

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 made a general inquiry to the Refugee Appeals Board;
- you have made a request for access to your appeal case documents;
- you have made a request for access to your personal data that we are processing;
- you have contacted the Refugee Appeals Board in your capacity as a representative of another person; or
- your personal data will be used for the processing of another person's case in pursuance of section 40(2) of the Danish Aliens Act (*udlændingeloven*).

For the purpose of our consideration of your appeal or inquiry, 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 him or her?
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 the data be stored?
9. You can withdraw your consent.
10. What rights do you have when we process your personal 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:

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.

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:

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

When contacting us, please give the case number (if relevant), 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 or her?

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

Email: dpo@hjemst.dk
Tel.: +45 3065 7800
Letter: Refugee Appeals Board, attn: 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 inquiry.

The legal basis for our processing of your personal data includes the Aliens Act², 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)

² The Aliens (Consolidation) Act No. 1022 of 2 October 2019 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.

- 6(1)(e) (the exercise of official authority)
- Article 9 (sensitive personal data)
 - 9(1)(a) (consent)
 - 9(2)(e) (personal data which are manifestly made public by the data subject)
 - 9(2)(f) (legal claims)
 - 9(2)(g) (substantial public interest)

The Data Protection Act

- Section 8(2)(i) (consent)
- Section 8(2)(iii) (exercise of official authority)

If you make a general inquiry to the Refugee Appeals Board, the legal basis for the Board's processing of your personal data is Article 6(1)(c) of the General Data Protection Regulation (legal obligation). If you make a request for access to files, the legal basis is the Danish Freedom of Information Act (*offentlighedsloven*). The legal basis for deciding requests for access to files of complaints is Part 4 of the Danish Public Administration Act (*forvaltningsloven*). If a request for access to files relates to the rights of data subjects, the legal basis is Article 6(1)(c) of the General Data Protection Regulation (legal obligation), see Chapter III (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 Return Agency (*Hjemrejsestyrelsen*)
- The Danish Immigration Service (*Udlændingestyrelsen*)
- The Immigration Appeals Board (*Udlændingenævnet*)
- The Danish Refugee Council (*Dansk Flygtningehjælp*)
- The Danish National ID Centre (*Nationalt ID-center*)
- Interpreters
- The police and the Prosecution Service
- The intelligence services
- The Legal Advisor 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 the data be stored?

We maintain internal records of and retain your personal data for the said purposes of processing and transfer the data to the National Archives as set out in the legislation on archives (about every five years). Subsequently we make a specific assessment to determine whether we need to preserve the data. When making this assessment, it will be taken into account whether the data are required for future cases, including if a request for reopening is lodged. If we do not have any need to preserve the data for administrative purposes, the data 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.

The withdrawal of your consent will not affect the lawfulness of the processing of your personal data up to the time of withdrawal. If you withdraw your consent, the withdrawal of your consent will take effect only from the time of your 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 and to various other information, including information on the purpose(s) of the processing of your data.
- 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 the processing of your personal data restricted where the data are no longer necessary to consider your case or to reply to your inquiry.
- In certain cases, you can object to our processing of your personal data.
- You have the right to request a copy of your personal data that are being processed, 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.