

## **IND privacy statement IND**

The Immigration and Naturalisation Service (IND) assesses all residence permit applications from the people who want to live, work or study in the Netherlands. The IND also assesses applications from the people who want to become Dutch.

For this purpose, the IND processes a lot of personal data of customers and employees. The IND believes that privacy is very important. That is why we process your data with great care and attention. In this Privacy Statement, you can read which data the IND collects and why. We also explain who we share your information with and what rights you have.

To keep the information clear, each topic is subdivided into two layers of information. First you read the most important information. Do you want to know more? Then read the text under more information.

### **More information**

The IND implements the alien's policy in the Netherlands. This means that the IND assesses all residence permit applications from people who want to live in the Netherlands or who want to become Dutch. This may involve refugees who are not safe in their own country and therefore apply for asylum here. This may also be people who want to work, study, or form a family with someone who already lives here. In addition, the IND handles naturalisation requests from the people who have been living here for so long that they feel Dutch and therefore want to apply for Dutch nationality. The IND assesses each application separately against the rules of the immigration policy. That means that we listen to the story of every applicant carefully so that every decision we take does justice to everyone's personal situation.

As an implementing organisation, the IND is part of the Ministry of Asylum and Migration (residence permits) and the Ministry of Justice and Security (Dutch citizenship). As members of the government, the Minister for Asylum and Migration and the State Secretary for Justice and Security are responsible for the work of the IND. The IND has no influence on the immigration policy, which is determined via the Second and First Chamber. In addition, rules stem from (international) treaties such as the Refugee Convention and from EU legislation.

The IND has operating offices at various locations in the Netherlands; the main office is located at Rijnstraat 8, 2515 XP in The Hague. We also distinguish counters (7), expat centres (8), application centres (4) and offices (4). For example, at the counters customers can pick up a residence document or, if necessary, have biometrics (such as fingerprints) collected. The expat centres help expats when they arrive in the Netherlands. Here, expats and graduate foreign students can apply, have biometrics done if necessary and collect a residence document. Asylum seekers report to an application centre to apply for asylum. Finally, the offices can only be visited by appointment with an IND employee.

## What personal information does the IND collect from you?

The IND processes personal data of the people who apply for a residence permit in the Netherlands or the people who apply to become Dutch nationals. We also process personal data from sponsors, family members, interpreters, agents, employees of the IND and employees of other organisations. The IND receives the personal data from these people personally or from other persons or organisations involved.

The IND processes general personal data. For example, name, contact information, nationality and passport number, date and place of birth and marital status, and also special personal data if it is necessary for the work of the IND, for example, racial or ethnic origin, political views and beliefs, and also genetic and biometric data, sexual orientation and information about criminal cases or a criminal record. For a comprehensive overview, see 'more information'.

The IND obtains personal data in various ways:

- The applicant provides the personal data relating to him or her in connection with the submitted application, personally or possibly through an authorised representative.
- The sponsor of the person who wants to stay in the Netherlands provides the personal data about him or her.
- The applicant provides personal data of third parties, such as family members.
- The personal data come from other government departments and authorities.

### More information

#### Personal data the IND collects

The IND collects the following personal data:

##### General personal data

- Name
- Date of birth/ age
- Gender
- Nationality
- Country where the foreign national comes from
- Country and place of birth
- Marital status (for example: single, cohabiting, married)
- Client-client relationships (such as: spouse/partner of, child of, parent of ...)
- V-number
- A-number
- Address
- Address abroad
- E-mail address

- Telephone number
- Copy of the passport/ID
- Date on which you were registered with the IND
- Date on which you were registered in the BRP
- Residence status, residence permit type and validity period of the residence permit
- Application or applications for the residence permit (asylum or regular) and all documents submitted with the application. These are also original documents
- Date on which you became a Dutch national
- Personal data in documents from your file. For example, reports of hearings and letters
- Financial data
- Bank account number
- Notes of a contact
- Notifications received
- The date on which you left the Netherlands
- Country where you went to
- Whether the government may expel you from the Netherlands

#### **Special personal data**

- Race or ethnic origin
- Political views
- Religion or philosophy of life
- Whether you are a member of a trade union
- Biometric data (such as fingerprints, face scan)
- Information about your health
- Sexual behaviour / orientation

