

PRIVACY STATEMENT

Introduction

The European Commission is committed to protecting and respecting your privacy.

As the The European Commission, Directorate-General/Service for Taxation and Customs Union Surveillance system process personal data, Regulation (EU) 2018/1725 of the European Parliament and of the Council of 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 Text with EEA relevance, is applicable.

This privacy statement explains the reasons for processing personal data, the way they are collected, handled and the way protection of all personal data is ensured. This privacy statement covers in addition:

- The personal data processed;
- How personal data are used;
- For how long personal data are preserved/stored;
- Who has access to the personal data;
- What are your rights as the data owner; and
- How you can exercise them

The processing of personal data occurs by **TAXUD/B5**, acting as the Joint Controller with the EU Member State's authorities when processing personal data in the Surveillance system, hereafter referred as to "we".

1. What do we do?

Surveillance is an electronic system operated and managed by the Commission into which certain data elements from the customs declarations, related to the release for free circulation or the export of goods, are transmitted by the customs authorities of all Member States.

The Surveillance system is used, in line with Article 55 of Implementing Regulation (EU) 2015/2447 (UCC IA), for statistical purposes in order to identify trends in trade and monitor trade.

The Member States customs authorities have the legal obligation to apply customs legislation in a correct and uniform manner amongst others to protect the financial interests of the Union and its Member States or to protect the Union from unfair and illegal trade. To monitor transactions and ensure the correct and uniform implementation of the Union Tariff, Surveillance on goods released for free circulation and export was introduced.

Economic operators enter data in the Member States National customs declaration systems. The data elements described in Annexes 21-01, 21-02 and 21-03 of Commission Implementing Regulation (EU) 2015/2447 (UUC IA) are collected in these systems and transmitted to the Surveillance system.

Categories of personal data:

- Economic operator registration and identification number (EORI) for exporter, consignee, importer, declarant and holder of authorization, Movement Reference Number (MRN),
- Identification number,
- Import One Stop Shop (IOSS) Identification number,
- Container identification number

2. Why do we process data?

2.1

The Surveillance system is used, in line with Article 55 of Implementing Regulation (EU) 2015/2447 (UCC IA), for statistical purposes in order to identify trends in trade and monitor trade. It is also used to implement specific measures prescribed by other Union provisions that have to be implemented at the border, such as trade measures.

2.2

The Member States customs authorities have the legal obligation to apply customs legislation in a correct and uniform manner amongst others to protect the financial interests of the Union and its Member States or to protect the Union from unfair and illegal trade. To monitor transactions and ensure the correct and uniform implementation of the Union Tariff, Surveillance on goods released for free circulation and export was introduced.

The Commission and the Member States decided the specific purposes the monitoring would cover. The Surveillance data concern Economic Operators within the Member States.

Economic operators enter data in the Member States National customs declaration systems. The data elements described in Annexes 21-01, 21-02 and 21-03 of Commission Implementing Regulation (EU) 2015/2447 (UUC IA) are collected in these systems and transmitted to the Surveillance system.

2.3 The processing is lawful and necessary for:

The Surveillance system shall, in accordance with Article 56(5) of the Code and with the Union act foreseeing its use, enable communication between the customs authorities of the Member States and the Commission for the purpose of customs surveillance, and collect data extracted from the customs declaration for entry into free circulation or for export of the goods.

The legal provisions concerning the procedures for surveillance and the confidentiality of surveillance information are contained, in particular, in:

- Articles 12 and 56(5) of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (UCC).
- Articles 55 and 56 and Annexes 21-01, 21-02 and 21-03 of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 (UCC IA), and
- Various Council and Commission regulations on particular preferential tariff arrangements and trade measures impacting customs.

3. Which personal data we collect and process?

a) Personal data in this context means any information relating to an identified or identifiable natural person. The following (categories of) personal data are being processed:

- Economic operator registration and identification number (EORI) for exporter, consignee, importer, declarant and holder of authorization, Movement Reference Number (MRN),
- Identification number,
- Import One Stop Shop (IOSS) Identification number,
- Container identification number

4. How do we obtain your personal data?

4.1 Via Member States National customs declaration systems

Economic operators enter data in the Member States National customs declaration systems. The data elements described in Annexes 21-01, 21-02 and 21-03 of Commission Implementing Regulation (EU) 2015/2447 (UCC IA) are collected in these systems and transmitted to the Surveillance system.

5. To whom does the personal data that we process belong?

The Surveillance data concern Economic Operators within the Member States.

The categories of Economic Operators are:

- Exporter, Importer, Declarant and Consignee, as defined in article 5 of Regulation (EU) No 952/2013, and article 1 of Commission Implementing Regulation (EU) 2015/2447,
- VAT representative (or holder of authorization), as defined in each of the Member States domestic (accounting) rules.

6. Who has access to your data and to whom is it disclosed?

Access to data is provided to authorised employees of the Commission or the Member States according to the “need to know” principle. Such staff abide by statutory confidentiality.

As per the legal basis, Commission have access to all data in the Surveillance system. Pursuant to Article 55(2) of UCC IA, the Commission shall only disclose the surveillance data in aggregated form.

At the same time, Article 47(2) UCC provides that customs authorities and the Commission may also exchange with each other data received in the context of the entry and exit, of goods, including postal traffic, moved between the customs territory of the Union and countries or territories outside the customs territory of the Union, for the purpose of ensuring a uniform application of the customs legislation. Article 55(3) UCC IA provides that Member States shall have access to their own non-aggregated data and to data aggregated at Union level.

7. How do we protect your data?

Overall, the Commission's Directorate General for Taxation and Customs Union (DG TAXUD) IT systems containing personal information should meet certain criteria to ensure the security of the data. The risks on Personal Data associated with IT systems are mitigated by implementing over 100 technical and organizational measures grouped on 4 categories of controls (Security Planning, Access Management, System and Network Security, Technical Controls) providing an equivalent level of control as demanded by GDPR.

In addition, DG TAXUD is complementing these controls with additional security controls applicable to all information under DG TAXUD responsibility grouped around the following categories: Information Security policy, Organization of information security, Human Resource Security, Asset Management, Access Control, Cryptography, Physical and Environmental Security, Operations Security, Communications Security, Systems Acquisition, Development and Maintenance, Supplier Relationships, Management of Information Security Incidents and Improvements, Information Security Aspects of Business Continuity Management, Compliance.

These controls contains but are not limited to, encryption of communication, strict application of the 'need to know' principle, segregation of duties, back-up and restoration, anonymization, pseudonymisation, access control, incident management.

8. How long do we keep your data?

The Commission and Member States shall store the personal data for maximum ten years, from the moment the personal data are processed by Member States in Surveillance system. The retention period can be shorter, if Parties' national laws set shorter retention period.

9. What are your rights and how can you exercise them?

Access to the Surveillance system is provided to authorised employees ONLY according to the "need to know" principle (see above point 6).

If you feel that your rights are violated in any way, you are entitled to file a complaint with the European Data Protection Supervisor ('EDPS').

In case of a data breach, we will fulfil our obligation in compliance with our duties stipulated in the Regulation (EU) 2018/1725.

Where that personal data breach is likely to result in a high risk to your rights and freedoms we are committed to inform you immediately in order to allow for you to take the necessary steps.

10. Contact Information

If you have comments or questions, any concerns or a complaint regarding the collection and use of your personal data, please feel free to contact the Data Controller using the following contact information:

The Data Controller:

The Data Controller: TAXUD B5

Phone: 0032 2 299 11 11

Mailbox address: TAXUD-UNIT-B5@ec.europa.eu.