

Information on data processing

Central proceedings file

pursuant to article 13 and 14 of the General Data Protection Regulation (GDPR)

Name and contact details of the controller:

Bundesamt für Fremdenwesen und Asyl (Federal Office of Immigration and Asylum)
Modcenterstraße 22, 1030 Wien
Phone: +43- 59 133 98 7004
Fax: +43- 59 133 98 7399
email: BFA-Einlaufstelle@bmi.gv.at

Contact details of the data protection officer:

Phone: +43- 59 133 98 - 0
email: BFA-Datenschutzbeauftragter@bmi.gv.at

The purposes of the processing for which the personal data are intended:

Processing of information related to the status of proceedings (proceedings data) determined by the Federal Office of Immigration and Asylum, in particular related to applications, decisions, legal remedies, deportations and voluntarily returns

Legal basis for the processing:

Article 28, 29, 33 and 58 of the federal law regulating general stipulations related to the proceedings before the Federal Office of Immigration and Asylum for being granted eligibility for international protection, residence permits due to exceptional circumstances, deportation, postponement of removal, as well as ordering of actions terminating residence and issue of Austrian documents for aliens (BFA Proceedings Act, BFA-VG)

The period for which the personal data will be stored:

The data captured pursuant to the BFA Proceedings Act are to be physically deleted at the latest

1. when the subject has been granted Austrian citizenship, as soon as the data are no longer required for withdrawal of a document issued for them as an alien;
2. when the Federal Office of Immigration and Asylum or the Federal Administrative Court have been informed of the death of the subject and five years have lapsed since then, or
3. ten years after a final decision in proceedings before the Federal Office of Immigration and Asylum or the Federal Administrative Court has been issued, or after withdrawal of an application, closing of the application related proceedings, or when the application has become devoid of subject-matter. This does not apply when a permanent ban on entry or residence applies to the subject. If the validity of a temporary action terminating residence lapses after the point specified in the first sentence, the data are to be deleted with the lapse of such validity.

Categories of recipients of personal data:

Security agencies; prosecuting authorities; civil and criminal courts as well as prisons; administrative courts of the federal provinces; Office of the UN High Commissioner for Refugees in Austria; contractual parties to an agreement on determining the state respectively state authorities of the states which are to apply the Dublin regulation, which is/are competent for examining an asylum application or an application for international protection; foreign authorities responsible for the execution of the Geneva Convention on Refugees, when the identity determination as well as granting of asylum is not possible without transfer to such authorities and it can be ensured that such data will not be made accessible to the authorities of that country where the asylum seeker or the refugee claims to fear persecution; Austrian representative authorities; authorities specified in the Temporary and Permanent Aliens Residence Act; citizenship authorities; civil registry departments; authorities appointed with the execution of the Foreign Labour Act; financial crime authorities; youth welfare authorities; legal advisers (article 49 to 52 of the BFA Proceedings Act); return counsellors; tax authorities, interpreters for rendering interpretation services pursuant to article 12a of the BFA Proceedings Act; Federal Minister of the Interior; federal and provincial bodies performing tasks related to the fulfilment of the Basic Care & Services Agreement; Public Employment Service Austria (AMS) and local authorities assigned with care provision and integration assistance; regional health institutions and Federation of Austrian Social Insurance Institutions; Federal Ministry of Europe, Integration and Foreign Affairs; Austrian Integration Fund; offices competent for granting social or other transfer benefits; residence registration authorities; Ombudsman Board (Volksanwaltschaft); Statistics Austria; authorities of the country of origin; national points of contact of other residence authorities in EU member states through the Federal Minister of the Interior; Federal Administrative Court; security agencies in other EU member states for the purposes of security or criminal police, passport system, aliens police and border control; European Union Agency for Law Enforcement Cooperation (Europol) for the purposes of security or criminal police, passport system, aliens police and border control; security agencies of third countries for the purposes of security or criminal police (subject to prerequisites set in article 58 and 59 of the Data Protection Act) and passport system, aliens police and border control as stipulated in the regulations of Chapter V of the GDPR; Interpol – General Secretariat of the International Criminal Police Organisation for the purposes of security or criminal police (subject to prerequisites set forth in article 58 and 59 of the Data Protection Act) and passport system, aliens police as well as border control as stipulated in Chapter V of the GDPR; SourcePIN Register Authority within the competences set forth in the E-Government Act.

Processors: Federal Minister of the Interior; IBM Österreich - Internationale Büromaschinen Gesellschaft m.b.H.; Microsoft Österreich GmbH; Bundesrechenzentrum GmbH; Atos IT Solutions and Services GmbH

Rights of the data subject:

The right to lodge a complaint with the Austrian Data Protection Authority (1030 Wien, Barichgasse 40-42, phone +43 1 52 152-0, email dsb@dsb.gv.at) applies pursuant to article 24, paragraph 1 of the Data Protection Act (DSG).

The right of access is set forth in article 15 of the GDPR.

The right to rectification is set forth in article 16 of the GDPR.

The right to erasure ('right to be forgotten') is set forth in article 17 of the GDPR.

The right to restriction of data processing is set forth in article 18 of the GDPR.

No right to object is applicable.