

Privacy notice regarding the processing of personal data under the General Data Protection Regulation

The Refugee Appeals Board is sending you this notice to inform you about the Board's processing of your personal data. We have received your personal data due to the following circumstances:

- you have lodged an appeal against a decision made by the Danish Immigration Service (*Udlændingestyrelsen*);
- a decision of the Danish Immigration Service refusing your application for asylum has been automatically appealed to the Refugee Appeals Board; or
- you have requested the Refugee Appeals Board to reopen a previously decided case.

For the purpose of our consideration of your case, the Refugee Appeals Board needs to process personal data about you, including collecting, storing and disclosing your data. All or part of your data will undergo electronic data processing.

Under the General Data Protection Regulation¹, the Refugee Appeals Board is obliged to provide you with various information when receiving your personal data from either yourself or others.

We are obliged to provide you with the following information:

1. We are data controllers – how can you contact us?
2. We have a data protection officer (DPO) – how can you contact him?
3. What is the purpose of and the legal basis for our processing of your personal data?
4. Are you obliged to provide us with your personal data?
5. What categories of personal data do we process?
6. From whom do we receive and to whom do we disclose your personal data?
7. What is the source of your personal data?
8. For how long will we retain your personal data?
9. You can withdraw your consent.
10. What are your rights?
11. You have the right to lodge a complaint with the Danish Data Protection Agency (*Datatilsynet*).

Below we have elaborated on the information that we are obliged to provide to you:

If you have any questions, please do not hesitate to contact us. Our contact details appear at the bottom of this page and in section 1 below.

1. We are data controllers – how can you contact us?

The Refugee Appeals Board and the Secretariat of the Refugee Appeals Board are the data controllers responsible for processing your personal data. You will find our contact details below.

¹ 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, and repealing Directive 95/46/EC (General Data Protection Regulation).

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Adelgade 11-13
DK-1304 Copenhagen K
Tel.: +45 6198 3700
Email: fln@fin.dk
Website: www.fln.dk
Central Business Register (CVR) No.: 36977191

When contacting us, please give the case number, personal ID and any other information that may help us identify your personal data processed by the Refugee Appeals Board.

2. We have a data protection officer (DPO) – how can you contact him?

The Refugee Appeals Board has a data protection officer. His contact details are:

Klaus Wind, Data Protection Officer
Slotsholmsgade 10
DK-1216 Copenhagen K
Tel.: +45 6198 4000
Email: dpo@uim.dk

3. What is the purpose of and the legal basis for our processing of your personal data?

The Refugee Appeals Board processes your personal data for the purpose of making a decision on your case.

The legal basis for our processing of your personal data is the Danish Aliens Act (*udlændingeloven*)², the Danish Data Protection Act (*dataskyttelsesloven*)³ and the General Data Protection Regulation. The relevant provisions are:

The Data Protection Act

- Section 8(2)(i) and (iii) (information on criminal offences, if relevant)

The General Data Protection Regulation

- Article 6 (general personal data)
 - o 6(1)(a) (consent)
 - o 6(1)(c) (legal obligation)
 - o 6(1)(e) (the exercise of official authority)

² The Danish Aliens (Consolidation) Act No. 1117 of 2 October 2017 as amended.

³ Act No. 502 of 23 May 2018 supplementing the Regulation on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.

Article 9 (sensitive personal data)

- o 9(2)(a) (consent)
- o 9(2)(e) (personal data which are manifestly made public by the data subject)
- o 9(2)(f) (legal claims)
- o 9(2)(g) (substantial public interest)

4. Are you obliged to provide us with your personal data?

You are obliged to provide such information as is necessary to enable the Refugee Appeals Board to make a decision on your case. If you refuse to provide such information, your refusal may be detrimental to your case. You can read more about your obligation to contribute to bringing out the facts of your case in section 40 of the Aliens Act, which you will find on the last page of this notice.

