

# EEAS PRIVACY STATEMENT

## for the purpose of the processing operation

### 'Restrictive Measures (Sanctions) procedures of the EEAS

#### in pursuit of specific foreign and security policy of the EU – Preparation and follow-up'

#### **1. INTRODUCTION**

THE PROTECTION OF YOUR PRIVACY INCLUDING YOUR PERSONAL DATA IS OF GREAT IMPORTANCE TO THE EUROPEAN EXTERNAL ACTION SERVICE (EEAS), THEREBY REFLECTING THE PROVISIONS OF THE CHARTER ON FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION, AND IN PARTICULAR ART. 8 THEREOF. THE PRESENT PRIVACY STATEMENT DESCRIBES WHICH MEASURES ARE TAKEN IN ORDER TO PROTECT YOUR PERSONAL DATA WITH REGARD TO THE ACTION INVOLVING THE PRESENT DATA PROCESSING OPERATION AND WHAT RIGHTS YOU HAVE AS A DATA SUBJECT. YOUR PERSONAL DATA ARE PROCESSED IN ACCORDANCE WITH REGULATION (EC) 45/2001 ON THE PROTECTION OF INDIVIDUALS WITH REGARD TO THE PROCESSING OF PERSONAL DATA BY THE COMMUNITY INSTITUTIONS AND BODIES AND ON THE FREE MOVEMENT OF SUCH DATA, AS IMPLEMENTED IN THE EEAS BY THE DECISION OF THE HIGH REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY OF 8 DECEMBER 2011. ALL DATA OF A PERSONAL NATURE - NAMELY DATA IDENTIFYING YOU DIRECTLY OR INDIRECTLY - WILL BE HANDLED WITH THE NECESSARY CARE.

#### **2. PURPOSE OF THE PROCESSING OPERATION**

The overall purpose for which personal data are collected and retained by the EEAS in the context of the EU's sanctions policies is to enable the EEAS to prepare and follow-up on sanctions legal instruments which include restrictive measures against natural or legal persons or groups or other entities.

In this context, data are collected and retained by the EEAS for the following purposes:

- To prepare Council Decisions and, where applicable, Council Implementing Regulations for all EU sanctions regimes, including autonomous regimes, "mixed" EU/UN regimes and regimes implementing UN sanctions, where natural persons, legal persons, entities, bodies or groups are designated in relation to imposing a travel ban and/or an asset freeze on them for specific reasons in relation to the natural or legal persons concerned as set out in the statement of reasons in the legal act.
- To reply to letters to the EEAS by listed persons or entities, or by their lawyers. In those cases where lawyers have written to the EEAS in representation of their clients, the data processing may include data concerning the lawyers or the law firm representing a listed person or entity. Data concerning the persons or entities listed may also include information on Court cases before an EU Court in relation to such persons and entities.
- In cases where a person or entity writes to the EEAS claiming that a confusion of identity has occurred in relation to a listed person or entity or to point out that due to a similarity in identifying data such confusion may occur, the data of that person or entity may also be retained and processed in order to clarify the situation.
- In the context of a review of the sanctions regimes, in particular where an update of such data would be required in order to ensure the data contained in the Decision reflect the current data available. In this case too, the data may be processed in order to prepare an amendment to a Council Decisions and, where applicable, to a Regulation.

#### **3. DATA PROCESSED**

##### Categories of data can include

- Name (first name/s/, last name)
- Address
- Date and place of birth
- Nationality, passport and ID card numbers
- Fiscal and social security numbers
- Gender
- Address or other information on whereabouts
- Function or profession
- Names of the father and of the mother
- Telephone and fax numbers, email address
- (poss.) criminal records or processing being grounds for listing

##### Origin of data can be

*for the purposes of preparation:*

- the United Nations  
(in particular Security Council Resolutions as publicized on the UN website or notified by means of note verbale from the UN);

- EU Member States;
  - EU institutions, in particular the Council or the Commission, or EU delegations;
  - authorities of Third States or other international stakeholders;
  - public sources
- as well as, for the purposes of follow-up:*
- all the above
  - the listed legal or natural person/data subject, or those representing such person;
  - natural persons claiming that a confusion of identity has occurred in relation to a listed person or entity or to point out that due to a similarity in identifying data such confusion may occur.

