



NANSEN DATA PROTECTION POLICY

All queries about this policy should be addressed to the person assigned by the board to address matters related to the data protection and privacy of employees', and primary as secondary beneficiaries personal data. The contact email can be found below.

1. Introduction

NANSEN is an independent center of legal expertise on international protection. We believe that all persons in need of international protection have effective access to their fundamental rights. To achieve this, we develop and make available specialized legal expertise on international protection to support individual claims for international protection, we build capacity of partners and legal professionals, we draft and disseminate legal briefings, we can proceed before Courts and international human rights mechanisms, we engage with academics and Legal Clinic students from various universities. This expertise is reinforced by an interdisciplinary approach.

NANSEN staff has a legitimate interest to collect and use certain types of information about the persons in need of international protection (primary beneficiaries) who come into contact with them in order to carry on their work and mission. This personal information is collected and processed appropriately, whether it is collected on paper, stored in a computer database, or recorded on other material. There are safeguards outlined under the General Data Protection Regulation (GDPR) 2018 to ensure this.

NANSEN staff has a legitimate interest to collect and use certain types of information about the legal practitioners as lawyers, social workers, first line workers, guardians, partners, academics, researchers, students from legal clinics (secondary beneficiaries) who come into contact with them in order to carry on their work and mission. This personal information is collected and processed appropriately, whether it is collected on paper, stored in a computer database, or recorded on other material. There are safeguards outlined under the General Data Protection Regulation (GDPR) 2018 to ensure this.

2. Data Controller

NANSEN is the Data Controller under the GDPR, which means that NANSEN determines for what purposes and by what means personal data will be processed. NANSEN Management board is the lawful representatives and responsible for drawing up, executing and maintaining the policy outlined in this document. The Board has decided to appoint NANSEN Director who must be informed about the personal data being kept and the general purpose for which it is used. The Board must also be informed of any and every change concerning the processing of personal data.

3. Purposes (article 5 GDPR)

NANSEN collects and processes personal data of primary beneficiaries for the purpose of improving the quality of legal aid to person in need of international protection, with extra attention for those in detention, victim of torture and stateless persons. NANSEN defends in particular the detained beneficiaries right to liberty, security and human dignity. Whether they are detained or not, NANSEN defends in particular the beneficiaries' right to access



international protection, to an effective remedy, to a fair trial and protection against torture including protection against refoulement. To achieve this, NANSEN can proceed before national and international Courts or engage with mechanisms under the international human rights framework (including UN treaty bodies and Special Procedures, Council of Europe Committees).

Given the particularly vulnerable position of the primary beneficiaries, the nature of their personal data is generally sensitive : personal elements necessary to be processed for the purpose of identification, support and assistance to the beneficiary, his/her children and partner as well as personal elements necessary to be processed for the purpose notably of protection according to the Geneva Convention 1958 (refugees), the Geneva Convention 1961 (stateless), the Istanbul Convention (violence against women), the Convention against Torture 1984, the European Convention on Human Rights 1950, the applicable EU legislative framework and all the other applicable European and international instruments. It therefore, requires careful handling in line with this Policy.

NANSEN collects and processes personal data of secondary beneficiaries for the purpose of enhancing the professionals' capacity to provide expert legal support to persons in need of international protection, of supporting development of knowledge on international protection, of engaging with Legal Clinic students and of improving the international protection system. NANSEN directly supports secondary beneficiaries with technical legal advice in individual asylum cases, delivers trainings, drafts and disseminate legal briefings, engages with asylum and immigration authorities, and develops interdisciplinary expertise on asylum together with academic partners. Lawyers and other practitioners (including NGO field workers, visitors of detention centres, etc.) can request NANSEN to support or intervene in an individual asylum file. NANSEN is also committed to engage with academic in order to generate a mutually enriching exchange. NANSEN recognises that the delivery of high quality, practice-based education to the law students and that instilling a sense of social justice in students, and putting this sense of social justice into practice, are important aspects of education.

NANSEN social objective as stated under its statutes is fully in line with its mission as UNHCR implementing partner when it comes to support asylum seekers, refugees and stateless persons (or at risk of statelessness).

The Policy also complements the provisions of NANSEN Staff Regulation (article 12 rights and duties of employees) and commitments in NANSEN's Code of Conduct, in particular, Principle 6, which calls on staff to safeguard and make responsible use of the information to which they have access.

4. Legal Basis (article 6 GDPR)

The GDPR states that there must be a legal basis for data processing. This legal basis is embedded into NANSEN statutes and mission: to ensure effective access to international



protection to all those who need it and the respect of their fundamental rights. As a consequence, NANSEN interest in collecting, maintaining and processing beneficiaries' data is legitimate. In particular it does not stand in violation of any provision of EU law. NANSEN interest in defending the right to access international protection has been acknowledged by several decisions of the highest national courts (Council of State arrest n° 244.190 du 4 avril 2019, n° 244.833 du 18 juin 2019, n°248.352 du 24 septembre 2020). This interest is also encompassed by the EU Charter of Fundamental Rights (art. 1, 3, 4, 6, 7, 10, 11, 18, 19, 24, 25, 35 et 47). In processing personal data, NANSEN complies with national legislation on data protection.

