Frontex complaints mechanism

PRIVACY STATEMENT

Your complaint contains personal data such as your name and contact details and may contain copies of supporting documents related to your complaint (for example, photos that document physical injuries, police reports, etc.). The Frontex Fundamental Rights Officer is the data controller for the Frontex complaints mechanism.

In the handling of your complaint, your data will be processed. Processing data can include its recording, organisation, storage by the Frontex Fundamental Rights Officer and his/her staff specifically tasked to handle complaints. Where applicable, data processing may also include disclosure to the Frontex Executive Director, the Frontex Data Protection Officer, the Member State(s) authority(ies) in charge of dealing with such complaints and the national fundamental rights institutions in the relevant Member State(s). The recipients of your data will vary depending on the persons that you consider have violated your fundamental rights and the rights that may have been violated.

For the Fundamental Rights Officer and his/her staff to be able to disclose your personal data to the relevant national authority(ies) in charge of dealing with such complaints and the national fundamental rights institutions, you need to explicitly waive your right to confidentiality in the complaint form or in any other written form. If you do not waive your right to confidentiality, the Fundamental Rights Officer will only send the facts and not your personal data to the relevant national authorities the national fundamental rights institutions. It is important for you to know that if you do not waive your right to confidentiality, your complaint might be rejected by the national authority(ies) in charge of dealing with complaints or the national fundamental rights institutions if they do not accept anonymous complaints.

The purpose of processing your personal data is to enable all relevant authorities to assess, handle and investigate your complaint in the most meaningful way, as they will be able to verify facts and be in contact where necessary. You can read about the different stages of the complaints mechanism in Article 72 of Regulation 2016/1624 on the European Border and Coast Guard as well as in the Agency’s rules on the Complaints Mechanism adopted by the Decision of the Executive Director No. R-ED-2016-106 on the Complaints Mechanism of 6 October 2016 and published on the Frontex website.

Your data will be retained no longer than three (3) years from the acknowledgment of receipt of your complaint by the Fundamental Rights Officer. In this moment, you will be informed about the data retention period. After three (3) years, your data will be deleted. The data retention period may be extended for six (6) months only in justified cases. In this case, the Fundamental Rights Officer will contact you to ask for your permission to extend the data retention period by six (6) months.

According to the EU Charter of Fundamental Rights, Regulation 45/2001 and Directive 95/46/EC, you have the right to access your own data, the right to rectification of your data, the right to withdraw your consent to the processing of your data, the right to block the processing of your data, the right to erasure, as well as the right to recourse with the European Data Protection Supervisor (www.edps.europa.eu).

When handling the complaint, the Fundamental Rights Officer or his/her staff will also process the personal data of witnesses, persons accused, and other third parties that is contained in the complaint. They will be informed of the processing of their personal data where relevant and feasible.