

# Data Protection Statement - COC

The purpose of this data protection statement (hereinafter the “Statement”) is to inform you of the personal data (hereinafter the “Data”) the Supervisory Body for Police Information Management (COC) processes.

## 1 Who processes your data?

The Supervisory Body for Police Information Management (COC) is the data controller.

The Supervisory Body is the autonomous federal parliamentary body in charge of monitoring the management of police information and is the data protection authority for the integrated police service (**GPI** for short), the Passenger Information Unit (**BEL-PIU**) and the General Inspectorate of the Federal and Local Police (**AIG**).

The COC always processes data in accordance with the provisions of:

- The General Data Protection Regulation (**GDPR**), i.e. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016;
- The **Police and Criminal Justice Authorities Directive**, i.e. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 (also known under its English acronym **LED**, which stands for *Law Enforcement Directive*);
- The Data Protection Act or **DPA**, i.e. the Act of 30 July 2018 on the protection of natural persons with regard to the processing of personal data (M.B. [Belgian Official Gazette] dd. 5 September 2018);
- The Act of 3 December 2017 creating the Data Protection Authority, or **ACA** (M.B. dd. 10 January 2018).
- The Act of 5 August 1992 on the Police Service, or **PSA** (M.B. dd. 22 December 1992).

You will find the legal and regulatory framework of the COC under the section “[Legislation](#)”.

The COC appointed a Data Protection Officer or “**DPO**” who is your point of contact should you have any questions or queries in relation to the processing of your Data. You will find the DPO’s contact details in the answer to the question “[How to contact us?](#)” of the present Statement.

## 2 Processing, retention period and transfers

The COC collects, stores, uses and processes your Data to comply with its statutory obligations (art. 6.1, c) of the [GDPR](#)) and for the performance of a task carried out in the public interest or in the exercise of the official authority the controller is vested with (art. 6.1. e) of the [GDPR](#)). The statutory obligations, the tasks carried out in the public interest and the tasks associated with the exercise of official authority are set out under article 4 §2, 4 [ACA](#), under article 71 and under title VII of the [DPA](#), and in the [PSA](#) (mainly articles 25/1 up to and including 25/8, 44/1 up to and including 44/11/13 and 46/1 up to and including 46/14), and the other provisions of domestic or European law.

The COC limits the collection of your Data to what is strictly necessary (principle of data minimisation) and does not process your personal information for longer than necessary to fulfil the purpose for which we collected your data and within the limits established by law (inter alia the Archives Act).

Below, you can find the categories of personal data we process, why we process them, how we obtained them, how long we store them for and whom we may share them with by individual purpose.

## 2.1 Exercise of the right of indirect access by the police services

By letter or email

LEGAL REQUIREMENT			
We process these personal data because we need them to carry out our legally defined tasks and/or to enable us to properly process your request for indirect access.			
Which personal data?	How did we obtain these data?	For how long?	Whom do we share these data with?
Surname, first name, date of birth, national register number and nationality	From the data subject directly	10 years	The federal police, the local police, potentially with the judicial and/or administrative authorities. If required in terms of the cooperation provided for under the GDPR and the PSA (e.g. another supervisory authority).
Contact details	From the data subject directly	10 years	The federal police, the local police, potentially with the judicial and/or administrative authorities. If required in terms of the cooperation provided for under the GDPR and the PSA (e.g. another supervisory authority).
Other identification data (copy of e-ID, passport...)	From the data subject directly	10 years	The federal police, the local police, potentially with the judicial and/or administrative authorities. If required in terms of the cooperation provided for under the GDPR and the PSA (e.g. another supervisory authority).

Data relating to a request for indirect access (e.g. which database)	From the data subject directly	10 years	The federal police, the local police, potentially with the judicial and/or administrative authorities.
			If required in terms of the cooperation provided for under the GDPR and the PSA (e.g. another supervisory authority).
Special and judicial data (article 9 and 10 of the <a href="#">GDPR</a> ) and article 34 of the <a href="#">PSA</a> : metadata and personal content data.	The federal police, the local police and potentially from the judicial authorities.	10 years	The federal police, the local police, potentially with the judicial and/or administrative authorities. If required in terms of the cooperation provided for under the GDPR and the PSA (e.g. another supervisory authority).

