

Information under Article 13 of the GDPR on the processing of personal data carried out by the CNPD through the Internal Market Information System (IMI)

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- Concerning the processing of personal data carried out with IMI under the responsibility of the European Commission, please see the following page : https://ec.europa.eu/internal_market/imi-net/data_protection/index_en.htm

Purposes of the processing and legal basis for the processing

Pursuant to Article 57, paragraph 1, point g) of the GDPR, the CNPD, as a supervisory authority, cooperates with and provides mutual assistance to other supervisory authorities, for example by sharing information, with a view to ensuring the consistency of application and enforcement of the GDPR.

IMI is an electronic tool provided by the European Commission to facilitate administrative cooperation between competent authorities of the Member States and between competent authorities of the Member States and the Commission¹.

This tool is also used by the CNPD and all European supervisory authorities to exchange all relevant information with each other in the context of cooperation (Article 60 of the GDPR), mutual assistance (Article 61 of the GDPR) and operations they conduct jointly (Article 62 of the GDPR) as well as in the context of the consistency mechanism, as set out in Chapter VII, Section 2 of the GDPR².

¹ The rules for the use of IMI for administrative cooperation, including processing of personal data, between competent authorities of the Member States and between competent authorities of the Member States and the European Commission are laid down in the [Regulation \(EU\) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC \('the IMI Regulation'\)](#)

² See Commission Implementing Decision (EU) 2018/743 of 16 May 2018 on a pilot project to implement the administrative cooperation provisions set out in Regulation (EU) 2016/679 of the European Parliament and of the Council by means of the Internal Market Information System

The processing of personal data carried out by the CNPD through IMI is necessary for the performance of the tasks carried out in the public interest vested in the CNPD that require sharing information with other European supervisory authorities [Article 6, paragraph 1, point e) of the GDPR].

If “sensitive” categories of personal data (for instance, personal data concerning health or revealing political opinions or religious beliefs) must be transmitted through IMI to another supervisory authority so that this authority can handle the case within the framework of its tasks, the lawfulness of such transmission would be based on Article 9, paragraph 2, point g) of the GDPR.

Categories of personal data transmitted by the CNPD through IMI

- Name, surname, contact details of the data subjects.
- Name, surname, contact details and role of the data controller’s contact person.
- Procedure type (legal basis).
- Information on the status/the follow up of the case.
- Information on the subject matter of the case (infringement alleged, categories of personal data, description of the matter).

The CNPD does not systematically transmit all the personal collected from the data subject or from the data controller via IMI but transmits only the personal data that are relevant for the handling of the case. In particular, the CNPD does not transmit “sensitive” data through IMI, unless the transmission is indispensable for the handling of the case.

Categories of recipients of the personal data

Commissioners and staff of the CNPD in charge of the case.
Other European supervisory authorities.
The European Data Protection Board (EDPB) and its secretariat³.
The European Commission (DG Just).

Storage duration

Personal data transmitted by the CNPD and processed **within IMI** are kept for a period of three years after the formal closure of the administrative cooperation procedure (pursuant to Article 14, paragraph 4 of the IMI Regulation).

Rights of the data subject (Articles 15 to 18 and 21 of the GDPR)

You have the right to access your personal data, to obtain a copy of them and to obtain the rectification of inaccurate or incomplete personal data.

You have the right, subject to the conditions specified in the GDPR, to object to the processing of your personal data, to obtain the erasure of your personal data and to obtain the restriction of the processing.

³ The European Data Protection Board (EDPB) is an independent EU body composed of the representatives of national data protection supervisory authorities and of the European Data Protection Supervisor (EDPS).

Please note that your rights under the GDPR might be subject to restrictions insofar as such restrictions would be necessary to ensure that the national provisions on non-contentious administrative procedure are respected⁴.

Queries regarding the exercise of your rights are to be sent to the DPO (please find below the contact details of the DPO).

Contact details of the data protection officer (DPO)

For all questions regarding the processing of your personal data carried out by the CNPD through IMI, please contact the data protection officer (DPO) of the CNPD by email (dpo@cnpd.lu) or by post :

National Data Protection Commission (CNPD)
A l'attention du délégué à la protection des données
15, Boulevard du Jazz
L-4370 Belvaux

Contact details of the data controller

National Data Protection Commission (CNPD)
15, Boulevard du Jazz
L-4370 Belvaux
Tél. : (+352) 26 10 60 -1
Fax. : (+352) 26 10 60 29
E-mail: info@cnpd.lu

Complaint

If you consider that the processing of your personal data **by the CNPD** through IMI infringes the GDPR, you can lodge a complaint with the CNPD. A complaint form is available on its website: <https://cnpd.public.lu/en/particuliers/faire-valoir/formulaire-plainte.html>.

⁴ In particular, the Grand-Ducal Regulation of 8 June 1979 concerning the procedure to be followed by State administrations and local administrations, referred to by Article 36 of the Regulation on internal rules of the CNPD.