



PROTECTION OF YOUR PERSONAL DATA

**This privacy statement provides information about
the processing and the protection of your personal data.**

Processing operation: DG MARE, Implementation of the IUU Regulation

Data Controller: DG MARE, Unit B.4 IUU Fisheries Policy Unit

Record reference: DPR-EC-00462

1. Introduction

The European Commission (hereafter ‘the Commission’) is committed to protect your personal data and to respect your privacy. The Commission collects and further processes personal data pursuant to 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 (repealing Regulation (EC) No 45/2001).

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controller with whom you may exercise your rights, the Data Protection Officer and the European Data Protection Supervisor.

The information in relation to processing operation “Implementation of the IUU Regulation” undertaken by the IUU Fisheries Policy Unit of the Directorate General for Maritime Affairs and Fisheries (DG MARE) is presented below.

2. Why and how do we process your personal data?

The IUU Fisheries Policy Unit of DG MARE collects and uses your personal information to fulfil its obligations under Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L, 286, 29.10.2008, p.1) (the IUU Regulation). Commission Regulation (EC) No 1010/2009 of 22 October 2009 lays down the detailed rules for the implementation of the IUU Regulation.

Competent authorities of an EU Member State or a third country may communicate names, professional email and office addresses, professional phone numbers, and samples of professional/personalised authorisation seals of natural persons working in these authorities, who function as interlocutors to the Commission. Such data is collected and disclosed to the competent authorities of EU Member States by means of a restricted database.

In addition, provisions under Chapter V of the IUU Regulation oblige the European Commission to compile and analyse all relevant information in the context of alleged IUU fishing activities, and to exchange, if necessary, such information with the competent authorities of concerned flag states (EU Member States or third countries authorities).

This information may contain personal data such as names and contact details of natural persons (data subjects) linked in any way to the alleged IUU fishing activity (consigners, consignees, beneficiaries, owners, ship masters/mates, etc.).

The establishment of the list of vessels which have engaged in IUU fishing in line with Articles 27 and 30 of the IUU Regulation might also imply the processing of personal data. Processing is currently limited to the compilation of publicly available information from the IUU vessel lists of Regional Fisheries Management Organisations (RFMOs), as provided under Article 30, and its annual publication in the Official Journal of the European Union. Therefore, currently the only data processed for this is the vessels' name and identification number, which might constitute personal data in cases where the vessel is owned by a natural person or a company in registered in a person's name.

Provisions under Chapter X of the IUU Regulation provide rules on sightings at sea of vessels engaged in activities that may be considered as IUU fishing. These provisions require the European Commission to examine relevant information received in relation with those sightings and where appropriate, to communicate such information to the Member States.

Article 51 of the IUU Regulation implements a system of Mutual Assistance which entails that the European Commission receives, analyses and, if necessary, exchanges relevant information in the context of alleged IUU activities with the competent authorities of concerned EU Member States or third countries.

The information exchanged under Chapter X and Article 51 of the IUU Regulation may contain personal data such as names and identifiers of vessels and of private persons linked to a vessel or another relevant activity covered by the IUU Regulation.

Your personal data will not be used for an automated decision-making including profiling.

3. On what legal ground(s) do we process your personal data?

We process your personal data in line with Article 5(1) (b) Regulation (EU) 2018/1725, because processing is necessary for compliance with a legal obligation to which the controller is subject.

Without the processing of the personal data concerned by this record, it would not be possible to implement the IUU Regulation and to effectively achieve its objective of preventing, deterring, or eliminating IUU fishing.

The processing of personal data is mandatory to meet a statutory requirement under IUU Regulation provided for in Articles 15(2), 16(3), 17(8), 20, 21(3), 25, 26, 27, 30, 39(4), 49, 50(2), 51(2) and Annex III of the IUU Regulation.

4. Which personal data do we collect and further process?

In order to carry out this processing operation, the IUU Fisheries Policy Unit of DG MARE collects the following categories of personal data:

- identification, contact and professional data of staff of EU Member States competent authorities and third countries competent authorities,
- activities of or relating to a vessel, its position and movements, fishing activity or a

fishing-related activity, data relating to vessel owners and operators (position and role), masters, and crew member,

- data relating to persons involved in the movement, storage, processing and marketing of fishery products across the supply chain,
- data concerning informants and all other data related to the subject matter of the relevant analyses and procedures in the context of mutual assistance under Article 51 of the IUU Regulation.

Competent authorities of an EU Member State or a third country may communicate names, professional email and office addresses, professional phone numbers, and samples of professional/personalised authorisation seals of natural persons working in these authorities, who function as interlocutors. Such data is disclosed to the competent authorities of EU Member States by means of a restricted database.

We may have obtained your personal data from an interested party to the analyses and procedures in the context of mutual assistance or from publicly accessible sources.

5. How long do we keep your personal data?

Any personal data is kept for as long as follow-up actions to the request are necessary with regard to the purposes of processing personal data, as well as for the request and its related management, namely until the closure of the analyses and procedures necessary for sound assessment of cases of IUU fishing.

The administrative retention period for personal data received in the context of the implementation of the obligations under Articles 15(2), 16(3), 17(8), 21(3), 25, 26, 39(4), 49, 50(2), 51(2) of the IUU Regulation is 5 years, which starts running from the end of the last action, to ensure possible enquiries or investigations as regards imports of fishery products to the EU and for the determination of IUU fishing activities or fishing related activities including for the pre-identification and identification of third countries as non-cooperating countries in the fight against IUU fishing. In addition, the same administrative retention period covers Article 20 and Annex III of the IUU Regulation concerning Flag State notifications and cooperation with third countries. At the end of the retention period, the case related information including personal data may be transferred to Historical Archives of the Commission, if required in line with Annex 1 of Commission-Level Retention List for European Commission Files - SEC(2022)400.

