Your rights regarding the processing of personal data for procedures related to applications for international and temporary protection with the General Department of Immigration of the Ministry of Home Affairs

1. **Contact details of the DGIM and its Data Protection Officer**

The General Department of Immigration of the Ministry of Home Affairs (the "DGIM") collects and processes personal data about you (the "data") as part of its public interest missions and legal obligations imposed on it.

The contact details of the DGIM, acting as the data controller, are as follows:

Ministry of Home Affairs

General Department of Immigration

Address: 26, route d’Arlon L-1140 Luxembourg

Postal address: B.P. 752 L-2017 Luxembourg

Phone.: (+352) 247-84040

Email address: immigration.public@mai.etat.lu

For any questions regarding the processing of your data by the DGIM, please contact our Data Protection Officer:

* by email: immigration.dataprotection@mai.etat.lu
* Postal address: General Department of Immigration B.P. 752 L-2017 Luxembourg
1. **Lawfulness and purposes of processing and categories of data processed**

*Lawfulness of Data Processing*

The DGIM processes your data for the purposes of fulfilling its public interest missions (Article 6 (1), e) of 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 (hereinafter the "GDPR")) and the legal obligations imposed on it by applicable legislation on international and temporary protection (in particular the amended law of 18 December 2015 on international and temporary protection and Regulation No. 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person) as well as on immigration (the amended law of 29 August 2008 on immigration and free movement).

*Categories of Data Processed*

The DGIM collects and processes the following categories of data in the course of its activities and according to the purpose:

* Identity data (name, date of birth, gender, nationality, social security number, address, contact number, email address);
* Biometric data (photo, fingerprints, bone tests, genetic tests);
* Civil status and household composition data;
* Sensitive data such as your religion, sexual orientation, political choices;
* Health data;
* Professional data;
* Financial data;
* And any other personal data (e.g., related to your history) that you choose to communicate to the General Department of Immigration.

*Purposes of Processing*

The purposes of processing your data are as follows:

* Submission and management of your application;
* Identification and verification of your identity and the authenticity of your identity or travel documents;
* Determination of the Member State (EU) responsible for examining your application and organization of your transfer to the responsible State;
* Assessment of the need for special procedural guarantees considering your health or age;
* Examination and decision on the admissibility and merits of your application by analyzing the risk to security, health, and public order;
* Communication of information and decisions concerning you, as well as to authorized third parties (notably to the competent authorities and organizations) in accordance with the legislation;
* Return of your documents and issuance of residence and travel permits;
* Preparation and execution of return and removal decisions to the country of origin or reception and carrying out the procedures provided by law in case of withdrawal or loss of international or temporary protection;
* Execution of the decisions of the minister as well as the competent courts and management of contentious matters related to your application;
* Management of disputes regarding the decisions made.

*Secondary purposes are:*

* Updating personal data in the national register of natural persons;
* Verification of the regularity of stay in the context of other administrative procedures such as the acquisition of Luxembourg nationality (the amended law of 8 March 2017 on Luxembourg nationality);
* For statistical purposes to meet European legal requirements (Regulation (EU) 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection).
1. **Data sources and recipients**

In addition to the personal data that the DGIM collects directly from you (or your family members), it also collects data from other sources such as:

* The Passport, Visa, and Legalization Office of the Ministry of Foreign and European Affairs;
* The Ministry of Justice;
* The Health Department;
* Associations involved in your application;
* Other Member States.

In the course of fulfilling its public interest missions and the legal obligations imposed on it, the DGIM may transmit your data in certain cases, including by direct access, to the following categories of recipients:

* The National Reception Office and its partners;
* The Health Department;
* External experts (doctors, interpreters, …);
* The Ministry of Justice and judicial authorities (detention and retention center);
* Specialized bodies for child protection;
* The Grand Ducal Police;
* The State Ministry;
* Other administrations for ad hoc requests;
* The authorities of other Member States;
* The CGPD;
* The International Organization for Migration.
1. **Collection of data from the data subject: Mandatory nature of data provision and consequences of refusal to provide data**

The provision of your data to the DGIM is mandatory (under applicable legislation, Article 12 paragraph 1 of the amended law of 18 December 2015 on international and temporary protection). A false or erroneous declaration on your part may result in the refusal of your application, which would lead to your removal from the territory.

1. **Retention period**

Your data is kept in a form that allows your identification as long as you have an open file and during the period of administrative usefulness. The retention period does not exceed 20 years after your departure from Luxembourg or the death of the applicant, respectively 5 years after acquiring Luxembourg nationality. The retention periods indicated above apply without prejudice to any further processing for compatible purposes, in particular for statistical or scientific research purposes or for archival purposes in the public interest or for ongoing judicial proceedings. The data controller is required to transfer data to the National Archives at the end of their administrative usefulness period in accordance with the law of 17 August 2018 on archiving and the established sorting table.

1. **Transfer of your data to a third country**

Your data is generally processed within the European Economic Area. However, the DGIM may transfer your data to a third country (i.e., outside the European Economic Area) or an international organization in duly justified exceptional cases. Data transfers are carried out in compliance with the conditions set out in Chapter V of Regulation (EU) 2016/679 (applying the derogations for specific situations (Article 49 of the said regulation)). More information on possible international data transfers can be obtained from our Data Protection Officer.

1. **Rights of the data subject**

You have the rights provided by the provisions of Chapter III (Articles 12 to 22) of Regulation (EU) 2016/679. You can thus, within the limits of applicable legislation, access the data concerning you and obtain a copy (Article 15), obtain the rectification of inaccurate or incomplete data (Article 16), and obtain the erasure of such data under the conditions provided by Article 17 of the said regulation. You also have, within the limits of applicable legislation, the right to object to the processing of your data under the conditions provided by Article 21 of the GDPR. You also have, in certain cases, the right to restrict the processing of your data (Article 18). Please note that the processing of your data does not involve automated decision-making producing legal effects concerning you or significantly affecting you in a similar way. If you wish to exercise these rights or for any request related to data protection, you can contact the DGIM Data Protection Officer at the address indicated at the beginning of this notice.

1. **Complaint to the National Commission for Data Protection (CNPD)**

If, after contacting us, you believe that the processing of your data by the DGIM constitutes a violation of Regulation (EU) 2016/679 or that your rights provided by the said regulation are not respected, you can file a complaint with a data protection supervisory authority, namely in Luxembourg the National Commission for Data Protection (CNPD) (<https://cnpd.public.lu>; 15, Boulevard du Jazz, L-4370 Belvaux; Tel.: (+352) 26 10 60-1).