

CIS und FIDE

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Die [[EU]] betreibt zwei Datenbanksysteme namens CIS (Customs Information System CIS) und FIDE (Customs file identification database) im Rahmen der [[Zusammenarbeit der Zollbehörden]].

== Rechtsgrundlagen ==

- <<Doclink(2009-eu-zollinformationssystem.pdf,Verordnung zur Errichtung eines Zollinformationssystems)>> (pdf)
- Directive 95/46/EC, Regulation (EC) No 45/2001, Regulation (EC) No 45/2001
- [[http://europa.eu/legislation_summaries/customs/l11037_de.htm] europa.eu: Übersicht über die Rechtsakte zur Zollvernetzung]] (html)

== CIS (Customs Information System) ==

Das Customs Information System CIS (auch Zollinformationssystem ZIS) ist Teil des Neapel-II-Prozesses und soll bei der Verhinderung, Durchsuchung und Verfolgung erheblicher Verletzungen nationaler Gesetze im Zollbereich dienen. Verwaltet werden soll die Datenbank von der EU-Kommission. Zugriffe sollen von [[Europol]], [[Eurojust]], den [[Zoll]]-, Steuer- und Polizeibehörden der Mitgliedsstaaten sowie von Kommissionsmitarbeitern erlaubt sein.

Gespeichert werden sollen Daten über Waren, Transportmittel, Unternehmen, Personen, sowie beschlagnahmte Gegenstände. Zu Personen werden Identifikationsdaten (inklusive Angaben zur Erscheinung), Ausweisdokumente, Wohnorte, "history of violence", den Speichergrund sowie die gewünschte Maßnahme. Die EU erlaubt sich bei CIS explizit Fallbearbeitung (vgl [[Länderübergreifende Software]]).

=== EU-Kommission zu CIS ===

Die EU-Kommission beschreibt CIS in einem Bericht an das EU-Parlament folgendermaßen:

Complementing the Naples II Convention, the CIS Convention deploys the Customs Information System (CIS) to assist in preventing, investigating and prosecuting serious violations of national laws by increasing, through the rapid dissemination of information, the effectiveness of cooperation between Member States' customs administrations. The CIS, managed by the Commission, is a centralised information system accessible via terminals in each Member State and at the Commission, Europol and Eurojust. It comprises personal data with reference to commodities, means of transport, businesses, persons and goods and cash retained, seized or confiscated. The personal data are names and aliases, date and place of birth, nationality, sex, physical characteristics, identity documents, address, any history of violence, the reason for entering the data in CIS, suggested action and the registration of the means of transport. In the case of goods

and cash retained, seized or confiscated, only biographical data and an address may be entered in CIS. Such information may be used solely for the purposes of sighting, reporting or carrying out particular inspections or specific checks, or for strategic or operational analyses concerning persons suspected of breaching national customs provisions. National customs, taxation, agricultural, public health and police authorities, Europol and Eurojust may access CIS data. The processing of personal data must comply with the specific rules established by the CIS Convention and the provisions of Directive 95/46/EC, Regulation (EC) No 45/2001, Council of Europe Convention 108 and the Police Recommendation. Personal data may only be copied from CIS to other data-processing systems for risk management or operational analyses, which only the analysts designated by Member States may access. Personal data copied from CIS may only be kept for the time necessary to achieve the purpose for which they were copied and for no longer than 10 years.

Quelle: <<Doclink(2010-eu-overview.pdf,Papier der EU-Kommission)>> (pdf)

== FIDE(Customs file identification database) ==

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=== EU-Kommission zu FIDE ===

Die EU-Kommission beschreibt CIS in einem Bericht an das EU-Parlament folgendermaßen:

CIS also establishes a Customs file identification database (FIDE) to assist in preventing, investigating and prosecuting serious violations of national laws. FIDE enables national authorities responsible for conducting customs investigations, when they open an investigation file, to identify other authorities that may have investigated a given person or business. These authorities may enter data in the FIDE from their investigation files, including the biographical data of persons under investigation and the business name, trading name, VAT number and address of businesses under investigation. Data sourced from investigation files where no customs fraud has been detected may be stored for a maximum of three years; those from files where an instance of customs fraud has been detected may be stored for a maximum of six years; and those from files where a conviction or penalty has been handed down may be kept for a maximum of 10 years. CIS and the FIDE use the Common communication network, Common system interface network or secure web access provided by the Commission. The CIS is in force in all Member States. The Commission, in cooperation with Member States, reports each year to the European Parliament and the Council on the operation of CIS.

Quelle: <<Doclink(2010-eu-overview.pdf,Papier der EU-Kommission)>> (pdf)

== Datenschutzkontrolle durch JSA ==

Die datenschutzrechtliche Kontrolle für CIS und FIDE soll eine [[JSB]] bzw JSA of customs haben.

Infos zum JSA auf der Webseite des Europäischen Datenschutzbeauftragten:

[[<http://www.edps.europa.eu/EDPSWEB/edps/EDPS/Dataprotection/Glossary/pid/79|www.edps.europa.eu>]]

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