**4. CONTROLLER OF THE PROCESSING OPERATION**

The controller<sup>1</sup> responsible for the processing operation is the Head of Division K.4 or his/her Deputy acting on his/her behalf. The processor of the data processing can be the EU Delegation(s) concerned with a particular sanctions case, if relevant.

**5. RECIPIENTS OF THE DATA**

The recipients of your data will be:

- I. Dedicated staff of EEAS K.4 division (Sanctions Policy)
- II. Dedicated staff in the EU Delegation(s) concerned with a particular sanctions case
- III. The Council, in the context of preparatory work on EU sanctions decisions.

*It is to be noted that*

- after adoption of the legal instruments by the Council, some data can be published in the Official Journal under the Council's responsibility,

*and that*

- the data as published in the Official journal as part of published sanctions legal instruments will also be made available to economic operators by the Commission on the basis of a dedicated webpage managed by the Commission.

**6. PROVISION, ACCESS AND RECTIFICATION OF THE DATA**

Data subjects have the right to access their personal data and the right to correct any inaccurate or incomplete personal data, which will be implemented within 15 working days after the request has been deemed legitimate in relation to information held by the EEAS.

It is to be noted that any possible proposal to modify the legal acts adopted by the Council requires a decision by the latter and is therefore under the Council's responsibility.

If the data subject has any queries concerning the processing of his/her personal data, s/he may address them to the data controller at the following functional mailbox: [sanctions@eeas.europa.eu](mailto:sanctions@eeas.europa.eu)

The privacy statement informs the data subject/listed person that the controller should be contacted if he/she intends to exercise his/her rights under Regulation (EC) No 45/2001 and underlines that this can only be done in writing.

**7. LEGAL BASIS FOR THE PROCESSING OPERATION**

The legal basis of the processing operation at stake is:

Article 29 in Chapter 2 of the Treaty on European Union determines that the Council shall adopt "decisions which shall define the approach of the Union to a particular matter of a geographical or thematic nature". Article 30(1) furthermore determines that "any Member State, the High representative for Foreign and Security Policy, or the High Representative with the Commission's support, may refer any question relating to the common and security policy to the council and may submit to it, respectively, initiatives or proposals". In addition, Article 215(2) of the Treaty on the Functioning of the European Union specifically states that "where a decision adopted in accordance with Chapter 2 of Title V of the Treaty on European Union so provides, the Council may adopt restrictive measures against natural or legal persons and groups or non-State entities.

It is therefore on the basis of the Treaty of Lisbon and in particular the articles thereof referred to above, that the role of the EEAS in submitting proposals to the Council in the area of restrictive measures, in particular in the form of preparation and submission to the Council of draft Council Decisions, including in regard to measures against natural or legal persons and groups or non-State entities, finds its legal basis.

**8. TIME LIMIT FOR STORING DATA**

The folders with personal data, including information on the grounds for listing, shall be kept until not more than 5 years after the decision listing the natural person/data subject has been repealed by the Council or annulled by the General Court (provided there will be no appeal) or the Court of Justice.

Furthermore, where necessary in view of any pending lawsuit concerning the natural person/data subject, the personal data shall be kept until not more than 5 years after the judgment on the pending case is final.

**9. CONTACT**

In case you have questions related to the protection of your personal data, you can also contact the EEAS' Data Protection Office at [data-protection@eeas.europa.eu](mailto:data-protection@eeas.europa.eu).

**10. RECOURSE**

You have at any time the right of recourse to the European Data Protection Supervisor at [edps@edps.europa.eu](mailto:edps@edps.europa.eu).

<sup>1</sup> The controller is the organisational entity which determines the purpose and means of the processing of personal data.