

Privacy disclaimer

(Article 13 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016)

1. Purpose of the processing

The Visa Information System (VIS), established by Council Decision 2004/512 / EC of 8 June 2004, is a system for exchanging data relating to visas for entry into the Schengen area between member states. The establishment of the VIS constitutes one of the main initiatives in the European Union's policies aimed at creating an area of freedom, security and justice without internal borders.

The functioning of the VIS is governed by Regulation (EC) 767/2008 of the European Parliament and of the Council of 9 July 2008. The system consists of a central database at European level to which the national interfaces of the authorities of the Schengen States competent for visas. To allow the VIS to function, the consular offices and external border crossing points of the Schengen States are also connected to the VIS via the national interfaces.

The duly authorized personnel of the State Police and other Police Forces can also consult the VIS, at external border crossing points and within the territory of the Member States, to ascertain the identity of the visa holder and the authenticity of the visa itself, as well as to check whether the conditions for entry, stay or residence are met. The Border Police may also issue visas at the external borders in the cases and under the conditions set out in Articles 35 and 36 of Regulation (EC) 810/2009. These procedures aim to strengthen security within the Schengen area.

Under certain conditions, access to the VIS may be requested by the European Police Office (Europol) and by the police authorities for the purposes of the prevention, detection and investigation of terrorist offenses and other serious crimes (see Council Decision 2008/633 / JHA of 23 June 2008).

The main purposes of the VIS are: to facilitate procedures relating to visa applications, to facilitate checks at external border crossings and within national territories, to strengthen the security of EU countries. The VIS also prevents the so-called «visa shopping» and assists Member States in the fight against fraud.

2. Data Controller

Pursuant to Art. 4, point 7 of Regulation (EU) 2016/679, the data controller is the competent authority which, individually or together with others, determines the purposes and means of the processing of personal data; when the purposes and means of such processing are determined by European Union or State law, the data controller or the specific criteria applicable to his appointment may be provided for by European Union or State law.

Pursuant to the Interministerial Decree no. 4516/495 of 6 October 2011, the Italian authorities, holders of the processing of personal data collected at national level and transmitted to the central database of the VIS, are, each in relation to the activities of their competence:

- the Ministry of Foreign Affairs and International Cooperation (Piazzale della Farnesina 1, 00135 Rome, www.esteri.it);
- the Ministry of the Interior (Piazza del Viminale, 1, 00184 Rome, (www.interno.gov.it/it))

3. Guarantor for the protection of personal data

The European Supervisor is the supervisory authority for the processing of personal data in the central database of the VIS at European level (https://europa.eu/european-union/about-eu/institutions-bodies/european-data-protection-supervisor_en)

The supervisory authority responsible for verifying the legitimacy of personal data registered in the VIS, at national level, pursuant to Legislative Decree 30 June 2003, n. 196 and subsequent amendments, is the Guarantor for the Protection of Personal Data (www.garanteprivacy.it).

4. Exercise of the rights of access, rectification or cancellation of personal data entered in the VIS

It is the visa applicant's right to obtain, in any Member State, the communication of the data relating to his person recorded in the VIS and of the Member State which transmitted them, or also to request that inaccurate data relating to his person be rectified and that those relating to the his person unlawfully processed are canceled (Article 38, Regulation (EC) 767/2008).

In Italy, the rights of access, rectification or cancellation of personal data entered in the VIS can be exercised by contacting directly:

- for visas requested abroad, to the Head of the Visa Office of the Headquarters who handled the visa application;
- for visas requested at the border, to the Director of the Border Police Office who handled the visa application.

The request to exercise the aforementioned rights can be presented without particular formalities (for example, by registered letter, fax, e-mail) by showing or attaching a copy of an identification document, if the identity of the applicant is not ascertained with other elements .

Adequate feedback must be provided to the request for access, without undue delay, without delay and in any case at the latest within one month of receipt of the request.

Similarly, in the event of a request for rectification of inaccurate data or for the cancellation of data illegally registered in the Vis, these operations must be carried out under the same terms. If the data have been entered by another Member State, the Italian authority that received the request (MAECI, Ministry of the Interior), within the term of 14 days, contacts the competent Member State, which has carried out a check on the accuracy of the data and on the legitimacy of their processing in the Vis within the term of one month, providing feedback to the interested party (Article 38, Regulation (EC) 767/2008; Article 12 of Regulation (EU) 2016/679).

In case of non-response, denial, or in any case, in the event that the response to the exercise of rights is deemed unsatisfactory, the interested party can take action before the ordinary judicial authority (Article 152 of Legislative Decree No. 196 / 2003 and subsequent amendments), or, alternatively, submit a complaint to the Guarantor for the Protection of Personal Data (Article 77, Regulation (EU) 2016/679).

5. Retention period of personal data

The data retention period is governed by Article 23 of Regulation (EC) 767/2008.

Each file is kept in the VIS for a maximum period of five years, subject to the cancellation referred to in Articles 24 and 25 and the registration referred to in Article 34.

This period starts:

- a. from the expiry date of the visa, if a visa has been issued;
- b. from the new expiry date of the visa, if a visa has been extended;
- c. from the date of creation of the file in the VIS, if the application has been withdrawn, closed or interrupted;
- d. from the date of the decision of the competent visa authorities, if a visa has been refused, canceled, reduced or revoked.

Upon expiry of the period referred to in paragraph 1, the VIS automatically deletes the file and the links made to it in accordance with Article 8, paragraphs 3 and 4.

6. Data Protection Officer (DPO)

The Data Protection Officer (Article 37 of Regulation (EU) 2016/679) is identified in the Ministry of the Interior. The Data Protection Officer can be contacted at the following contacts:

- e-mail address: responsabileprotezionedati@interno.it
- certified e-mail address: rdp@pec.interno.it

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