

PRIVACY STATEMENT

PROCESSING OF PERSONAL DATA IN THE CONTEXT OF ASSISTANCE TO BELGIANS ABROAD

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

General Data Protection Regulation (GDPR): 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.

2. DATA CONTROLLER:

The party responsible for processing personal data in the context of assistance to Belgians abroad:

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 an assistance case, 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 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 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 form: <https://diplomatie.belgium.be/en/gdpr>
- 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*

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 included in our computer databases belong to the following categories of data :
(1)

1. **Identification data:** *personal identification data (name, identifiers assigned by the Directorate General of Consular Affairs, etc.)*

2. **Financial particularities:** *existence of an acknowledgement of debt in the context of an assistance case, sum advanced by the assistance service for Belgians abroad.*
3. **Personal details:** surname, first name, date of birth, sex, choice of language.
4. **Judicial data:** place of detention abroad, length of the sentence, type of offence, start and end date of detention, parent who owns the primary accommodation
5. **National Register Number / Social Security identification number;**

5. PURPOSES OF THE PROCESSING

In accordance with Article 6 of the "GDPR", the personal data collected and processed in the context of managing the assistance cases for Belgians are collected and processed for the following reasons

1. To allow the handling department to communicate statistics
2. To follow up the financial file when the funeral of a Belgian who died abroad is paid for by the Belgian State;
3. To follow up the financial records when an advance is made and to guarantee its exceptional nature
4. To follow up the evolution of expenditure during the current year.
5. To ensure the follow-up of the transmission of international letters rogatory and extradition requests

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 be transmitted in anonymised form (statistics) in the context of responses to parliamentary and press questions, and in the context of internal briefings.

The personal data collected and processed by the Directorate General of Consular Affairs in the context of managing parental abduction cases are transmitted in the form of anonymised statistics to our partners, pursuant to the Memorandum of Understanding on this subject with the FPS Justice and Child Focus.

7. DURATION OF DATA STORAGE

The data in the databases used to produce statistics are kept for 5 years.

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 for Assistance and International Judicial Cooperation (C1)
Rue des Petits Carmes, 15
1000 Brussels*

The data which facilitate a check of the follow-up of the case is kept until the case is closed.

9. RIGHT OF ACCESS, RECTIFICATION, DELETION 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 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 find that the Directorate-General for Consular Affairs has processed personal data concerning you which are inaccurate or incomplete, we invite you to contact the "DPO" (see 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 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 be restricted.

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

F. Right to object:

You may object to the processing of personal data, unless the processing is necessary for the performance of a task in the public interest or in the exercise of public authority.

However, the Directorate-General of Consular Affairs may object if there are legitimate and compelling reasons for the processing that prevail over your interests, rights and freedoms or for the establishment, exercise or defence of legal rights.

If you object to the processing of personal data managed by the Directorate-General of Consular Affairs, you are invited to contact the DPO (see 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 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.dataprotectionauthority.be/>

Data Protection Authority
Rue de la Presse 35
1000 Brussels
E-mail: [contact\[at\]apd-gba.be](mailto:contact[at]apd-gba.be)
Tel.: +32 2 274 48 00

(1) This list is based on the categories of personal data established by the Data Protection Authority in its Recommendation No 06/2017 of 14 June 2017 - Recommendation on the Register of Processing Activities (Article 30 of the GDPR) (CO-AR-2017-011).