

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;
- you have requested the Refugee Appeals Board to reopen a previously decided case;
- you have contacted the Refugee Appeals Board for a general enquiry;
- you have requested access to the documents in your appeal case;
- you have requested access to your personal data being processed by us; or
- you have contacted the Refugee Appeals Board on behalf of someone else as this person's representative for the party.

For the purpose of our consideration of your complaint or enquiry, the Refugee Appeals Board needs to process personal data about you, including collecting, storing and, in certain cases, 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 the person in question?
3. What are the purposes 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 in connection with our processing of your data?
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 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).

Refugee Appeals Board
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, if any, 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 the person in question?

The Refugee Appeals Board has a data protection officer. The person in question can be contacted in the following ways:

E-mail: dpo@uim.dk

Phone: +45 6198 4000

Letter: The Refugee Appeals Board, for the attention of Data Protection Officer, Adelgade 11-13, DK-1304 Copenhagen K

3. What are the purposes 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 or replying to your enquiry.

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

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)

The Data Protection Act

- Section 8(2)(1) (consent)
- Section 8(2)(3) (the exercise of official authority)

If you contact the Refugee Appeals Board for a general enquiry, the legal basis of the Board's processing of personal data is provided by the General Data Protection Regulation 6(1)(e) (legal obligation). If the enquiry concerns access to documents, the legal basis is the Access to Public Administration Files Act (*offentlighedsloven*). Concerning the parties' access to documents in decision cases, the legal basis is the Public Administration Act (*forvaltningsloven*) Chapter 4. If the enquiry concerns the rights of the data subject in question, the legal basis is the General Data Protection Regulation 6(1)(c) (legal obligation), see Chapter 3 (rights of the data subject).

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.

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 Danish National ID Centre
- Interpreters
- The police and the prosecution services
- The intelligence services
- The Legal Adviser to the Danish Government (*Kammeradvokaten*)
- 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?

We journalise and store your personal data pursuant to the processing purposes mentioned and hand them over to the registry authorities in accordance with the regulations in the Archives Act (approximately every 5th year). Afterwards, we will make a specific evaluation of the need to keep the data. This evaluation will include an assessment of whether the data are necessary for future case, e.g. in connection with a request for reopening the appeal etc. If we do not have an administrative need for keeping the data, they will be erased.

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, it does not affect the legality of the processing of your data received up to the time of withdrawal. If you withdraw your consent, it thus only has effect from this time.

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 the right of access to the data that we process about you as well as some further information, including the purposes of the processing.
- You have the right to have inaccurate or misleading personal data rectified or erased.
- In specific circumstances, you have the right to have your personal data erased or processed with restrictions where the data are no longer necessary for the consideration of your case or the reply to your enquiry.
- In certain cases, you can object to our processing of your personal data.
- You have the right to receive a copy of the personal data that we process about you or to have your personal data transmitted from one data controller to another data controller.

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.