5. What categories of personal data do we process?

Where necessary, we may process the following categories of personal data about you:

- General personal data (such as name, address and family details)
- Personal data relating to any criminal convictions and offences
- Sensitive personal data (such as health, political opinions and religious beliefs)

6. From whom do we receive and to whom do we disclose your personal data?

For the purpose of our consideration of your case, the Refugee Appeals Board receives files for the case from other public authorities, in particular the Danish Immigration Service and the police.

In certain circumstances, the Refugee Appeals Board will disclose your personal data to third parties, in particular:

- The Danish Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*)
- The Danish Immigration Service
- The Danish Immigration Appeals Board (*Udlændingenævnet*)
- The Danish Refugee Council (*Dansk Flygtningehjælp*)
- The police and the intelligence services
- The Danish Ministry of Foreign Affairs (*Udenrigsministeriet*)
- The Danish Ministry of Justice (*Justitsministeriet*)
- The Danish Parliament (*Folketinget*)
- The Parliamentary Ombudsman (*Folketingets Ombudsmand*)

7. What is the source of your personal data?

The personal data that we process about you originate particularly from:

- Registers kept within the remit of the Ministry of Immigration and Integration
- Other public authorities such as the Danish Immigration Service and the police
- Publicly accessible sources such as websites and social media
- The Danish Civil Registration System (the CPR Register)

8. For how long will we retain your personal data?

At this stage, the Refugee Appeals Board cannot determine the period of retention of your personal data. However, when determining the retention period of your personal data, we will take into account criteria such as:

- The likelihood that your case will be reopened
- The likelihood that a complaint will be lodged with international bodies
- The likelihood that a decision will be made granting a request for access to documents
- Whether the data are to be retained under the rules on national archives

9. You can withdraw your consent

If you have consented to the processing of your personal data by the Refugee Appeals Board, you have the right to withdraw your consent at any time. If you want to withdraw your consent, please contact us using the contact details given in section 1.

If you decide to withdraw your consent, we may continue to process the personal data received up to the time of withdrawal.

10. What are your rights?

You have certain rights with regard to our processing of your personal data. If you want to exercise your rights, please contact us. You have the following rights:

- You have a right of access to the data that we process about you.
- You have the right to have inaccurate personal data rectified.
- In specific circumstances, you have the right to have your personal data restricted or erased where the data are no longer necessary for the consideration of your case.
- You can object to our processing of your personal data.
- You have the right to have your personal data transmitted from one data controller to another data controller, but see section 8.

11. You have the right to lodge a complaint with the Danish Data Protection Agency

If you are dissatisfied with the way that we process your personal data, you can lodge a complaint with the Data Protection Agency.

You will find the contact details for the Data Protection Agency at www.datatilsynet.dk.

Section 40 of the Danish Aliens Act (*udlændingeloven*):

40.(1) An alien shall provide such information as is required for deciding whether a permit pursuant to this Act can be issued or revoked or can lapse, or whether the alien is lawfully staying or working in Denmark. When summoned, an alien shall appear in person and, upon request, produce his or her passport or travel document to the authorities processing his or her application pursuant to this Act. The alien must be notified that the information referred to in the first and second sentences hereof may be transmitted to the intelligence services and the public prosecutor under the rules of Part 7a. Other persons who are deemed able to contribute information for the purpose of the consideration of the case may be ordered to provide the information referred to in the first sentence.

(2) [...]

(3) [...]

(4) An alien may only demand reimbursement from the immigration authorities of any expenses defrayed by the alien in providing information for the purpose of the consideration of a case under this Act if the authorities have consented in writing to such reimbursement before the information was provided.

(5) [...]

(6) [...]

(7) If a person makes a declaration disclosing information in cases falling within this Act, the immigration authorities may require that such declaration be given as a solemn declaration.

(8) Any person who, by making a false declaration or otherwise assisting or attempting to assist an alien in fraudulently obtaining a residence permit, a registration certificate or a residence card, see section 6, must refund the expenses incurred by the Treasury for that alien's entry, stay and departure and for the consideration of the immigration case.

(9) An alien may be examined in court for the purpose of obtaining information in matters falling within this Act, see section 1018 of the Danish Administration of Justice Act (*retsplejeloven*).

(10) [...]

(11) [...]

(12) [...]