



Protection level	<b>PUBLIC</b>
Releasable to	Information stakeholder
Administrative marking	Personal Data

15/12/2016

# Complaint Procedure On Personal data

**Document Control Information**

Settings	Value
Document Title:	Complaint Procedure on Data Protection issues
Document Author:	Data Protection Officer
Revision Status:	Final
Sensitivity:	Public
Issue Date:	15/12/2016

**Document Approver(s):**

Approver Name	Role
Data Protection Officer	Data Protection Officer

**Table of Contents**

1.	eu-LISA complaint procedure .....	3
2.	Person entitled to launch the complaint .....	3
3.	Submission of the complaint .....	3
4.	Information to be provided when filling the complaint .....	4
5.	Language of the complaint .....	5
6.	Examination of the complaint.....	5
7.	Challenging the decision.....	6
8.	Complaints addressing eu-LISA's Core Systems EUODAC/VIS/SIS II.....	6
9.	Annex - Eu-LISA – Complaint Submission Form .....	7

## 1. eu-LISA complaint procedure

**IMPORTANT: THIS PROCEDURE DOES NOT COVER ACCESS RIGHTS OR COMPLAINTS TO THE CORE SYSTEMS RUN BY EU-LISA**

**IMPORTANT: For any request to access or complains related to the core systems (EURODAC/VIS/SIS II), please check Section 8.**

## 2. Person entitled to launch the complaint

Any data subject, or a person who has the legal capacity to act on the data subject's behalf, can submit a complaint to eu-LISA Data Protection Officer. The data subject needs to believe and demonstrate that he/she is directly affected by the actions of eu-LISA involved in the processing of his/her personal data. In this case, evidences of such claim must be provided, if the data subject considers **that his/her rights related to the protection of his/her personal data have been violated due to those actions.**

**IMPORTANT: eu-LISA Data Protection Officer is not competent to handle requests targeting actions of national authorities, private entities or regarding the core system (EURODAC/VIS/SIS II).**

## 3. Submission of the complaint

The complaint can be submitted:

- in writing by filling out the complaint form available [here](#) and in section 9;
- in writing by sending an e-mail to [dpo-sensitive@eulisa.europa.eu](mailto:dpo-sensitive@eulisa.europa.eu);
- in writing by sending a letter to eu-LISA:

**Eu-LISA  
Data Protection Officer  
Rävala pst. 4,  
10143 Tallinn (Estonia);**

- orally by directly contacting eu-LISA Data Protection Officer:  
**Office phone: +372 6042005  
Mobile phone: +372 5601 0118.**

## 4. Information to be provided when filling the complaint

Using the [form](#) (in Annex – Section 9) will support eu-LISA Data Protection Officer to process the data subject's complaint more efficiently, but he/she can submit a complaint by other written means of his/her choice.

**The data subject must ensure that all relevant information is included.** At any stage of the procedure, eu-LISA Data Protection Officer may request the data subject to submit additional information, documentation or clarification. For this reason, it is essential that he/she add his/her contact details. To avoid unnecessary delay, any evidence supporting the allegations needs to be attached (email exchanges, letters, screen prints, etc.).

The complaint will be handled by eu-LISA Data Protection Officer, an independent expert who monitors and protects the data subject's rights related to the protection of personal data within the Agency. The requested information (name, first name and contact details) is compulsory to provide according to Article 9 (General rules governing the exercise of rights by data subject) of [Decision 93/2013 of the eu-LISA's Management Board on implementing rules relating to Regulation \(EC\) 45/2001](#).

No information will be disclosed to any internal or external third party, unless it is necessary to handle the complaint.

There is no maximum length for the text of the complaint, but it is preferable to focus on the relevant information needed for eu-LISA Data Protection Officer to investigate the case.

Any complaint should be submitted within a reasonable period from the alleged violation of the data subject's rights related to his/her personal data occurred, or from the moment he/she was informed, or when he/she was aware of it, or when he/she were able to submit the complaint. This period should preferably not extend a year.

Submitting a complaint to eu-LISA does not prevent the data subject from accessing other forms of complaint, such as national or European courts. Filing a complaint is free of charge.

## 5. Language of the complaint

Complaints must be submitted only in English or French.

## 6. Examination of the complaint

eu-LISA Data Protection Officer examines all complaints. The preliminary examination of the complaint is specifically designed to verify whether it fulfils the conditions for further investigation, including whether there are sufficient grounds for an investigation. A complaint that addresses facts, which are manifestly insignificant, or issues the investigation of which would require disproportionate efforts, will not be further investigated.

If the complaint is found admissible, eu-LISA Data Protection Officer will carry out an inquiry to the extent, which he/she finds appropriate. The decision will be sent to the complainant as well as to the data controller who is responsible for the processing of data and to the eu-LISA's Executive Director for information.