The legal basis of consent is only used outside of the above legal bases of 'contractual obligation' and 'legitimate interest'.

As a rule, the primary beneficiaries consent is always obtained before any personal data is processed. NANSEN has developed a consent form based on the model documents used by UNHCR Protection Unit for Belgium and Luxembourg. This consent form is always accompanied by an oral presentation in a language understood by the beneficiary of NANSEN activities, final purpose and methods of work. In case the beneficiary is an unaccompanied minor, the consent form contains dedicated information for the legal guardian, specific obligations for NANSEN staff and an explicit request for the consent of the guardian. Whenever this not possible including for reasons of urgency, a selection of information relevant to the situation of the beneficiary is provided by mail, accompanied with the clear invitation to take contact by phone or in person. The form is then signed and sent by email to NANSEN. The original paper consent forms signed by the beneficiaries are archived in a locked storage. A scan version of each consent form is archived on-line, in the protected electronic filing system under which NANSEN is operating. In critical cases, the consent for personal data processing can happen to be given orally, and the consent is then recorded by means of a note in the file. Steps are always taken in a period of maximum 6 working days to collect the written consent of the beneficiaries.

5. Disclosure

NANSEN may share data with third parties (see more below) in the best interest of the beneficiaries and for academic, scientific or pedagogic purposes.

- a) The data is collected for the specific, described and justified purposes as outlined above in no. 3
- b) Sharing of this data takes place only for such purposes
- c) The individual whose data is collected has been fully and transparently informed about the purposes, and the fact that their data may be shared and with whom
- d) Data will only be shared where necessary and will be shared only if the abovementioned legal basis permits it.

The above means specifically that the individual must be notified how and with whom their data will be shared, and in some circumstances, if no other legal basis can be applied, may



necessitate applying consent as the legal basis. In any case, no more data will be shared than is necessary.

As long as NANSEN is UNHCR implementing partner, UNHCR is entitled to access personal data of primary beneficiaries collected and processed by NANSEN at any time during the partnership.

In specific cases, particular data can be processed and shared with third parties without the consent of the individual, namely and as far as:

- If necessary for the protection of the vital interests of the individual or another person (e.g. someone has an accident, cannot give consent, and their data is shared for the purpose of immediate medical help).

Principles of Data Protection

NANSEN regards the lawful and correct treatment of personal information as very important to professional working, and to maintaining the confidence of donors, partners and beneficiaries.

NANSEN intends to ensure that personal information is treated lawfully and correctly.

To this end, NANSEN adheres to the Principles of Data Protection, as stated in the General Data Protection Regulation (GDPR) 2018.

These principles demand specifically that NANSEN:

- deal in a secure way with personal data and respect the privacy of individuals
- process data in a way that conforms to the data protection principles of lawfulness, fairness and transparency
- process personal data in accordance with the law and in a proper and considerate manner

Principle of Purpose

NANSEN:

- only collects the data necessary for specifically defined and justified purposes
- only collects and process data on a legal basis as described above
- only processes the individuals' personal data as defined in advance

Data Minimisation

NANSEN:

- processes personal data in order to execute its mission or to meet legal obligations and in so doing strive for minimal personal data processing. Where possible less or no personal data is processed

Data Retention



NANSEN:

- retains personal data in order to execute own mission or to meet legal obligations but retains it for no longer than necessary; three years in general or up to seven years in the case of financial documents that relate to tax records, depending on law in each country.
- Data collected in the framework of UNHCR Project Partnership Agreements are retained according to UNHCR rulings to this regard (cfr. Annex F)

Integrity and Confidentiality

NANSEN:

- takes appropriate measures to protect personal data as stated in this policy. Personal data is only processed by staff responsible for maintaining privacy and confidentiality, and for the purpose it is collected.

Sharing with Third Parties

NANSEN:

- shares personal data with third parties when necessary to carry out own mission or meet legal obligations
- if working with third parties concerning processing of personal data, will agree the requirements for the processing with the third party and ensure those requirements are legally aligned. NANSEN is engaging in partnership agreements with United Nations Agencies and might under this framework transfer personal data outside of the EU.

