

# PRIVACY STATEMENT

## PROCESSING OF PERSONAL DATA IN THE CONTEXT OF A PASSPORT APPLICATION<sup>1</sup>

The processing of personal data in the context of a passport application is done in accordance with the [Law of 10 February 2015](#) on automated processing of personal data required for Belgian passports and travel documents.

### 1. DEFINITIONS:

**"Data of a personal nature"**: any information pertaining to an identified or identifiable person. An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity.

**"Processing"**: any operation or any series of operations carried out or not via automated processes and applied to data or series of data of a personal nature, such as the collection, recording, organisation, structuring, conservation, adaptation or modification, extraction, consultation, use, communication by transmission, dissemination or any other form of provision, convergence, or interconnection, limitation, deletion or destruction.

**"Data controller"**: any natural or legal person, public authority, service or other organisation which, alone or jointly with others, determines the purpose and methods of processing.

**"Sub-contractor"**: any natural or legal person, public authority, service or other organisation which processes data of a personal nature on behalf of the data controller.

**"Recipient"**: any natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not.

**"Third party"**: any natural or legal person, public authority, agency or body other than the data subject, the controller, the processor and the persons who, under the direct

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<sup>1</sup> For the sake of simplicity, the term "passport" is used generically to refer to all travel documents issued by FPS Foreign Affairs, namely: ordinary passports, official passports or diplomatic passports, travel documents for stateless persons, refugees or foreigners and temporary passports.

authority of the data controller or the processor, are authorised to process the personal data.

**General Data Protection Regulation:** 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. Abbreviated to GDPR.

## **2. DATA CONTROLLER:**

The controller responsible for processing personal data in connection with passport applications at Belgian diplomatic and consular posts abroad, in Belgian municipal administrations, at the passport office of the FPS Foreign Affairs, at the joint counter of the FPS Foreign Affairs and Home Affairs (responsible for issuing passports and travel documents under the extremely urgent procedure) and at the passport office of the Ministry of Defence (responsible for issuing diplomatic and official passports for the military) is:

The Minister of Foreign Affairs, represented by the Director General of Consular Affairs.

*Federal Public Service Foreign Affairs  
Directorate-General of Consular Affairs  
Rue des Petits Carmes, 15  
1000 Brussels  
Belgium*

## **3. DATA PROTECTION OFFICER (DPO):**

Missions of the "DPO":

The "DPO" can be contacted by the data subjects whose data are processed by Foreign Affairs in the context of a passport application, regarding all matters relating to the processing of their data and more specifically with regard to:

- *the purposes of the data processing;*
- *the legal basis of the processing;*
- *the categories of personal data processed;*
- *the categories of recipients of the personal data;*
- *the possible transfer of personal data to third countries and the existence of appropriate safeguards;*

- *the duration of storage of personal data;*
- *knowing whether it is a question of automated data processing;*
- *the right to request rectification;*
- *the right to request the deletion of data and the restriction of data processing;*
- *the right to object to the processing.*

Contact details of the "DPO":

You can contact the "DPO" of the Directorate-General of Consular Affairs:

- by [electronic form](#)
- by post:

*Federal Public Service Foreign Affairs  
Directorate-General of Consular Affairs  
For the attention of the "Data Protection Officer"  
Rue des Petits Carmes, 15  
1000 Brussels*

- by email: [dpo.dgc@diplobel.fed.be](mailto:dpo.dgc@diplobel.fed.be)

#### **4. COLLECTED PERSONAL DATA:**

The Directorate-General of Consular Affairs undertakes to only process personal data that are adequate, relevant and not excessive in relation to the purposes for which they are collected (see point 5 below) and not to use them subsequently in a way which is incompatible with those purposes.

The data collected are:

1. data concerning the holder of the Belgian passport or travel document:
  - a. family name, first names, date and place of birth, gender;
  - b. signature;
  - c. the National Register number;
  - d. the scanned image of the holder's face;

- e. the scanned image of the fingerprints of the index finger of the holder's left and right hand or, in the event of disability or incapacity, of another finger of each hand;
  - f. nationality (except for travel documents for foreign nationals, stateless persons and refugees);
  - g. address, e-mail address and mobile phone number;
2. data concerning the Belgian passport or travel document:
- a. number of the Belgian passport or travel document;
  - b. type of Belgian passport or travel document;
  - c. type of application procedure;
  - d. date and place of issue;
  - e. issuing authority;
  - f. expiry date;
3. data concerning the creation of the Belgian passport or travel document:
- a) place of creation;
  - b) place where application was submitted;
  - c) date of receipt of the application;
  - d) order number of the application;
  - e) possible refusal of the application;
  - f) mention of the creation status of the Belgian passport or travel document and the date of this status;
  - g) date of dispatch of the Belgian passport or travel document to the application submission administration;
  - h) application submission administration;
  - i) dispatch number;
  - j) invoicing details;
4. data concerning the free replacement of the Belgian passport or travel document. (Additional) data relating to compensation for defective Belgian passports and travel documents:<sup>2</sup>
- a) the case number of the request for compensation;
  - b) the number of the defective passport or travel document;
  - c) the number of the replacement passport or travel document;
  - d) the reason for the replacement;
  - e) the date of replacement of the passport or travel document;

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<sup>2</sup> These data are only processed when a claim for compensation is made.

