

PROTECTION OF YOUR PERSONAL DATA

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

1. Introduction

The European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (hereafter, 'eu-LISA') is committed to protect your personal data and to respect your privacy. eu-LISA 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

The information in relation to processing operation "*EES-BMS Accuracy Measurement*" undertaken by eu-LISA Head of Planning & Standards Unit is presented below.

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

eu-LISA processes personal data extracted from Visa Information System (VIS) to measure the accuracy within EES-BMS. This implies the creation of background databases of real unique records or Background Databases (BGDB) and the creation of several data sets of matching pairs of records. This processing activity aims to measure the False Negative Identification Rate (FNIR), False Positive Identification Rate (FPIR), False Match Rate (FMR) and False Non-Match Rate (FNMR), according to eu-LISA acceptance thresholds, which depends on the biometric matching engines and the characteristics of the biometric data.

The activity balances the necessity of ensuring representativeness of the data subjects who will be stored in the sBMS, by constructing representative data sets from real data to avoid discriminated results from the matching system by using synthetic but less reliable data for the specific purpose of measuring the accuracy of the EES-BMS.

Your 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

According to Article 5(1) (a) the processing activity is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the

Union institution or body (a task attributed to eu-LISA) as per Articles 1¹, article 15.4² and 36.1.(a)³ of eu-LISA Regulation;

We process your personal data, because:

(a) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body;

According Article 10 of Regulation (EU) 2018/1725 the following Biometric data for unique identification included in special categories of personal data are processed under the scope of this processing activity:

- The ten (10) Fingerprint (FP)
- The Facial Image (FI)

We process special categories of personal data indicated in Section 4, according to Article 10(2):

(g) the processing is necessary for reasons of substantial public interest, on the basis of Union law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

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

In order to carry out this processing operation eu-LISA collects the following categories of personal data:

- Gender
- Age
- Nationality
- Date of VISA application
- The ten (10) Finger Prints (FP) - RAW images + Templates
- The Facial Images (FI) - RAW images + Templates
- FP / FI Mated Pairs
- FP / FI Non-Mated Pairs

We have obtained your personal data from Visa Applications stored in the Visa Information System (VIS).

5. How long do we keep your personal data?

eu-LISA only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely until the completion of the analysis. After that period the file will be completely deleted.

When determining the maximum retention periods, the Agency takes also into account possible legal recourses, legal, auditing, archiving and reporting obligations.

¹ eu-LISA Regulation, article 1

² According to article 15.4 of eu-LISA Regulation, eu-LISA “may plan and implement testing activities on matters covered by this Regulation and by any of the Union legal acts governing the development, establishment, operation and use of the systems”

³ eu-LISA Regulation, article 36 (1) a. states that “The Agency may process personal data only for the following purposes:(...) where necessary for the performance of its tasks related to the operational management of large-scale IT systems entrusted to it under Union law”

6. Who has access to your personal data and to whom is it disclosed?

Access to your personal data is provided to eu-LISA staff responsible for carrying out this processing operation and to authorised staff according to the “need to know” principle. Such staff abide by statutory, and when required, additional confidentiality agreements.

The information we collect will be processed by duly authorised third parties from the European Commission, DG Joint Research Centre (JRC) and the Biometric Experts and/or Face Examiners.

7. 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, rectify or erase your personal data and the right to restrict the processing of your personal data. Where applicable, you also have the right to object to the processing or 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)(a).

Nevertheless, you should be informed that by virtue of Article 25 of Regulation No 2018/1725 and of the Internal Rules laid down under eu-LISA Management Board Decision of the 30th of June 2020, one or several of these rights may be restricted for a temporary period of time inter alia on the grounds of evaluation, automated decision-making or profiling. Any such restriction will be limited in time, proportionate and respect the essence of the above-mentioned rights. It will be lifted as soon as the circumstances justifying the restriction are no longer applicable. You will receive a more specific data protection notice when this period has passed.

As a general rule, you will be informed on the principal reasons for a restriction unless this information would cancel the effect of the restriction as such.

You have the right to make a complaint to the EDPS concerning the scope of the restriction.

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.

8. 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, eu-LISA Head of Planning & Standards Unit - biometrics@eulisa.europa.eu.

- The Data Protection Officer of eu-LISA

You may contact the Data Protection Officer (dpo@eulisa.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

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Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the Data Controller.