

## **INFORMATION ON THE PROCESSING OF YOUR PERSONAL DATA WITHIN THE FRAMEWORK OF YOUR APPLICATION FOR A LONG-STAY VISA (D VISA)<sup>1</sup>**

### **1. DATA CONTROLLERS**

The persons responsible for the processing of your personal data stored in relation to your application for a long-stay visa (D visa) are:

- A. The Minister competent for the access to the territory, residence, settlement and removal of foreigners, represented by the Director General of the Immigration Office, with regard to the processing carried out by the Immigration Office;
- B. The Minister of Foreign Affairs, with regard to the processing carried out by the Directorate General of Consular Affairs of the Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation.

### **2. DATA PROTECTION OFFICERS AND EXERCISE OF YOUR RIGHTS REGARDING THE PROTECTION OF YOUR PERSONAL DATA**

The data protection officers (hereinafter "DPO") are the persons from the Directorate General Immigration Office and the Directorate General of Consular Affairs whom you can contact for any questions concerning the processing of your personal data and the exercise of your rights under the General Data Protection Regulation (hereinafter "GDPR"). These are the rights of access, to rectification, to restriction, to erasure, to object and to data portability.

The exercise of these rights is in principle free of charge. However, in cases of obviously unfounded or excessive requests, the Immigration Office and/or the Directorate General of Consular Affairs can claim compensation for reasonable costs or refuse to follow up your request.

#### **A. RIGHT OF ACCESS**

You have the right to ask the Immigration Office and/or the Directorate General of Consular Affairs if they are processing personal data related to you. If so, you have the right to ask a copy of those data and to obtain information about the purposes of the data processing, the categories of recipients to whom your data have been disclosed, the period for which the data are stored and the data sources (when such information has not been collected from you).

#### **B. RIGHT TO RECTIFICATION**

The Immigration Office and/or the Directorate General of Consular Affairs has (have) the obligation to process accurate data and to take the appropriate measures to rectify them, if necessary. In relation to this obligation, you have the right to ask and obtain from the Immigration Office and/or the Directorate General of Consular Affairs the rectification of your personal data if inaccurate.

#### **C. RIGHT TO RESTRICTION**

In the following cases, you have the right to request and obtain from the Immigration Office and/or the Directorate General of Consular Affairs restriction of processing your personal data:

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<sup>1</sup> This information is provided to you in accordance with Article 13 of the General Data Protection Regulation (GDPR).

- when you challenge the accuracy of your personal data, this being for a period enabling the Immigration Office and/or the Directorate General of Consular Affairs to verify the data's accuracy; or
- when the processing is unlawful and you object to the erasure of your personal data and you request, instead, the restriction of the processing of these data; or
- when the Immigration Office and/or the Directorate General of Consular Affairs no longer need(s) your personal data for the purposes of the processing, however you still require these data for the establishment, exercise or defence of your legal claims;
- where processing has been restricted, your data, except for their storage, can only be processed with your consent or for the establishment, exercise or defence of legal claims, or for the protection of the rights of another natural or legal person, or on important grounds of public interest for the European Union or one of its Member States.

#### D. RIGHT TO ERASURE ("RIGHT TO BE FORGOTTEN")

Since the processing of your personal data is required for the performance of a task in the framework of the exercise of official authority vested in the Immigration Office and/or the Directorate General of Consular Affairs, you do not have the right to request and obtain the erasure of your personal data, unless you consider that they are being processed unlawfully.

#### E. RIGHT TO OBJECT

You have the right to object to the processing of your personal data by the Immigration Office and/or the Directorate General of Consular Affairs, at any time and for reasons relating to your particular situation. However, the Immigration Office and/or the Directorate General of Consular Affairs may oppose this if there are compelling legitimate grounds for the processing which override your interests, rights and freedoms or that are related to the establishment, exercise or defence of legal claims.

#### F. RIGHT TO PORTABILITY

Since processing of your personal data by the Immigration Office and/or the Directorate General of Consular Affairs does not rely on your consent or on the performance of a contract, the right to data portability does not apply. Therefore, you are not entitled to obtain from the Immigration Office or the Directorate General of Consular Affairs your personal data in a structured, commonly used and machine-readable format to be transferred to another data controller.

The DPO's contact details are:

Federal Public Service Interior  
 Directorate General of the Immigration Office  
 For the attention of the Data Protection Officer  
 Boulevard Pacheco 44, 1000 Brussels, Belgium  
 Email: dpo.dvzoe[at]ibz.fgov.be  
 Phone: +32 2 793 80 00  
 Form available on the website of the FPS Interior: <https://ibz.be/>

Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation  
 Directorate General of Consular Affairs

For the attention of the Data Protection Officer  
Rue des Petits Carmes 15, 1000 Brussels, Belgium  
Email: dpo[at]diplobel.fed.be

### **3. PURPOSES OF THE PROCESSING OF YOUR PERSONAL DATA**

The personal data collected in the context of your application for a long-stay visa (D visa) are not only necessary for compliance with a legal obligation to which the Immigration Office and the Directorate General of Consular Affairs are subject but also, in general, for the purpose of carrying out a task in the public interest or of performing a task in the context of the exercise of official authority vested in the Immigration Office and the Directorate General of Consular Affairs, namely: the enforcement of the legislation regarding the access to the territory, the stay, the residence and the removal of foreigners. These data are processed for the following purposes:

- to establish your identity;
- to ensure the processing of your long-stay application (D visa);
- to verify the conditions that the person wishing to sign a declaration of liability must meet as well as his or her solvency;
- to control your access to the Schengen Area and the Kingdom of Belgium;
- to ensure the follow-up of your stay in the Kingdom of Belgium including your possible detention and removal from the territory;
- to ensure the defence of the Kingdom of Belgium before the courts and tribunals where you can lodge an appeal against the decisions enforced upon you by the Immigration Office;
- to ensure the recovery from the person who has signed a declaration of liability of the social benefits that would be granted to you by the Public Centres for Social Action and of the costs of health care, accommodation and removal incurred by the Belgian State;
- to investigate, detect and ensure the follow-up of criminal and administrative offences set out under the legislation regarding the access to the territory, residence, settlement and removal of aliens, and under the legislation on the employment of foreign workers;
- to ensure payment of the fee to cover the administrative costs related to the examination of your long-stay application.

