

REPUBLIC OF CYPRUS PRIVACY STATEMENT FOR IMPORT CONTROL SYSTEM 2 (ICS2)

1. Introduction

The Department of Customs and Excise of the Republic of Cyprus (hereafter “DC&E”) is committed to protecting your privacy and the security of your personal data, according to 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) (hereafter “EU legislation”).

This legislation requires us to notify you the data contained in this privacy statement. It is important that you read this privacy statement so that you are aware on how and why we are using your data.

This privacy statement

- explains the reasons for processing your personal data,
- describes how we collect, use and protect your personal data in accordance with EU legislation, what data we process, how it is used; for how long it is maintained/stored, who has access to it,
- informs about your rights as the data owner; and how you can exercise these rights.

2. Why and how we process your personal data?

The DC&E is acting as a data “controller” for ICS2 system and for purposes described by this privacy statement. The Commission acts on behalf of us as processor.

This means that we are responsible for deciding how we hold, process and use personal data about you in order to implement our legal obligations stemming from the Union customs legislation in relation to the exchange, processing, storage of particulars of entry summary declaration (hereafter ENS).

The processing is lawful and necessary for compliance with a legal obligation to which we are subject.

2.1. We process your personal data for the following purposes, pursuant to the obligations set by the Union customs legislation:

- Authentication and authorisation to access the ICS2, via CCN2 (DPR-EC-01106.1);
- Submissions, requests for amendments, requests for invalidation of ENS by economic operators acting in the role of declarant or their representative;
- Processing of ENS particulars for risk analysis;
- Exchange with other customs authorities and storage of data pertaining to ENS including results of risk analysis of ENS;
- Processing and exchange with other customs authorities of other information, submitted by declarants or their representative, necessary to perform risk analysis on ENS;

- Customs supervision of goods at the entry into the Union customs territory, and their presentation upon arrival;
- Exchange the results of controls and other measures undertaken on the basis of risk analysis;
- Processing of the ENS and related data collected, for monitoring and evaluating, together with the European Commission, of the implementation of ICS2 processes including the common risk criteria and standards.

2.2. How do we obtain your personal data?

We collect your personal data

- Directly from you when you submit your ENS declaration as a declarant or as a representative of a declarant (i.e. EORI number);
- Indirectly from a declarant of ENS or its representative, when your personal data is contained in the ENS or other related data that he/she submits; or other IT customs systems who have already your consent (e.g. EORI),
- Indirectly from customs administrations in other Member States, Switzerland and Norway, the United Kingdom,
- Indirectly from other government departments and public authorities, in accordance with Article 47 of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (UCC).

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

The legal basis for collecting your personal data in the ICS2 system is the following:

Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (UCC), articles 16(1), 46(3) and (5), 47(2), 127, 128, 129. Article 182 of Implementing Regulation (EU)2015/2447 as amended by the Regulation (EU) 2020/893,, Implementing decision (EU) 2019/2151 and its relevant Annex.

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

Personal data in this context means any information relating to you, as an identified or identifiable natural person.

Customs process declared ENS declaration and results of their processing (such as risk analysis and control results), insofar as they are related to the natural person. This includes:

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

5.How long do we keep your personal data?

We aim to retain your personal data for only as long as it is necessary and in line with Article 51 of the Union Customs Code which provides that the data shall be kept for, at least, three years for the purposes of customs controls.

6.How do we protect and safeguard your personal 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-authorized access, alteration or transmission.

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

- Authentication and authorisation is 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 within the legally defined boundaries;
- Established Information Security Management System (ISMS);
- National interoperability frameworks ;
- All data in electronic format (ENS declarations and related data exchanged in format of electronic messages, e-mails, documents, uploaded batches of data etc.), are stored in our servers. This data is also stored in ICS2 central components on our behalf, on the servers of the European Commission and 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 data 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.Who has access to your personal data and to whom is it disclosed?

2.2. Internally

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

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 information is disclosed to the authorised National Administrations, while the security management is enforced by a TEMPO (TAXUD Electronic Management of Projects On-line) quality management system.

7.2. Externally

Externally refers to all other entities than the internal organisation. Access to your data may be provided also to competent authorities other than the customs authorities according to Art 12.2 and Art. 47 UCC.

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.

8. International transfers of personal data

The controller may transfer your personal data to the following third countries in accordance with Regulation (EU) 2018/1725:

Switzerland pursuant to ¹ Agreement between the European Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods and on customs security measures.

Norway pursuant to ² Agreement on the European Economic Area - Protocol 10 on simplification of inspections and formalities in respect of carriage of goods (amended parts – Chapter IIa of, and Annexes I and II to, the Agreement)

United Kingdom with respect to Northern Ireland³ and Protocol on Ireland and Northern Ireland and [Draft decision on the adequate protection of personal data by the United Kingdom - General Data Protection Regulation decision] ⁴

With respect to the Switzerland 2000/518/EC: Commission Decision of 26 July 2000 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data provided in Switzerland (notified under document number C(2000) 2304)⁵

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

You are at any given moment and under certain conditions in compliance with EU customs legislation, entitled to: o request access to your personal data, o request correction of your personal data in case the data is inaccurate or incomplete, o request (under certain circumstances) restriction of processing or erasure ('right to be forgotten'), to data portability, o object to the processing, to withdraw your consent, and not to be subject to automated individual decision making, including profiling.

The ICS2 system will not make automated decisions as such.

Automated validation of declared data may result in rejection of the entry summary declaration particulars, which do not conform with mandatory declaration requirements under the UCC.

Automated processing of the data in the context of risk analysis may result in some declarations being identified for human risk assessment by customs authorities. The automated identification of the declaration has no legal effect on a person and does not have the status of a customs decision. The subsequent human risk assessment may result in a customs decision on any further measure in relation to the entry summary declaration.

If, at any time in the future, we want to use automated decision-making that has legal consequences for you or affects you to a significant degree, we will make this clear to you beforehand by updating this privacy statement. We will inform you of your rights, such as your right to be given an explanation of the decision reached by automated means, your right to express your point of view, your right to challenge the decision and your right to human intervention.

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 however you feel that your rights are violated in any way, you are entitled to file a complaint with our National Supervising 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 respective national Customs Organisation responsible for data protection (GDPR).

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

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 you to take the necessary precautions.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A22009A0731%2801%29>

– Agreement between the European Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods and on customs security measures (amended parts – Chapter III of, and Annexes I and II to, the Agreement)

² <https://www.efta.int/Legal-Text/EEA-Agreement-1327>

Agreement on the European Economic Area - Protocol 10 on simplification of inspections and formalities in respect of carriage of goods (amended parts – Chapter IIa of, and Annexes I and II to, the Agreement) <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A21994A0103%2811%29>

³ https://ec.europa.eu/info/relations-united-kingdom/eu-uk-withdrawal-agreement/protocol-ireland-and-northern-ireland_en

⁴ https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/brexit_en

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32000D0518>

10.Contact information

If you would like to exercise your rights under GDPR, 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 national Data Controller:

Director of the Department of Customs and Excise, Republic of Cyprus

Email: headquarters@customs.mof.gov.cy

National Service Desk (NSD) contact point for ICS2:

Email: helpdesk.cyprus@customs.mof.gov.cy

You have the right to lodge a complaint to the National Data Protection Supervisory Authority (if you consider that your rights have been violating in the processing of your personal data by the Data Controller:

Office of the Commissioner for Personal Data Protection

Postal address: P.O.Box 23378, 1682 Nicosia, Cyprus

Tel: +357 22818456

Fax: +357 22304565

Email: commissionerdataprotection.gov.cy