

Application for access to and/or rectification, erasure or blocking of personal data held pursuant to the U.S. Terrorist Finance Tracking Program (TFTP)

Procedure for data protection authorities

1. The attached information leaflet, forms and annexes are to be placed on the website of the national DPA (in English), together with an explanation in the national language(s).
2. Upon receipt of a request for access, rectification, erasure, or blocking of personal data as well as a waiver form, the national DPA will first verify the identity of the requester. This will be done through matching of the information filled out on the forms and the copy of the means of identification. Furthermore, the characteristics of the identity card shall be verified through the European Unions Public Register of Authentic Identity and Travel Documents Online (PRADO), available on <http://prado.consilium.europa.eu/en/homeIndex.html>. Instead of providing the DPA with a copy of a means of identification, the requester should also be able to prove his identity in person at the office of the DPA, presenting the original means of identification.
3. When the national DPA confirms the requester is who he says he is through completion of the identification confirmation form (Form A), the national DPA will forward the original access request form (Form B) and/or the rectification, erasure, or blocking request form (Form C) and the waiver form (Form D) (all completed in English), together with a signed copy of the attached standard letter (Form E), to the U.S. Treasury Department via regular (postal) mail or express courier at the following address:

U.S. Treasury Department
Director, Office of Privacy and Civil Liberties
1500 Pennsylvania Avenue, NW
ATTN: 1750 Pennsylvania Avenue, NW, Room 8125
Washington, DC 20220

The national DPA will include in the standard letter (Form E) a unique case number issued by the national DPA in the following format:

[EU Country Code] – [regular national case number] (*for example DE-12345*)

The national DPA and the U.S. Treasury Department will include this unique case number on all correspondence related to the request. Copies of all forms submitted in connection with a request are held in the file of the national DPA.

4. At the same time that the national DPA forwards the request to the U.S. Treasury Department, the national DPA will send an e-mail to the U.S. Treasury Department at the following address: privacy@treasury.gov. In this e-mail, the national DPA will notify the U.S. Treasury Department that the national DPA has sent a request or requests via regular mail and inform the U.S. Treasury Department of the unique case number the DPA has assigned to the request(s) sent via regular mail.
Upon its receipt of the request via regular mail (not the e-mail notice), the U.S. Treasury Department will respond via regular mail to the national DPA from which the U.S. Treasury Department received the request, acknowledging receipt, providing the unique case number the U.S. Treasury Department has assigned to the request, and including the unique case number the national DPA assigned to the request. The unique case number provided by the EU will be any case number the national DPA chooses to assign to the request preceded by the two-digit country code of the EU member state from which the request is sent.
5. The EU shall maintain a current list of its member states' national DPAs and provide the link/URL containing that list to the U.S. Treasury Department. If the U.S. Treasury Department receives a request sent by anyone who is not identified on the current list of national DPAs as the national DPA for the country from which the request is sent, the U.S. Treasury Department's

only response will be via e-mail to notify the sender that they are not on that list and, therefore, the request cannot be processed until the current list of national DPAs is updated.¹

6. After the U.S. Treasury Department completes its review of the request, it will notify the national DPA about the outcome of the review via regular mail, and concurrently send an e-mail stating only that the response has been sent via regular mail and referencing both the U.S. Treasury Department's unique case number and that assigned by the national DPA. The national DPA will forward this information without undue delay to the requester. Should no follow up be required to the initial request, the national DPA may decide to close the file of the requester in line with its own proceedings. No later than six months after the file is closed, the national DPA will ensure the requester-provided copy of the means of identification is destroyed. All other information related to the file shall be processed according to the national data protection act and in line with national archive obligations.

¹ http://ec.europa.eu/justice/data-protection/bodies/authorities/eu/index_en.htm

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Information

Article 15 of the Agreement between the United States of America and the European Union on the Processing and Transfer of Financial Messaging Data from the European Union to the United States for the Purposes of the Terrorist Finance Tracking Program (hereafter: the TFTP Agreement) provides the ability to seek access to personal data processed under the Agreement. Article 16 provides the ability to seek rectification, erasure or blocking of personal data that are inaccurate or processed in contravention of the Agreement. Articles 15 and 16 provide that your national data protection authority will act as intermediary to the U.S. Treasury Department, which administers the TFTP.

