

August 2, 2010

## **Terrorist Finance Tracking Program**

### **Redress Procedures for Seeking Access, Rectification, Erasure, or Blocking**

Articles 15 and 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 (“Agreement”) outline procedures for seeking access to personal data and rectification, erasure, or blocking of inaccurate personal data.

#### **Categories of Requests**

The Agreement outlines the ability of persons to seek: (1) access to data, including at least a confirmation as to whether their data protection rights have been respected in compliance with the Agreement; and (2) rectification, erasure, or blocking of inaccurate data provided under the Agreement.

#### **Submission of Requests via European National Data Protection Commissioner**

Any persons making access, rectification, blocking, or erasure requests pursuant to Articles 15 and 16 of the Agreement must submit the request to that person’s European national data protection commissioner (“NDPC”). Contact information for each NDPC can be found via the official website of the European Union at <http://europa.eu/>.

All requests described above should be in writing and signed by the person making the request and the NDPC transmitting the request. Each request is to include a photocopy of a driver’s license, passport, or other official document bearing the person’s signature. The submission should reasonably describe the specific request being made and, if applicable, the records being requested. The request should also provide a statement that the NDPC is the requestor’s personal representative and that the requestor gives consent to the U.S. Department of the Treasury to disclose personal data to the NDPC.

Requests concerning the rectification, erasure, or blocking of inaccurate personal data should additionally include the following: (a) a precise identification of the record, 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 the person making the request wishes to correct or add any information, the request is to contain specific proposed language for the desired correction or addition.

### **Transmission of Requests to the U.S. Treasury Department**

After reviewing the appropriateness of each request, the NDPC may request additional information from the person making the request. Appropriate requests are to be transmitted by the relevant NDPC to the Deputy Assistant Secretary for Privacy, Transparency, & Records of the U.S. Treasury Department or an appropriate delegate (“Treasury Privacy Officer”) at the following address: Director, Office of Privacy and Civil Liberties, 1500 Pennsylvania Avenue, NW (ATTN: 1750 Pennsylvania Avenue, NW, Room 8125), Washington, DC 20220. The NDPC is to certify the identity of the person on whose behalf the NDPC is making the request.

### **U.S. Treasury Department Review**

The Treasury Privacy Officer conducts an appropriate review in connection with requests for access, rectification, erasure, or blocking, and provides a response to the relevant NDPC based on the outcome of that review. The NDPC then may transmit the response provided by the Treasury Privacy Officer to the EU person who made the request.

The response by the Treasury Privacy Officer is intended to: (a) inform the relevant NDPC whether personal data may be disclosed to the data subject or whether data have been rectified, erased, or blocked; (b) confirm whether the data subject’s rights with respect to access, rectification, erasure, or blocking have been duly respected; and (c) where access to personal data is refused based on reasonable exemptions from disclosure or where rectification, erasure, or blocking is refused, explain the refusal in writing and provide information on the means available for seeking administrative and judicial redress in the United States.

### **Administrative and Judicial Redress**

The Agreement provides that any person who considers his or her personal data to have been processed in breach of the Agreement may seek effective administrative or judicial redress in accordance with the laws of the EU, its Member States, and the United States, respectively. The U.S. Treasury Department has agreed to treat all persons equally in the application of its administrative process, regardless of nationality or country of residence.

The Agreement provides for persons, regardless of nationality or country of residence, to have available under U.S. law a process for seeking judicial redress from an adverse administrative action. Relevant statutes for seeking redress from an adverse Treasury Department administrative action in connection with the processing of personal data received pursuant to the Agreement may include the Administrative Procedure Act and the Freedom of Information Act. The Administrative Procedure Act allows persons who have suffered harm as a result of U.S. Government action to seek judicial review of that action. The Freedom of Information Act allows persons to utilize administrative and judicial remedies to seek government records.

### **Related Items**

- 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
- Terrorist Finance Tracking Program: Questions and Answers

### **Contacts**

For additional information or inquiries regarding procedures for access, rectification, erasure, or blocking under the Agreement, please contact 202-622-2490 or via e-mail at [TFTP@do.treas.gov](mailto:TFTP@do.treas.gov) or your national data protection commissioner.