

Processing personal data for risk analysis (PeDRA) - Privacy statement

Q- What is the legal basis for processing personal data under this project?

Article 11c of the Frontex Regulation is the legal basis for Frontex to process personal data for this project, while Article 5 of Regulation (EC) 45/2001 states that processing may only take place if it is necessary for the performance of a task carried out in the public interest, and necessary for compliance with a legal obligation to which the controller is subject.

Q- Who is the data controller?

The Head of the Risk Analysis Unit (RAU) assumes the role of the Data Controller for personal data processed under PeDRA.

Q – What is the source of the personal data that Frontex processes?

Frontex processes personal data collected by Member States during Joint Operations, Rapid Interventions and Pilot Projects.

Q- Who are the data subjects?

In this context, Frontex may only process personal data relating to individuals suspected on reasonable grounds by the component authorities of the Member States, of involvement in facilitation of irregular migration, trafficking in human beings, or other cross-border crimes.

Q – What are the purposes of the processing?

Such data may only be processed for risk analysis purposes, and for transmission on a case-by-case basis to Europol.

Q- What is the retention period?

Personal data are retained within Frontex for 3 months, and are thence deleted in all Frontex operational systems.

Q- Does Frontex process special categories of personal data?

Frontex has been authorised by the European Data Protection Supervisor (EDPS) to process special categories of personal data, but only if appropriate safeguards are put in place.

Q- What are the rights of the data subjects?

Several rights of the data subjects as listed in Regulation 45/2001 are restricted as a necessary measure to safeguard the prevention, investigation, detection and prosecution of criminal offences. The restricted rights are the rights to:

1. be provided with the identity of the controller - Article 12(1)
2. block the processing of their data - Article 15
3. obtain notification of third parties to whom the data have been disclosed - Article 17

Other rights may be restricted by the decision of the data controller on an individual basis. These rights are rights to:

1. obtain confirmation as to whether data related to him or her are being processed, and the purposes for which they are being processed - Article 13

2. to obtain rectification of inaccurate or incomplete personal data - Article 14

Q – What categories of personal data are processed?

Examples of data categories are: Name, nationality, gender, registered business, address, means of communication, means of transportation, photograph, and event.

Q – Who is to be contacted in case of further questions?

Data subjects may contact the above mentioned Data Controller. They may also contact Frontex Data Protection Officer. They are entitled to lodge a complaint to the EDPS.