- f) the date of the request for compensation;
- g) the amount of the claimed compensation;
- h) the date of the decision for compensation;
- i) the amount of the awarded compensation;
- j) the applicant's agreement with the compensation decision;
- k) the bank account number of the applicant.

## **5. PURPOSES OF THE TREATMENT:**

In accordance with Article 6 of the GDPR, personal data transmitted by the passport applicant and data regarding the latter collected by the Directorate General of Consular Affairs from third parties are necessary for the performance of a task in the public interest, in the exercise of public authority vested in the Directorate General of Consular Affairs, namely: receiving passport applications at Belgian diplomatic and consular posts abroad, in Belgian municipal administrations, at the passport office of the FPS Foreign Affairs, at the joint counter of the FPS Foreign Affairs and Home Affairs (responsible for issuing passports and travel documents under the extremely urgent procedure) and at the passport office of the Ministry of Defence (responsible for issuing diplomatic and official passports for the military).

The said data (see point 4, above) are processed, in particular, for the following purposes:

1. To identify the passport holder;
2. To process the passport applications submitted with the Belgian diplomatic and consular posts abroad, Belgian municipal administrations, the passport office of the FPS Foreign Affairs, the joint counter of the FPS Foreign Affairs and Home Affairs (responsible for issuing passports and travel documents under the extremely urgent procedure) and the passport office of the Ministry of Defence (responsible for issuing diplomatic and official passports for the military);
3. To create and issue passports;
4. To manage disputes regarding decisions taken;
5. To manage correspondence between the Directorate-General of Consular Affairs and persons and authorities or others corresponding with the Directorate-General of Consular Affairs.

## **6. DATA RECIPIENTS:**

The personal data concerning you collected and processed by the Directorate-General of Consular Affairs (or at least some of them) may, in particular, be communicated to the following categories of recipients:

1. the staff assigned to the department that implements the said automated processing;
2. the staff of the FPS Foreign Affairs in Brussels, responsible for applying the regulations on passports and travel documents, the compensation of holders of defective Belgian passports and travel documents and the issue and invoicing of passports and travel documents, individually authorised by the Minister or by the staff designated by the Minister for this purpose;
3. the diplomatic and consular staff responsible for issuing and invoicing passports and travel documents, individually authorised by the ambassador or consul;
4. the staff of the municipalities responsible for issuing and receiving payment for passports and travel documents, individually authorised by the mayor;
5. the staff of the Ministry of Defence responsible for issuing and receiving payment for diplomatic and official passports, individually authorised for this purpose by the Minister of Defence or by the staff designated by the Minister of Defence for this purpose;
6. the company in charge of creating passports and travel documents and the persons strictly authorised by it within the company, for the sole purpose of creating, issuing and invoicing passports and travel documents;
7. the duly authorised staff of the FPS Home Affairs who carry out border controls;
8. the duly authorised staff or magistrates with the police, judicial or intelligence services, and only for the purpose of investigating or identifying fraud relating to the identity of a person;
9. the staff of the FPS Home Affairs responsible for managing and operating the "Checkdoc" application;
10. the staff of the joint counter of the FPS Foreign Affairs and Home Affairs responsible for issuing passports and travel documents under the extremely urgent procedure, and whose function requires access to personal data, and individually authorised by the Ministers of Foreign Affairs or Home Affairs or by the staff they have designated for this purpose.

## **7. DURATION OF DATA STORAGE**

As a general rule, the Directorate-General of Consular Affairs stores the personal data it processes for a period of 3 months after the submission of a passport application. After this period, the following data shall be destroyed, except where the Belgian national registered in the register of consular staff abroad expressly requests that they be kept for a maximum period of ten years in accordance with Article 15, 2<sup>nd</sup> paragraph (replacement of a passport in the event of loss, theft or default; see below):

1. the fingerprints of both hands;
2. the address, e-mail address and mobile phone number.

With a view to tackling fraud against Belgian passports and travel documents, the other data mentioned in points 4, 1<sup>o</sup>, 2<sup>o</sup> and 3<sup>o</sup> above (including the scanned image of the holder's face) shall be kept for 20 years.

The (additional) data relating to the compensation for defective Belgian passports and travel documents mentioned in point 4, 4<sup>o</sup> above shall be kept for 66 months from the submission of the request for compensation.