In all phases, eu-LISA Data Protection Officer strictly complies with the principles of proportionality, reasonability, transparency, confidentiality and non-discrimination. eu-LISA Data Protection Officer undertakes all actions necessary for handling the complaint in a selective manner, using the available resources according to the criteria of adequacy and good administration, whilst at the same time considering the other tasks performed by eu-LISA as well as budgetary constraints.

Therefore, eu-LISA Data Protection Officer will take into account:

- the nature and gravity of the alleged breach of data protection rules;
- the importance of the prejudice that one or more data subjects have or may have suffered as result of the violation;
- the potential overall importance of the case, also in relation to the other public and/or private interests involved;
- the likelihood of establishing that the infringement has occurred;
- the exact date when events happened, any conduct which is no longer yielding effects, the removal of these effects or an appropriate guarantee of such a removal.

If the complaint is declared inadmissible, eu-LISA Data Protection Officer will inform the data subject in writing about the reasons for the inadmissibility and, if possible, providing

further options for addressing the data subject's concerns.

## 7. Challenging the decision

In case the data subject is unsatisfied by the reply provided by eu-LISA Data Protection Officer, he/she has the right to recourse at any time to the European Data Protection Supervisor.

The data subject has also the right to lodge directly the complaint to the European Data Protection Supervisor, if this is deemed necessary (<https://secure.edps.europa.eu/EDPSWEB/edps/Supervision/Complaints>).

## 8. Complaints addressing eu-LISA's Core Systems EURODAC/VIS/SIS II

eu-LISA is a European Union Agency that provides technical and operational expertise in order to manage the EURODAC System, Visa Information System (VIS) and the Schengen Information System II (SIS II) amongst others. eu-LISA however does not manage the information of EURODAC records, VISA applications or records in SIS II.

This information is directly managed by the national authorities of the Member States and associated countries through their consular cooperation. For this reason, any complaint or request should be addressed to the National Authority of the Member State.

If the data subject wants to exercise his/her rights (information, access, rectification, blocking, erasure, and objection), the complaint or the request should be addressed to the National Data Protection Authority of the involved Member State.

More information can be found in the following link:

<https://secure.edps.europa.eu/EDPSWEB/edps/Cooperation/SupervisionCoordination/CSIS>

A guide on exercising rights of information and access thereto:

[https://secure.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Cooperation/Large\\_IT\\_systems/SIS/15-10-12\\_SIS\\_II\\_GUIDE\\_OF\\_ACCESS\\_UPDATED\\_2015\\_EN.pdf](https://secure.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Cooperation/Large_IT_systems/SIS/15-10-12_SIS_II_GUIDE_OF_ACCESS_UPDATED_2015_EN.pdf)



## 9. Annex - Eu-LISA – Complaint Submission Form

### **REPORTING A COMPLAINT TO EU-LISA'S DATA PROTECTION OFFICER (DPO)**

eu-LISA's staff and others are encouraged to inform eu-LISA's DPO of material privacy issues that can be perceived as a violation of its rights.

The DPO may also be able to provide advice or guidance that may be helpful in responding to the complaint.

### **PERSONAL COMPLAINT FORM**

The purpose of the complaint form is to assist the DPO of any infringement on the data subject's rights. This complaint can be reported as follows:

By e-mail: [dpo-sensitive@eulisa.europa.eu](mailto:dpo-sensitive@eulisa.europa.eu)

By phone: [+372 5601 0118](tel:+37256010118)

By directly reporting to the DPO

## 1. Your Identity

<b>Date</b>	
<b>Name and surname</b>	
<b>Preferred contact address</b> (Professional or private, postal, telephone, e-mail – in case further information is required)	
<b>e-mail</b> (for acknowledgement purposes only)	
<b>Other relevant identification that you wish to provide</b>	

## 2. Object of the complain

<b>Object of your complain</b> (identify the Unit, Sector, any third-party working for eu-LISA, etc)	
---	--

<b>Description on the nature of your complain</b> (please include as much details as possible)	
---	--

Please submit this form through email to:

[dpo-sensitive@eulisa.europa.eu](mailto:dpo-sensitive@eulisa.europa.eu)

or just send a print of this document by postal in confidential marked to the

DPO at Ravala pst 4, 10143 Tallinn

## Important security information

The DPO is committed to ensure high level of security for the communication communicated. However, please be aware that communication by internet, including e-mail, is not fully secure and information transferred can be potentially intercepted and accessed by persons external to the DPO.

Please note that the eu-LISA ICT infrastructure is managed by the Corporate Services Sector and is subject to security measures allowing the monitor of the network by Security team.

For very sensitive information you are advised to use the postal mail or send an e-mail encrypting this document and send by SMS the encryption password to the DPO's mobile (+372 56010118)