## 2.2 Information - Response to questions and awareness-raising

By letter or email

LEGAL REQUIREMENT			
We process these personal data because we need them to carry out our legally defined tasks and/or to enable us to properly process your question or request.			
Which personal data?	How did we obtain these data?	For how long?	Whom do we share these data with?
Surname, first name and contact details	From the data subject directly	10 years	No external communication
Data relating to the request / information	From the data subject directly	10 years	No external communication

## 2.3 Review of complaints

By letter or email

LEGAL REQUIREMENT			
We process these personal data because we need them to carry out our legally defined tasks and/or to enable us to properly deal with your complaint.			
Which personal data?	How did we obtain these data?	For how long?	Whom do we share these data with?

Surname, first name, date of birth, (and organisation), national register number and contact details	From the data subject directly or indirectly from the other party	10 years after the file was closed (in the event of legal proceedings, until the proceedings have been concluded)	If necessary in the context of mediation <sup>1</sup> : with the other person(s), the party/parties or the service(s) concerned (e.g. the federal or local police)
Data relating to the complaint / the request	From the data subject directly or indirectly from the other party	10 years after the file was closed (in the event of legal proceedings, until the proceedings have been concluded)	If necessary in the context of mediation: with the other person(s), the party/parties or the service(s) concerned
Special/judicial personal data (article 9 of the <a href="#">GDPR</a> (e.g. sexual orientation...) and article 10 of the <a href="#">GDPR</a> (e.g. a police report), art. 34 <a href="#">PSA</a> .	From the data subject directly or indirectly from the other party	10 years after the file was closed (in the event of legal proceedings, until the proceedings have been concluded)	If necessary in the context of mediation: with the other person(s), the party/parties or the service(s) concerned

## 2.4 Exercise of data subjects' rights with respect to the COC's processing activities in the context of its mandate of supervisory body

LEGAL REQUIREMENT			
We process these personal data because we need them to carry out our legally defined tasks and/or to enable us to properly process your request. Article 185 §3 of the Data Protection Act (DPA) stipulates that you are entitled to have any personal data that are incorrect rectified or deleted. You do not have a right of access to these data processed by the COC.			
Which personal data?	How did we obtain these data?	For how long?	Whom do we share these data with?
Surname, first name, date of birth and contact details (and organisation)	From the data subject directly	5 years after the file was closed	No external communication
Data relating to the request / information	From the data subject directly	5 years after the file	No external communication

<sup>1</sup> In cases of mediation, the identity of the applicant is not disclosed except where necessary to allow us to respond to the data subject's request.

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2.5 Exercise of data subjects’ rights with respect to the processing of data by the COC in the context of its processing activities under the General Data Protection Regulation (GDPR) and which do not fall within its competence as supervisory body.

LEGAL REQUIREMENT			
We process these personal data because we need them to carry out our legally defined tasks or in the public interest.			
Which personal data?	How did we obtain these data?	For how long?	Whom do we share these data with?
Surname, first name, date of birth and contact details (and organisation)	From the data subject directly	5 years after the file was closed	No external communication
Data related to the request / information (e.g. data of a prospective employee)	From the data subject directly	5 years after the file was closed	No external communication

2.6 Opinions

LEGAL REQUIREMENT			
We process these personal data because we need them to carry out our legally defined tasks and/or to enable us to properly answer the request for an opinion.			
Which personal data?	How did we obtain these data?	For how long?	Whom do we share these data with?
Surname, first name (and organisation) and contact details	From the data subject directly	10 years	If required in terms of the cooperation provided for under the GDPR and the PSA (e.g. another supervisory authority). The federal police, the local police, potentially with the judicial and/or administrative authorities.

Other data (optionally) shared with us	From the data subject directly	10 years	If required in terms of the cooperation provided for under the GDPR and the PSA (e.g. another supervisory authority). The federal police, the local police, potentially with the judicial and/or administrative authorities.
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## 2.7 INVESTIGATIONS UNIT (Surveillance and inspection)