The Belgian national registered in a register of consular staff abroad may, on a voluntary basis, apply to a career diplomatic or consular post:

- the pre-registration and storage for a maximum of 1 year of their data (the same data as mentioned in point 4, 1<sup>o</sup> above) for a subsequent passport application; if it is not used within this period, it will be destroyed;
- the storage for a maximum of 10 years of their data (the same data as mentioned in points 4, 1<sup>o</sup> and 2<sup>o</sup> above) in order to replace their passport in the event of loss or theft of the passport or a defective passport; in practice, it will be kept for 7 years, since the current passport has a validity of 7 years, then it will be destroyed.

## **8. PROCEDURE FOR REQUESTING A COPY OF THE ADMINISTRATIVE FILE**

In the context of the Law of 11 April 1994 on the disclosure of information by the administration, you may request a copy of your administrative file managed by the

Directorate-General of Consular Affairs. Your application must be sent to the following address:

*Federal Public Service Foreign Affairs  
Directorate-General of Consular Affairs  
Directorate of Travel and Identity Documents (C2)  
Rue des Petits Carmes, 15  
1000 Brussels  
Belgium*

## **9. RIGHT OF ACCESS, RECTIFICATION, ERASURE AND RESTRICTION OF PROCESSING:**

### **A. Right of access:**

You have the right to obtain confirmation that your personal data are being processed by the Directorate-General of Consular Affairs and, when they are processed, access to the following information:

- the purposes of the data processing;
- the legal basis of the processing;
- the categories of personal data concerned;
- the categories of recipients of the personal data;
- the possible transfer of personal data to third countries and the existence of appropriate safeguards;
- the duration of storage of the personal data or the criteria used to determine this duration;
- knowing whether it is a question of automated data processing.

For these questions, you can contact the DPO (see point 3. The Data Protection Officer). You will be asked to prove your identity.

### **B. Right to rectification:**

You have the right to obtain the rectification of inaccurate personal data or to request that incomplete personal data be supplemented.

If you believe that the Directorate-General of Consular Affairs has processed personal data concerning you that are inaccurate or incomplete, you must first contact the diplomatic or consular post, the Belgian municipal administration, the passport office of



the FPS Foreign Affairs, the joint counter of the FPS Foreign Affairs and Home Affairs (responsible for issuing passports and travel documents under the extremely urgent procedure) or the passport office of the Ministry of Defence (responsible for issuing diplomatic and official passports for the military), which manages your passport application with the request to correct inaccurate data or to complete incomplete data.

The administration handling your case may ask you for additional information or evidence to back up your request.

If you have any further questions after contacting the competent services, you can address them to the DPO (see point 3. The Data Protection Officer). You will be asked to prove your identity.

### **C. Right to erasure:**

Given that the processing of your personal data is necessary for the performance of a task falling under the official authority vested in the Directorate-General of Consular Affairs, you are not entitled to request and obtain the erasure of your personal data.

If you have any questions concerning the right to erasure, you can address them to the DPO (see point 3. The Data Protection Officer). You will be asked to prove your identity.

### **D. Right to restriction:**

Given that the processing of your personal data is necessary for the performance of a task falling under the official authority vested in the Directorate-General of Consular Affairs, you are not entitled to request that the processing of your personal data is restricted.

If you have any questions concerning the right to restriction, you can address them to the DPO (see point 3. The Data Protection Officer). You will be asked to prove your identity.

### **E. Right to data portability:**

Given that the Directorate-General of Consular Affairs does not process your personal data based on your consent or pursuant to a contract, the right to portability does not apply. Consequently, you are not entitled to receive your personal data from the Directorate-General of Consular Affairs in a structured, commonly used and machine-readable format for transmission to another controller.

If you have any questions concerning the right to data portability, you can address them to the DPO (see point 3. The Data Protection Officer). You will be asked to prove your identity.

#### **F. Right to object:**

Given that the processing of your personal data is necessary for the performance of a task falling under the official authority vested in the Directorate-General of Consular Affairs, you are not entitled to object to the processing of your personal data.

If you have any questions concerning the right to object, you can address them to the DPO (see point 3. The Data Protection Officer). You will be asked to prove your identity.

#### **10. RESPONSE AND RESPONSE TIME:**

If you invoke the right of access, the right of rectification, the right of erasure, the right to restrict or the right to object, you will receive information on the measures taken following your request, within one month of receiving the request. This period may be extended by two further months, taking into account the complexity of your request and the number of ongoing requests. You will be informed of this extension of the response time.

If your request is not followed up, you will be informed of the reasons why no later than one month after receipt of your request. You then have the possibility to lodge a complaint with the supervisory authority and to lodge an appeal.

#### **11. LODGING A COMPLAINT WITH THE SUPERVISORY AUTHORITY:**

If you believe that the Directorate-General of Consular Affairs has not processed your personal data in accordance with the GDPR, you may lodge a complaint with the Belgian Data Protection Authority.

You can find more information on this subject on the website of the above-mentioned Authority: <https://www.privacycommission.be>

Data Protection Authority  
Rue de la Presse 35  
1000 Brussels  
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