If you wish to make a request pursuant to Article 15 and/or Article 16 of the TFTP Agreement, please fill out the attached identification form (Form A), as well as the request form(s) (Form(s) B and/or C) and waiver form (Form D). This is the information that is needed by the U.S. Treasury Department to conduct a thorough and accurate review in response to your request.

Proof of identity

Your national data protection authority needs to be satisfied that you are who you say you are. Consequently, we require you to provide evidence of your identity by supplying a photocopy of a driving licence, passport, identity card or other official identity document containing your photograph and bearing your signature. Please see Annex 2 for an overview of the official means of identification in your country.

Your national data protection authority will verify your identity based solely on the information you provide. The photocopy of your proof of identity will not be transferred to the U.S. Treasury Department, but will remain with your national data protection authority. No later than six months after the file related to your Article 15 and/or Article 16 request has been closed, this photocopy will be destroyed.²

Please note that this procedure only applies to individuals with the nationality of one of the EU Member States and those permanently residing in one of the countries of the European Union.

Procedure

In order to start your application for access, please ensure you send at least the following information in hard copy to your data protection authority (see Annex 1):

Identification Verification Form (Form A) - fully completed and signed
Article 15 Access Request Form (Form B) - fully completed and signed and/or
Article 16 Rectification, Erasure or Blocking Request Form (Form C) - fully completed and signed
Waiver form (Form D) - fully completed and signed
Photocopy of an official means of identification bearing your signature¹ (see Annex 2)

Further information regarding your request may be provided in a separate letter. Please ensure that you have clearly indicated whether you authorize the transfer of the additional information to the U.S. Treasury Department. Without explicit authorization to transfer the additional information to the U.S. Treasury Department, that information will only be retained by your national data protection authority and will not be used by the U.S. Treasury Department to help process the request.

² Should there be a reason why you are not able or willing to provide a copy of your means of identification to your national DPA, you can make an appointment to present this document in person. The necessary verifications of your identity will then be made in person at the office of your national DPA.

Upon its receipt of your application, your national DPA will forward Form D and Form(s) B and/or C to the U.S. Treasury Department. Your national DPA will keep you informed about the procedure and after a response is provided to your national DPA by the U.S. Treasury Department, your national DPA will forward the information regarding your request to you without undue delay. However, please bear in mind that the response to your access request may be very limited, given the nature of the Terrorist Finance Tracking Program.

Further information

For further information about the TFTP Agreement and requests pursuant to Article 15 and/or Article 16, please see www.treasury.gov/tftp.

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Form A. Identification Verification

1. Surname / Family name:

2. First Name(s):

3. Maiden / Other names:

4. Place of Birth:

5. Date of Birth:

6. Residential Address:

7. Telephone number*:

8. E-mail address*:

9. Type of identification document provided (please tick)

- Passport
- Driver licence
- Identity card
- Other official document (Please specify): _____

- Tick here to confirm that the document bears the photograph and signature of the person presenting it.

Signature of the Requester

Date

Signature of the National DPA

Date

** Not mandatory; this information will only be used to contact you for further information regarding your request.*

Application for access to and/or rectification, erasure or blocking of personal data held pursuant to the U.S. Terrorist Finance Tracking Program (TFTP)

Form B. Article 15 Access Request

1. Surname / Family name:

2. First Name(s):

3. Maiden / Other names:

4. Residential Address:

5. Bank Name(s):

6. Bank Address(es):

7. Account Number(s):

8. If applicable, describe the records being requested

Signature of the Requester

Date

Signature of the National Data Protection Authority

Date

Further information may be provided in a separate letter. If a separate letter is provided, please state explicitly if you authorize to transfer the information in that letter to the U.S. Treasury Department