LEGAL REQUIREMENT			
We process these personal data because we need them to carry out our legally defined tasks.			
Which personal data?	How did we obtain these data?	For how long?	Whom do we share these data with?
Surname, first name (and organisation) and contact details	From the individual / organisation concerned directly or indirectly from another party	10 years after the file was closed (in the event of legal proceedings, until the proceedings have been concluded)	If required in terms of the cooperation provided for under the <a href="#">GDPR</a> and the <a href="#">PSA</a> : other domestic and European supervisory bodies If the facts may constitute a criminal or administrative offence: with the competent judicial and/or
			administrative authorities
Other personal data relating to the investigation (e.g. technical findings, correspondence, internal documentation, statements, reports, other police documents...)	From the individual / organisation concerned directly or indirectly from another party	10 years after the file was closed (in the event of legal proceedings, until the proceedings have been concluded)	If required in terms of the cooperation provided for under the <a href="#">GDPR</a> and the <a href="#">PSA</a> : other domestic and European supervisory bodies If the facts may amount to a criminal offence: the competent judicial and/or administrative authorities

## 2.8 Website

To ensure the proper functioning and security of our websites, we process certain personal data whenever you visit one of our websites. The processing of these personal data is based on our legitimate interest in the security of our website (which is why we use what are known as “functional cookies”) and, subject to your consent, in the use you make of our website (which is why we use what are known as “analytical cookies”).

For more detailed information about the types of cookies we use, please refer to our [cookie policy](#).

## 2.9 Organisation of study days and events

PUBLIC INTEREST			
We process these personal data because we need them to carry out a task in the public interest.			
Which personal data?	How did we obtain these data?	For how long?	Whom do we share these data with?
Surname, first name (and organisation), email	From the data subject directly	2 years maximum	Possibly: co-organiser(s)
Visit : visit/participation-related data	From the data subject directly	2 years maximum	Possibly: co-organiser(s)

## 2.10 Functioning and security of the workplace, location and servers

LEGITIMATE INTEREST			
We process these personal data to guarantee the security (of the information) and the proper functioning of our organisation.			
Which personal data?	How did we obtain these data?	For how long?	Whom do we share these data with?
Visit: surname, first name (and organisation)	From the data subject directly	2 years maximum	No external communication
Visit: surname, first name (and organisation)	From the data subject directly	2 years maximum	No external communication

## 3 How do we protect your personal data?

The COC takes all the appropriate technical and organisational measures to protect the personal data against accidental or unauthorised destruction, against accidental loss, and against any unauthorised modification, access or any other form of unauthorised processing of personal data.

In virtue of article 233 §4 of the PSA and article 38 of the COC rules of procedure (M.B. of 27 November 2018), the members and members of staff of the COC are not permitted to divulge any facts, acts or information they took cognisance of in the course of their duties.

## 4 What rights do you have?

You have a number of rights associated with your Data. Some of these rights are highly specific in scope while others are subject to special conditions or exceptions.

These rights should not be confused with [the right of indirect access to police databases](#) which you may exercise with the COC (cf. articles 41 and 42 [PSA](#)). This section therefore relates to the processing of data that are specific to the COC in the context of its tasks.

If you have any questions about or issues with the manner in which the COC uses your information (for its own file processing purposes), make sure to contact us (see section "[5. How to contact us?](#)"). In principle, the COC will process your request within one month. Exceptionally, this may take a little longer in which case we will inform you of the reason for the delay within one month.

- Right of access/Right to obtain a copy.
  - o You are entitled to ask us for the personal data we hold about you and, in principle, we can supply you with a copy free of charge. For certain files, we cannot afford you this right on the basis of other principles (e.g. professional secrecy, the secrecy of the investigation, etc.). We do remind you however that you are not afforded this right in respect of data the COC processes in the context of its mandate of supervisory authority (cf. art. 185 §2 and 3 [PSA](#)).
- Right to rectification o If you believe that your data are no longer correct or up to date, feel free to ask us to correct them.
- Right to erasure o In a limited number of cases, you are entitled to ask us to erase your data.

## 5 How to contact us?

If you have any questions about or comments on the present Statement, or if you wish to exercise your rights, please contact us by

- email at [dpo@organedecontrôle.be](mailto:dpo@organedecontrôle.be) • by post to: l'Organe de contrôle de l'information policière (Supervisory Body for Police Information Management) (COC) for the attention of Rue de Louvain 48 1000 Brussels (Belgium)

## 6 General information

This Statement is subject to change. You can consult the latest version of our Statement on our website at any time. In addition, we will do everything in our power to notify you of any major changes via other communication channels.



This Statement was last updated on 20 January 2020.