

Information on joint data processing

“Central register of foreign nationals”

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)
Modocenterstraße 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:

Joint processing and utilization of data of foreign nationals by the Federal Minister of the Interior, the Federal Office of Immigration and Asylum, the representative authorities, Federal Administrative Court and authorities specified in the Temporary and Permanent Aliens Residence Act, provincial police headquarters in a central register for purposes of aliens police, residence and asylum authorities.

Legal basis for the processing:

Article 26, 27, 29 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) in conjunction with the e-Government Act, and the e-Government Delimitation Decree, and SourcePIN Register Regulation, and Complementary Registry Decree, and Federal Act on Carrying Out Population, Workplace, Building and Apartment Census (Registry Census Act).

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:

1. Security agencies as set forth in article 4 of the Security Police Act
2. Provincial police headquarters
3. Authorities specified in the Temporary and Permanent Aliens Residence Act
4. Austrian representative authorities abroad
5. Federal Office of Immigration and Asylum
6. Prosecuting authorities
7. Financial crime authorities
8. Authorities appointed with the execution of the Foreign Labour Act
9. Civil registry departments
10. Citizenship authorities
11. Residence registration authorities
12. Office of the UN High Commissioner for Refugees in Austria
13. Legal advisers pursuant to art 49-52 of the BFA Proceedings Act
14. Contractual parties to an agreement on determining the state respectively state authorities of the states, which are to apply the Dublin regulation, and which is/are competent for examining an asylum application or an application for international protection
15. 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
16. Youth welfare authorities
17. Federal and provincial bodies performing tasks related to the fulfilment of the Basic Care & Services Agreement
18. Public Employment Service Austria (AMS) and local authorities assigned with care provision and integration assistance
19. Regional health institutions and Federation of Austrian Social Insurance Institutions

20. Administrative courts of the federal provinces
21. Civil and criminal courts as well as prisons
22. Federal Ministry of Europe, Integration and Foreign Affairs
23. Authorities of the country of origin
24. SourcePIN Register Authority within the competencies set forth in the E-Government Act
25. Statistics Austria
26. National points of contact of other residence authorities in EU member states through the Federal Minister of the Interior
27. Foreign security agencies in all countries of the world
28. International security organisations
29. Federal Administrative Court
30. EU member states
31. Federal Minister of the Interior
32. Return counsellors

Processors (as defined in article 4, item 8 of the GDPR respectively article 36, section 2, item 9 of the Data Protection Act (DSG)): IBM Österreich - Internationale Büromaschinen Gesellschaft m.b.H., Microsoft Österreich GmbH, Bundesrechnungszentrum GmbH, Atos IT Solutions and Services GmbH

Rights of the data subject:

Right to lodge a complaint:

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).

Right of access, right to rectification or erasure of personal data:

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.