

## DATA PROTECTION NOTICE FOR FRONTEX APPLICATION FOR RETURN (FAR)

Frontex, the European Border and Coast Guard Agency processes personal data of third-country nationals subject to return decisions issued by Member States<sup>1</sup> ('returnees') for the purposes of organising and coordinating return operations in accordance with Articles 27 and 28 of the European Border and Coast Guard Regulation and Management Board Decision 37 of 23 November 2016 (Reg. No. 21952).

**WARNING:** Frontex has no competence in issuing return decisions and does not enter into their merits, whose responsibility exclusively falls under the remit of Member States.

The personal data processed related to the returnees refers to: name and surname, destination of departure and destination of arrival, date of birth, nationality, gender, country of origin, type and validity of travel document, whether the returnee is healthy or not, whether it is a voluntary or forced return and a security risk assessment. The data is provided by the Member States' national competent authorities into the Frontex Application for Returns (FAR), a web-based application aimed at supporting the organisation of return operations.

In accordance with Article 48 (4) of the European Border and Coast Guard Regulation, Frontex may transfer such data to air carriers and may use an external processor for booking and ticketing purposes. The recipients of the personal data processed are Frontex dedicated staff within the European Centre for Returns (ECRet) and within the Finance Unit. Personal data are not transferred by Frontex to third countries and/or international organisations.

The data of the returnees will be kept in the system for 30 days after the end of the return operation. Exceptionally, and for financial verification purposes only, some non-nominative data (e.g.: travel details/flight/PNR) may be kept further until financial obligations are met. After this period, the personal data is deleted or anonymised to be used for statistics.

In accordance with Article 17 of Regulation 2018/1725 of 23 October 2018 ('Right of access'), returnees in Frontex organised and coordinated return operations have the right to access their personal data in FAR. However, the access to the data, namely the security risk assessment, may be restricted on a case-by-case basis in accordance with Article 25(1)(a) of Regulation 2018/1725, for reasons of national security, public security and defence of the Member States, in line with the European Data Protection Supervisor (EDPS) Prior Checking Opinion on FAR, case 2017-0874.

Returnees may also exercise the ('Right to rectification') foreseen in Article 18 of Regulation 2018/1725. However they will need to provide a piece of evidence of the same legal value that demonstrates the inaccuracy of the data stored in the system. Returnees have the right to obtain restriction of processing within the limits of Article 20 of Regulation 2018/1725 and the right to object to the processing under Article 23 of that Regulation.

**WARNING:** The right to rectification cannot be used to question the return decisions, which are provided by a judicial or administrative authority of a Member State.

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<sup>1</sup> For the purposes of this document, 'Member States' include EU Member States and Schengen Associated Countries.

Returnees have the right to lodge a complaint with the EDPS.

There is no automated decision making processing upon the data of the returnees.

The Head of ECRet of Frontex is the Controller of the processing of the data. Requests of data subjects should be directed to [FAR.personaldata@frontex.europa.eu](mailto:FAR.personaldata@frontex.europa.eu).

Any question with regard to the processing of personal data may be forwarded also to the Frontex Data Protection Officer (DPO) at [dataprotectionoffice@frontex.europa.eu](mailto:dataprotectionoffice@frontex.europa.eu).

Any request to either the Controller or the DPO which is not related to data protection and the exercise of the rights granted under Regulation 2018/1725 will not be responded to.