Subsidiarity and Proportionality

- when achieving the purpose for which the data is being processed NANSEN will keep any infringement of the individual's privacy as minimal as possible
- any infringement of the interests of the individual is in proportion to the purpose of processing

Rights of the Individual

NANSEN honours all rights of people about whom information is held. These include:

- Right to information: individuals have the right to ask if their personal data is being processed
- Right to view: individuals are able to check how their data is processed
- Right to correction: individuals can request that incorrect information be corrected
- Right to be forgotten: when an individual has given consent for their data to be processed they have the right to request that the data be deleted and removed
- Right to object: individuals have the right to object to the processing of their personal data. NANSEN will comply with the request unless there are justified grounds for the processing

In line with the above all employees and volunteers:

- are trained to keep data private



- are trained to protect it from breach and to respond to breach
- understand that they should only keep other people's personal data or copies of documents or other records containing personal data, including company data, when they meet with lawful retention obligations or as far as this data is necessary for the stated purposes.
- understand that once the annual financial review is complete there is no lawful reason to keep copies of finance paperwork previous to the review other than those stored for the statutory time, so should destroy anything they have
- understand that emails with personal data in should be deleted once the data is no longer required
- understand that all data should be kept private and secure either under lock and key/code if physical, or coded/encrypted/password protected if electronic

6. Data Collection

NANSEN ensures that data is collected within the boundaries defined in the GDPR and this policy. This applies to data that is collected in person, or by completing a form. Without certain information intervening in support of the beneficiaries may not be possible.

7. Data Storage

Information and records relating to participants/members will be stored securely and will only be accessible to people who require it for the stated purpose.

Information will be stored only for as long as it is needed or for the required statute and will be disposed of appropriately. Queries over the length of time that particular data can be stored can be addressed to the person designated by the board to look after data protection (by sending an email to the email address below).

It is NANSEN responsibility to ensure all personal and company data is not recoverable from any computer system previously used within the organisation, which has been passed on/sold to a third party.

8. Data Access and Accuracy

Obligation to Inform (articles 13 and 14 GDPR)

NANSEN informs individuals of the processing of their personal data when it is collected.

Deletion

NANSEN keeps personal data no longer than necessary and for the stated purpose. It is deleted as early as possible, being destroyed or adjusted in such a way that it can no longer be used to identify an individual. Once every supporting action by NANSEN to the beneficiary is terminated, NANSEN does not hold information for any period exceeding three years in general, and up to the period required under UNHCR ruling in the framework of Partnership Agreements.



Submission of Request

Any beneficiary can submit a request to access/view their personal data and submit a request to amend it if required. This request must be submitted to the individual looking after data protection in the country in which the person is a member/participant. NANSEN will evaluate the justification of the request and respond appropriately to inform the individual if and how the request will be met, within one month from receipt of the request. If the request is not granted the individual has an opportunity to object or submit a complaint with the relevant authority.

On receipt of a request NANSEN can ask for additional information, such as a copy of a driving license or passport, to validate the identity of the individual.

In addition, NANSEN ensures that:

- a) there is a designated person with specific responsibility for ensuring compliance with Data Protection
- b) everyone processing personal information understands that they are contractually responsible for following good data protection practice
- c) everyone processing personal information is appropriately trained to do so
- d) everyone processing personal information is appropriately supervised
- e) anybody wanting to make enquiries about handling personal information knows what to do and who to ask
- f) any enquiries about handling personal information is promptly and courteously dealt with within one month
- g) how to handle personal information is described clearly
- h) the ways personal information is held, managed and used is regularly reviewed
- i) the methods and performance in relation to handling personal information is regularly assessed and evaluated,
- j) all staff are aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them

9. Data Breaches

A personal data breach is a loss of personal data, such as a lost laptop, lost paperwork and any other breach of security or privacy that, either by accident or in an unlawful manner, leads to the destruction, loss, alteration or unauthorized access to personal data. This includes unauthorized access to forwarded, stored (or by other means) processed data e.g. loss of a memory stick, unauthorized access of personal data by third parties. Such incidents must be reported to the person appointed by the board to look after data protection, to ensure compliance with GDPR.

For this person's contact details, please see the email address below. This person reports to the board (which is accountable for ensuring appropriate responses to such actions). Where mandated by the GDPR, certain incidents may have to be reported to the relevant supervisory authorities. Incidents relating to data collected as UNHCR implementing partner



should be reported immediately to UNHCR Data Protection Officer (see Annexe F of the Project Partnership Agreement).

Volunteers and employees are aware of:

- the need to keep personal data private and secure
- who they should contact if there is a breach, when and why
- how to recognise a breach

When a data breach has been identified and reported to the designated person they will, without unreasonable delay, within seventy-two hours of becoming aware of the breach, report the breach to the relevant authority, if required. If for some reason it is reported later than seventy-two hours the reason for the delay will be added to the report.

It is possible that a breach causes a higher risk to the rights and freedoms of an individual and in this case the individual(s) whose personal data was breached may be contacted directly in simple and clear language. After a breach occurs, the circumstances will be evaluated, a risk assessment performed, and mitigating controls implemented to minimize other breaches occurring in the future.

10. Complaints

If a member/participant feels that their rights under GDPR have been compromised, they can submit a complaint to the appropriate person at NANSEN. Complaints will be directed to the board to ensure they are impartially addressed.

11. Policy Updates

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the GDPR 2018.

Disclaimer

This is a simple and understandable translation of the current privacy law based on the GDPR. Naturally the applicable laws and regulations are always leading and no rights can be derived from this document.

In case of any queries or questions in relation to this policy please contact the designated person ensuring compliance with Data Protection at NANSEN.



GDPR Contact:

Person designated to have
responsibility for Data Protection
matters:

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