

PROTECTION OF YOUR PERSONAL DATA

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

Processing operation: *Vessel Monitoring System (VMS) data*

Data Controller: *DG MARE/C4 - Data Management Unit*

Record reference: *DPR-EC-00508*

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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 the processing operation of the "Vessel Monitoring System (VMS) data" undertaken by DG MARE/C4 - Data Management Unit is presented below. The goal of the processing is to analyse and check compliance of the VMS data exchanged between Member States, the Commission, third parties and international organisations in line with the applicable regulations in order to ensure correct implementation the rules of the Common Fisheries Policy. Where appropriate the data can also be exchanged with third parties and international organisations where legal obligations require it.

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

Purpose of the processing operation:

Processing and storage of personal data included in the VMS data is required for the fulfilment of obligations on VMS data exchanges under Union law and in line with international obligations. Personal data included in the VMS data is communicated electronically to the Commission by the Member States authorities. The data is stored in a database hosted by the European Commission. VMS data are processed to monitor and check compliance of EU fishing vessels and of foreign fishing vessels operating in Union waters with Union fisheries legislation. The data is also used to verify claims or inquiries from third countries or Regional Fisheries Management Organisations (RFMOs) on suspicious or potential illegal, unreported and unregulated (IUU) activities of fishing vessels.

Authorised MARE staff can log on into different systems to access the VMS data, for the purposes described above. Processing of personal data of users authorised to access DG MARE VMS systems is needed to ensure access and storage of personal reports and system preferences of those users.

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 personal data included in the VMS data, because under Regulation 2018/1725 Article 5(1)(b) processing is necessary for compliance with a legal obligation to which the controller is subject;

The legal bases are in particular the following:

- EU law:

- Articles 110 and 111 (1) of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy;
 - Articles 28, 146, 146a, 146b, 146c, 146d, 146f and 146j of Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy;
 - Articles 30 and 31 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy.
- In the context of international agreements:
 - ICCAT: Article 49 of Regulation (EU) 2016/1627 of the European Parliament and of the Council of 14 September 2016 on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean, and repealing Council Regulation (EC) No 302/2009;
 - NAFO: Article 26 of Regulation (EU) 2019/833 of the European Parliament and of the Council of 20 May 2019 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation, amending Regulation (EU) 2016/1627 and repealing Council Regulations (EC) No 2115/2005 and (EC) No 1386/2007;
 - NEAFC: Articles 11 and 12 of Regulation (EU) No 1236/2010 of the European Parliament and the Council of 15 December 2010 laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries and repealing Council Regulation (EC) No 2791/1999
 - All applicable rules and obligations in international context are available at https://ec.europa.eu/fisheries/cfp/international_en

We collect and process personal data of users of DG MARE VMS systems under the conditions set out in Article 5(1)(d) of Regulation 2018/1725.

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

In order to carry out this processing operation the Data Controller, i.e. DG MARE/C4 collects the following categories of personal data:

Personal data included in the VMS data:

- *Vessel identification number;*

We obtain this personal data from the Member State administrations.

Personal data of users of the VMS systems:

- *Name and surname of the user, login name, organisational unit and email address;*

We obtain this personal data from the user of the system with his/her explicit consent.

5. How long do we keep your personal data?

The Data Controller, i.e. DG MARE/C4 only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing.

This data is kept for as long as it is needed for the Commission for the purposes of controlling and evaluating the application of the rules of the common fisheries policy by the Member States as defined in the Article 96 of Regulation (EC) 1224/2009, but for a period of maximum 25 years, after which the data will be deleted. If VMS data is kept longer for historical and statistical purposes, the personal data will be anonymised.

Personal data of the users of the VMS systems is kept until you inform DG MARE that you do not need access to the VMS systems anymore. Your data will be fully removed within 6 months.

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. 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 included in the VMS data is provided to the Commission staff responsible for carrying out this processing operation and to authorised staff of the Commission and where appropriate Member States' fisheries administrations according to the "need to know" principle. Such staff abide by statutory, and when required, additional confidentiality agreements.

The Data Controller will transfer personal data as part of the VMS data in accordance with Regulation (EU) 2018/1725, to the recipients in third countries with whom the Union has concluded bilateral or sustainable fisheries partnership agreements or to regional fisheries management organisations to whom the Union is a contracting party. The Data Controller will transfer your personal data based on Article 48(2)(a) or Article 50(1)(d) of Regulation (EU) 2018/1725.

Some of bilateral or sustainable fisheries partnership agreements (SFPA) concluded already include clauses on the protection of personal data, which provide for appropriate safeguards and complementing data subject rights and legal remedies, so transfer of data can take place in line with Article 48(2)(a) of Regulation 2018/1725. For the existing SFPAs without such clauses, the intention is to modify accordingly these agreements in the course of future negotiations. If there are no binding and enforceable instruments in place yet, transfers of personal data to these third countries take place on the basis of derogations set out in Article 50(1)(d) of Regulation 2018/1725.

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

Personal data of users of the VMS systems is not transferred.

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, 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.

You have the right to object to the processing of your personal data, which is lawfully carried out pursuant to Article 5(1)(b) and (d) on grounds relating to your particular situation.

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 under Heading 9 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 Heading 10 below) in your request.

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, MARE.C4 at MARE-DATA-MANAGEMENT@ec.europa.eu.

- 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-00508.