

Privacy Statement GUM

The processing of personal data occurs by the Customs Authorities of Member States, acting as controllers, hereafter referred to as "we" or "us" or "ours".

Where we refer throughout the document to "you" or "yours" as the data subject, referring to the economic operator and other persons.

Introduction

We are committed to protecting and respecting your privacy.

The central IT system for GUM uses the platform of the *EU Customs Decisions System*.

As the Guarantee Management system uses the platform of the *EU Customs Decisions System* to process personal data, 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 (GDPR) is applicable.

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

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

1. What do we do?

With the GUM system, we, acting as controllers, process your personal data and enable you access to the GUM system using the platform of the Customs Decisions System. The Commission acts on behalf of us as processor.

We collect this data to identify you as a user, enable you access and to exchange and store information pertaining to applications and decisions.

2. Why do we process your personal data?

2.1 PURPOSE OF PERSONAL DATA PROCESSING IN LINE WITH THE LEGAL BASE

The UCC in article 16(1) establishes the need to create and develop the electronic systems in view of the priorities defined in article 280. More specifically, article 10 (1) UCC/IA defines the need to create an electronic system for the exchange and storage of information pertaining to applications and decisions.

2.2 PURPOSE OF PROCESSING EXPLAINED

We process your personal data for the following purposes:

- Authentication and authorisation to access the Guarantee Management system using the platform of the Customs Decisions System;
- Exchange and storage of information pertaining to applications and decisions which may have an impact in one or more than one Member State and to any subsequent event which may affect the original application or decision;

2.3 LAWFULNESS OF PROCESSING

The processing is lawful and necessary for compliance with a legal obligation to which we, the competent authorities of Member States, are subject or processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body.

We are authorised to process your personal data based on

- Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (UCC), article 22;
- Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 (UCC/IA), article 10;
- Commission Implementing Decision (EU) 2019/1026 of 21 June 2019, Chapter II;
- Commission Implementing Decision (EU) 2019/2151 of 13 December 2019, Annex, II, A, item 3.

3. Which personal data we collect and process?

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

- First and last name
- Address
- Name of the trader, company or undertaking
- E-mail address
- Economic Operator's Registration and Identification number (EORI)

4. How do we obtain your personal data?

4.1 DIRECTLY

To execute our activity, your personal data are directly requested and obtained from you.

4.2 INDIRECTLY

Your personal data has been obtained by the EORI system and authenticated via the Uniform User Management and Digital Signature system (UUM&DS).

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

5.1 INTERNALLY

Internally refers to within our organisation or the Commission's.

Access to your data is provided within the Customs Authorities of Member States, acting as controller, and within the Commission, acting as processor, to authorised staff according to the "need to know" principle. Such staff abide by statutory, and when required, additional confidentiality agreements. The processing by Commission (processor) and its contractors (sub-processors) is carried out within the EU/EEA.

The information is disclosed to the authorised National Administrations, while the security management is enforced by a TEMPOⁱ quality management system.

5.2 EXTERNALLY

Externally refers to all entities other than the internal organisation and competent authorities of Member States or the Commission.

Transfer of personal data inside the EU/EEA.

We have the necessary safeguards and agreements in place with our partners to ensure that the adequate level of protection of your personal data is not undermined.

The contractors have a nominated security officer whose role is to ensure adequate security implementation. Compliance with data protection regulation is required by its individual contract.

6. How do we protect your data?

We guarantee all the appropriate organisational and technical security measures are in place, aimed at protecting your personal data against accidental and unlawful destruction or loss, as well as against non-authorised access, alteration, or transmission.

We implemented, amongst other, but not limited to, the following security measures:

Authentication and authorisation are ensured by the Uniform User Management and Digital Signature system (UUM&DS). This system is protected by firewalls and provides limited access to encrypted user data.

All data in electronic format (e-mails, documents, uploaded batches of data etc.), are stored, on our behalf, either on the servers of the European Commission or of its contractors; the operations of which abide by the European Commission's security decision of 10 January 2017 (EU, Euratom) 2017/46 concerning the security of information systems in the European Commission.

The Commission's contractors are bound by a specific contractual clause for any processing operations of your data on behalf of us or the Commission, and by the confidentiality obligations deriving from the transposition of 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.

7. How long do we keep your data?

The principles of the retention period are laid down in Article 51 of the Union Customs Code, where it is mentioned that the information must be kept for at least three years after the end date of the

authorisation. This rule is implemented in GUM through the CDS platform. However, the maximum period of retention is not yet implemented as an agreement must be reached.

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

8.1 YOUR RIGHTS

You have specific rights as a 'data subject', in particular the right to access your personal data and to rectify them in case your personal data are inaccurate or incomplete. Where applicable, you have the right to erase your personal data, to restrict the processing of your personal data, to object to the processing, and the right to data portability.

8.2 EXERCISING YOUR RIGHTS

You can access your information, verify its accuracy and – if necessary – correct it by contacting our [Customs National Service Desk contact point](#).

8.3 RESTRICTIONS TO YOUR RIGHTS

You also have the right to object to the processing of your personal data on legitimate compelling grounds except when:

- it is collected in order to comply with a legal obligation, or
- is necessary for the performance of a contract to which you are a party, or
- is to be used for a purpose for which you have given unambiguous consent.

If you feel that your rights are violated in any way, you are entitled to file a complaint with our [National Authority responsible for data protection \(GDPR\)](#) following the applicable national procedure.

If you have comments, questions or any concerns regarding the collection and use of your personal data, please feel free to contact the [Data Protection Officer \(DPO\) in the Customs Organisation](#).

8.4 WHAT WILL BE DONE IN CASE OF DATA BREACHES

In case of a data breach, we will fulfil our obligation in compliance with our duties stipulated in the GDPR and our national laws.

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 to allow you to take the necessary precautions.

9. 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 respective national authority.

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If you feel that your rights are violated in any way, you are entitled to file a complaint with the [National Authority responsible for data protection \(GDPR\)](#).

A summary of the contact details

Type of contact	Reference
National Service Desk contact point for GUM via CDS	https://taxation-customs.ec.europa.eu/document/download/e5c4670f-bdcc-41fa-a17b-cdbf02d52358_en?filename=UUM%26DS%20NSD.pdf
Data Protection Officer (DPO)	<p><i>The DPO information can be found in the reference to the EU CTP:</i></p> <p>https://taxation-customs.ec.europa.eu/document/download/ed30fd91-f9b0-4899-87a0-8922b14d26d6_en?filename=contact_information_of_national_service_desk_nsd_for_euctp.pdf</p>
National Authority responsible for data protection (GDPR)	<p><i>The GDPR information can be found in the reference to the EU CTP:</i></p> <p>https://taxation-customs.ec.europa.eu/document/download/ed30fd91-f9b0-4899-87a0-8922b14d26d6_en?filename=contact_information_of_national_service_desk_nsd_for_euctp.pdf</p>

ⁱ TEMPO (TAXUD Electronic Management of Project Online) is a Quality Management System (QMS) that has been established in the DG TAXUD IT Unit environment to support the business goals and objectives of DG TAXUD which include:

- Development and operation of Customs and Taxation trans-European Systems (TES);
- Office automation, end-user support, and internal systems support.