 63
B-1047 Brussels

Office: [REDACTED]

Sender:		
Country	National authority	Contact person
Countries A-I: Countries L-U:		Name: Phone: Fax: Email:
Our ref. number:	Your ref. number:	Date:

Addressee:		
Countries A-I:	Countries L-U:	Cc: Frontex

Participation in an Offered Return Flight¹
Information Sheet

Please complete this Information Sheet when you intend to participate in an offered joint flight and send it to the organising country. In addition, send this sheet also to Frontex but without personal details of escorts and returnees (e-mail: [REDACTED]).

Number and nationality of the third-country nationals	
Number of representatives	
Number of official escorts	
Number of private escorts	
Number of medical personnel	
Number of interpreters	
Number of observers	

¹ To be filled in by a country participated in an offered return flight.

Observer (name + duty phone number)	
Embarkation airport	
Transportation to the airport	
Arrival (date & time)	
Flight number (commercial/charter)	
Returnees (personal details)	see Annex (To be sent only to the organising country)
Escorts (personal details)	see Annex (To be sent only to the organising country)
Escort leader (name, e-mail address, duty phone number)	
Crisis focal point 24/7 (name, phone number, e-mail address)	
Needs for accommodation (no. of single/double rooms) if overnight stay is required	

Returnees						Annex to our ref. no:		
Surname	Given Name	Date of Birth (ddmmyy)	Nationality	Sex	Type of Document	Validity (ddmmyy)	Security risk assessment:	Medical assessment: Healthy?
								<input type="checkbox"/> yes <input type="checkbox"/> no If no, medical records will be provided in time ¹ .
								<input type="checkbox"/> yes <input type="checkbox"/> no If no, medical records will be provided in time ¹ .
								<input type="checkbox"/> yes <input type="checkbox"/> no If no, medical records will be provided in time ¹ .
								<input type="checkbox"/> yes <input type="checkbox"/> no If no, medical records will be provided in time ¹ .
								<input type="checkbox"/> yes <input type="checkbox"/> no If no, medical records will be provided in time ¹ .
								<input type="checkbox"/> yes <input type="checkbox"/> no If no, medical records will be provided in time ¹ .
								<input type="checkbox"/> yes <input type="checkbox"/> no If no, medical records will be provided in time ¹ .
								<input type="checkbox"/> yes <input type="checkbox"/> no If no, medical records will be provided in time ¹ .

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