### **4. RECIPIENTS OF YOUR PERSONAL DATA**

Your personal data collected and processed by the Immigration Office and the Directorate General of Consular Affairs can be disclosed to the following categories of recipients:

- the Belgian diplomatic missions and consular posts abroad in order to establish your identity and to ensure the processing of your long-stay application (D visa);
- the external service providers used by the Directorate General of Consular Affairs for the submission of applications for long-stay visas (D visas);
- the authorities responsible for controlling the external borders of the Schengen Area in order to establish your identity and to monitor your access to the Schengen Area and/or to the Kingdom's territory;
- the Belgian local authorities in order to establish your identity, to monitor your access to the Schengen Area and/or to the Kingdom and to ensure the follow-up of your stay, including your possible detention and removal from the Kingdom's territory;
- the lawyers designated by the Immigration Office to ensure the defence of the Belgian State before the courts and tribunals where you can lodge an appeal against the decisions enforced upon you by the Immigration Office;

- the administrative and judicial bodies (including the Aliens Litigation Council and the Belgian Council of State) to ensure the defence of the Belgian State in the context of the appeals that you can lodge against the decisions enforced upon you by the Immigration Office;
- the Public Centres for Social Action and the Public Planning Service Social Integration to ensure the recovery from the person who has signed a declaration of liability of the social benefits that would be granted to you;
- the Federal Public Service Finance in order, on the one hand, to ensure the solvency of the person who has signed a declaration of liability, and on the other hand, to ensure the "forced" recovery from the person who has signed a declaration of liability of the costs of health care, accommodation and removal incurred by the Belgian State against you;
- the social security authorities to ensure the solvency of the person who has signed a declaration of liability, and to ensure that the conditions are met concerning, on the one hand, having sufficient resources so as not to be or become a burden on the Kingdom's welfare system and, on the other hand, concerning a medical insurance covering all the risks on the Kingdom's territory;
- the FPS Economy, SMEs, Middle Classes and Energy, the FPS Employment, Labour and Social Dialogue, the Walloon Region, the Flemish Region, the Brussels-Capital Region and the German-speaking Community to ensure the processing of residency applications submitted as an employed ("single permit" procedure) or self-employed person and to ensure the follow-up of your stay on the Kingdom's territory;
- educational and research institutions to ensure that you are indeed registered as a student with them;
- the public prosecutor to seek views on the veracity of the relationship by blood or marriage;
- the hospitals in the context of the DNA procedures carried out to establish parentage within the framework of applications for family reunification when the production of official documents in accordance with Article 30 of the Code of private international law or with the applicable international conventions is not possible;
- the federal and community central adoption authorities to ensure the processing of applications for family reunification submitted by parents adopting or having adopted one or more children.

## **5. RETENTION PERIOD OF YOUR PERSONAL DATA**

The biometric data recorded when submitting an application for a long-stay visa (D visa) are kept for ten years. Other personal data recorded when submitting your application will be kept for a period of 75 years, in accordance with the instructions given by the State Archives. After this 75-year period, the data are either transferred to the State Archives or destroyed after authorization by the General Archivist of the Kingdom.

Your personal data collected by the external service providers are kept by them until the visa application procedure is completed or until they receive feedback from the diplomatic mission or consular post on your visa application.

## **6. TRANSFER OF YOUR PERSONAL DATA TO THIRD COUNTRIES**

Within the framework of its missions, the Immigration Office may be required to transfer parts of your personal data to countries outside of the European Union. The Immigration Office shall ensure, where possible, to include clauses allowing a level of appropriate protection of your personal data in the agreements with third countries. Those agreements can be requested from the Immigration Office's DPO.

In the absence of adequacy decisions and if it is not possible to conclude agreements to ensure an adequate level of protection for your personal data, the Immigration Office may, nevertheless, exceptionally submit

some of your personal data to third countries, because the implementation of the European and national migration policy is an important ground of public interest as referred to in Article 49 of the GDPR.

## **7. LODGING A COMPLAINT WITH THE DATA PROTECTION AUTHORITY**

If you believe that the Immigration Office and/or the Directorate General of Consular Affairs has (have) not processed your personal data in accordance with the provisions of the GDPR and the relevant Belgian legislation, you can lodge a complaint with the Data Protection Authority (DPA). The contact details of the DPA are as follows:

Data Protection Authority  
Rue de la Presse, 35  
1000 Brussels  
Belgium  
[contact\[at\]apd-gba.be](mailto:contact[at]apd-gba.be)  
+32 2 274 48 00  
[www.dataprotectionauthority.be](http://www.dataprotectionauthority.be)

*We also invite you to read the "accord de co-traitance de données à caractère personnel dans le cadre des demandes de visa de court séjour et de long séjour" (joint controlling of personal data when processing short-stay visa and long-stay visa applications) concluded by the Minister of Social Affairs and Public Health, Asylum and Migration and the Minister of Foreign Affairs, on 24 October 2019. The text of that agreement is available on the website of the Immigration Office.*