Application for access to and/or rectification, erasure or blocking of personal data held pursuant to the U.S. Terrorist Finance Tracking Program (TFTP)

Form C. Article 16 Rectification, Erasure or Blocking Request

1. Surname / Family name:

2. First Name(s):

3. Maiden / Other names:

4. Residential Address:

5. Bank Name(s):

6. Bank Address(es):

7. Account Number(s):

8. Please provide: (a) a precise identification of the record that you believe to be inaccurate or to have been processed in contravention of the TFTP Agreement, including a description of the record, the date and any other identifying details; (b) the specific material to be amended, deleted, or blocked, if any, including a citation of the specific paragraph, sentence, and word to be amended, deleted, or blocked; (c) a statement regarding why the information is not accurate or complete, including supporting evidence; and (d) the specific material to be added, if any, and the exact place at which it is to be added, including evidence of the validity of new or additional information. If you wish to correct or add any information, you must provide specific proposed language for the desired correction or addition. Finally, indicate whether you have contacted your financial institution seeking rectification, deletion, or blocking of any information you believe to be inaccurate and, if so, how the financial institution responded.

Signature of the Requester

Date

Signature of the National DPA

Date

Further information may be provided in a separate letter. If a separate letter is provided, please state explicitly if you authorize to transfer the information in that letter to the U.S. Treasury Department

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Form D. Waiver

I,

(please fill out your full name in the box above)

hereby authorize

(please fill out the name of your national data protection authority in the box above [see Annex 1])

to make a request on my behalf to the U.S. Treasury Department pursuant to Article 15 and/or Article 16 of the Agreement between the United States of America and the European Union on the Processing and Transfer of Financial Messaging Data from the European Union to the United States for the Purposes of the Terrorist Finance Tracking Program; authorize the national Data Protection Authority identified above to disclose personal data submitted in connection with this request to the U.S. Treasury Department; and consent to the U.S. Treasury Department disclosing my personal data to the national Data Protection Authority identified above in connection with any response to the request.

Signature of the Requester

Date

Signature of the National DPA

Date

Application for access to and/or rectification, erasure or blocking of personal data held pursuant to the U.S. Terrorist Finance Tracking Program (TFTP)

Form E. Standard letter

U.S. Treasury Department
Director, Office of Privacy and Civil Liberties
1500 Pennsylvania Avenue, NW
ATTN: 1750 Pennsylvania Avenue, NW, Room 8125
Washington, DC 20220

Regarding Our Case Number [ISO Country Code]-[National Case Number]

Dear Sir, Madam,

In accordance with Articles 15 and 16 of the EU-U.S. Agreement on the Processing and Transfer of Financial Messaging Data from the European Union to the United States for the Purposes of the Terrorist Finance Tracking Program (hereafter: the TFTP Agreement), I hereby transfer to you an application for access to and/or rectification, erasure, or blocking of personal data from [Name Requester or minor/individual with legal guardian].

Following the procedure suitable to the U.S. Treasury Department, I hereby confirm that I have received the proof of identity of the requester. [Name Requester] [provided a copy of] OR [presented] his/her [Type of Official Document] to our data protection authority. I furthermore confirm that I have verified and confirmed the identity of the requester. IF NEEDED: The requester is the [parent of the named minor / legal guardian of the named individual] and has provided adequate proof of that legal position. In addition to verifying the identity of the requester, I hereby confirm that I have verified the legal relationship between the requester and the [named minor/named individual].

Please find attached the original request as contained in the [Article 15 Access Request Form] AND/OR [Article 16 Rectification, Erasure, or Blocking Request Form], as well as the Waiver Form, allowing for any information resulting from your review to be transferred to [Name National DPA] for onward transfer to [Name Requester].

I confirm that an email notification of this request, which includes the unique case number provided above, has been sent to the following address: privacy@treasury.gov.

I request that you will ensure an appropriate review in connection with the request is made without undue delay. The [Name National DPA] would appreciate to be informed at the latest one month after today of the outcome of the review.

For more information related to this request, please contact:
[Contact details].

Sincerely yours,

[Signed]