

Personal data protection and the central database for the processing of applications for action.

Where the European Commission processes personal data contained in this extension request Regulation (EC) No 45/2001 of the European Parliament and of the Council 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 will apply. Where the competent customs authority of a Member State processes personal data contained in this extension request the national provisions implementing Directive 95/46/EC will apply.

The purpose of the processing of personal data of the application for action is the enforcement of intellectual property rights by customs authorities in the Union in accordance with Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights.

The controller with respect to the processing of the data in the central database is the national competent customs department where the application has been submitted. The list of competent customs departments is published on the website of the Commission:

http://ec.europa.eu/taxation_customs/customs/customs_controls/counterfeit_piracy/right_holders/index_en.htm

The access to all personal data of the application is granted through UserID/Password to customs authorities in the Member States and the Commission.

Personal data forming part of the information that falls under restricted handling will only be accessible by customs authorities of the Member States as indicated in box 6 of the application through UserID/Password. In accordance with Article 22 of Regulation (EU) No 608/2013, without prejudice to applicable provisions on data protection in the Union and for the purpose of contributing to eliminating international trade in goods infringing intellectual property rights, the Commission and the customs authorities of the Member States may share personal data and information contained in the application with the relevant authorities in third countries. Replies to data fields marked with an * are obligatory to be filled in. In case of failure to fill in these obligatory data, the extension request shall be rejected.

The data subject has a right of access to the personal data relating to him or her that will be processed through the central database and, where appropriate, the right to rectify, erase or block personal data in accordance with Regulation (EC) No 45/2001 or the national laws implementing Directive 95/46/EC.

All requests for the exercise of the right of access, rectification, erasure or blocking shall be submitted to and processed by the competent customs department where the application was submitted.

The legal basis for processing the personal data for the enforcement of intellectual property rights is Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights.

Personal data shall not be stored longer than six months from the date the decision granting the application has been revoked or the relevant period during which customs authorities are to take action has expired. That period shall be specified by the competent customs department when granting the extension request and shall not exceed one year from the day following the date of adoption of the decision granting the extension request. However, where customs authorities have been notified of proceedings initiated to determine a possible infringement of goods under the application, personal data shall be kept for six months after the proceedings have been concluded.

Complaints, in case of conflict, can be addressed to the relevant national data protection authority. The contact details of the national data protection authorities are available on the web-site of the European Commission, Directorate General for Justice (http://ec.europa.eu/justice/data-protection/bodies/authorities/eu/index_en.htm#h2-1). Where the complaint concerns processing of personal data by the European Commission, it should be addressed to the European Data Protection Supervisor (<http://www.edps.europa.eu/EDPSWEB/>).

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