Notwithstanding the paragraph above, personal contact data of approved economic operators and natural persons working within competent authorities of Member States and third countries, who function as interlocutors to the European Commission, received pursuant to Articles 15(2), 16(3) and 17(8), 20 and 39(4) and Annex III of the IUU Regulation are retained until the status of the approved economic operator is revoked, and the competent authorities of a Member State or a third country communicates a change of staff.

Pursuant to Article 29(2) of the IUU Regulation, the European Union IUU list of vessels is made publicly available through annual publication in the Official Journal of the European Union and personal data contained therein will remain available in line with Regulation 1049/2001.

6. How do we protect and safeguard your personal data?

All personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored on the servers of the European Commission. All processing operations are carried out pursuant to the [Commission Decision \(EU, Euratom\) 2017/46](#) of 10 January 2017 on the security of communication and information systems in the European Commission.

In order to protect your personal data, the Commission has put in place a number of technical and organisational measures in place. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

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

Access to your personal data is provided to the Commission staff responsible for carrying out this processing operation and to authorised staff according to the “need to know” principle. Such staff abide by statutory, and when required, additional confidentiality agreements.

Competent authorities and their representatives may be granted access in order to pursue the objectives governed by the Regulation relevant to each type of analyses and procedures. Consequently, the controller may provide access to the personal data:

- to the European Fisheries Control Agency (EFCA) and the European Union Agency for Law Enforcement (Europol)

- to competent authorities in the EU/EEA pursuant to Article 9 of Regulation (EU) 2018/1725.

To fulfil its obligations under the IUU Regulation, the European Commission may also transfer your personal data to the recipients in a third country or to an international organisation in accordance with Regulation (EU) 2018/1725.

The legal basis for the transfer of your personal data in case of international transfer is the following:

- for the transfer to competent authorities:

- in third countries benefitting from an adequacy decision, Article 47 of Regulation (EU) 2018/1725;
- in third countries not benefitting from an adequacy decision, Article 50(1)(c) of Regulation (EU) 2018/1725

- for the transfer to international organisations, such as, Regional Fisheries Management Organisations (RFMOs)¹, Food and Agriculture Organisation (FAO) or International Criminal Police Organisation (Interpol), or United Nations Office on Drugs and Crime (UNODC) Article 50(1)(c) of Regulation (EU) 2018/1725.

¹ https://ec.europa.eu/fisheries/cfp/international/rfmo_en

Data is published online and made accessible to the general public if the APEO consents to disclosure of the operator name and its status (Article 29(3) of Commission Regulation (EC) No 1010/2009 of 22 October 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing). Names of competent authorities (EU Member States and third countries) as well as the name of the APEO are published on the Commission's website.

The information we collect will not be given to any third party, except to the extent and for the purpose we may be required to do so by law.

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

You have specific rights as a 'data subject' under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access, rectify or erase your personal data and the right to restrict the processing of your personal data. Where applicable, you also have the right to object to the processing or the right to data portability.

You have the right to object to the processing of your personal data, which is lawfully carried out pursuant to Article 5(1)(a).

You can exercise your rights by contacting the Data Controller, or in case of conflict the Data Protection Officer. If necessary, you can also address the European Data Protection Supervisor. Their contact information is given here below.

Where you wish to exercise your rights in the context of one or several specific processing operations, please provide their description (i.e. their Record reference(s) as specified under here below) in your request.

The Commission has the possibility to restrict for a temporary period of time the provision of information to data subjects, and the exercise of other rights of data subjects, in accordance with the Commission Decision (EU) 2019/1825 of 6 November 2019², in so far as the full exercise of those rights could jeopardise monitoring, inspection or regulatory functions in relation to the effective implementation of Union's common fisheries policy, in particular the Union rules to prevent, deter and eliminate IUU fishing. This includes inter alia restrictions on provision of information to data subjects in order to protect the entire course of analyses and procedures with regard to IUU fishing. Restrictions may be applied only on a case-by-case basis where necessary and proportionate. Any such restriction will be limited in time and respect the essence of the abovementioned rights. It will be lifted as soon as the circumstances justifying the restriction are no longer applicable.

9. Contact information

- The Data Controller

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, please feel free to contact the Data Controller, IUU Fisheries Policy Unit MARE B.4, DG MARE : MARE-B4@ec.europa.eu
MARE-QUERIES-IUU-1005-2008@ec.europa.eu

² COMMISSION DECISION (EU) 2019/1862 of 6 November 2019 laying down internal rules in relation to the provision of information to data subjects and the restrictions of certain of their rights in the context of the processing of personal data by the Commission in the Union system to prevent, deter and eliminate illegal, unreported and unregulated fishing, OJ L 287, 7.11.2019, p. 17.

- **The Data Protection Officer (DPO) of the Commission**

You may contact the Data Protection Officer (DATA-PROTECTION-OFFICER@ec.europa.eu) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

- **The European Data Protection Supervisor (EDPS)**

You have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor (edps@edps.europa.eu) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the Data Controller.

10. Where to find more detailed information?

The Commission Data Protection Officer (DPO) publishes the register of all processing operations on personal data by the Commission, which have been documented and notified to him. You may access the register via the following link: <http://ec.europa.eu/dpo-register>.

This specific processing operation has been included in the DPO's public register with the following Record reference: DPR-EC-00462.