#### **Other data**

- Citizen service number or another identification number stated in the law
- Criminal convictions and offenses or security measures

### **Organisations the IND co-operates with**

The IND cooperates, among others, with the following government services and social organisations:

- Repatriation & Departure Service (DT&V)
- Central Agency for the Reception of Asylum Seekers (COA)
- Royal Netherlands Marechaussee (KMar)
- International Organisation for Migration (IOM)
- Municipalities
- Stichting NIDOS
- Ministry of Foreign Affairs
- Inspection services, such as the Social Affairs & Employment Inspectorate
- DUO
- Tax authorities
- European sister services and NGOs
- Judicial information service
- Custodial Institutions Agency (DJI)
- Public Prosecution Service (OM)
- National Police (NP)

- Employee Insurance Agency (UWV)
- BKWI (Suwinet)
- Dutch Council for Refugees (VWN)

Full overview of the organisations with which the IND cooperates:  
<https://ind.nl/nl/documenten/05-2022/avgstakeholdersind.pdf>

## Why does the IND process your personal data?

The IND needs your personal data to implement the Policy on Foreign nationals. This policy stems from the Aliens Act 2000 and rules and regulations that go with it, as well as from the Dutch Nationality Act. In addition, there are rules based on international treaties.

The IND manages the administration of foreign nationals. After identification, the personal data of the foreign nationals are registered herein.

### More information

Privacy legislation requires that we only process personal data for clearly defined purposes. The purposes for which we process your data are described in article 107 of the Aliens Act 2000.

In summary, the IND collects the personal data for, among other things:

- Implementing the Aliens Act 2000, the Dutch Nationality Act and other legal regulations.
- Verification, checking and referral and making this data available.
- Evaluation of aliens policy and policy of the IND.
- The purpose of processing the special categories of personal data is described in article 107a of the Aliens Act 2000.

The special categories of personal data are processed by us to the extent that this data is necessary for:

- issuing visas.
- border control.
- admission, residence and expulsion of aliens
- supervision of foreign nationals on the basis of the Aliens Act 2000 or the Schengen Borders Code.
- Article 7.1a of the Aliens Regulations 2000 states when it is necessary to process the special personal data.

## Research

The Research & Analysis (O&A) department of the IND conducts research. These studies are confidential or public. In addition, O&A assesses requests from external parties to provide IND data for research. Researchers ask for interviews with IND employees, but also for quantitative data, files and internal documents.

If the request is approved, O&A will arrange the delivery of the data. The delivery of data takes place via the file mailbox. Personal data is made anonymous if possible. The external party cannot see whom the data is about.

External researchers sign a confidentiality agreement. It states that they do not put in the public research report any data that can be traced to a person. Figures are rounded to tens. In addition, for each study, written agreements are made about the data that are provided, the way in which the information is provided and the (factual) check of the publication carried out by the IND

Research involving the IND can be divided into the following three categories:

- Research in which the IND is legally obliged to cooperate.
- Research by external parties, to whom access is granted to the data within the IND. This often concerns requests from universities, social organisations and students.
- Independent research.

### More information

#### Mandatory research

The IND cooperates in research conducted by the following institutes:

- The Scientific Research and Documentation Centre (WODC: [wodc.nl](http://wodc.nl))
- The Advisory Council on Migration ([adviesraadmigratie.nl](http://adviesraadmigratie.nl))
- The Justice & Security Inspectorate (Inspectorate J&V: [inspectie-jenv.nl](http://inspectie-jenv.nl))
- The Dutch Court of Auditors ([rekenkamer.nl](http://rekenkamer.nl))
- De United Nations High Commissioner for Refugees (UNHCR: [unhcr.org/nl](http://unhcr.org/nl))

#### Non-mandatory research

In the non-mandatory scientific research category, the IND facilitates Dutch and foreign universities. It may concern research conducted by the academic staff, as well as research conducted by students for master's theses.

#### Research conducted by social organisations

The IND cooperates in research conducted by the following institutes, among others:

- European Asylum Support Office (EASO: [easo.org](http://easo.org))
- National Institute for Health and Environment (RIVM: [rivm.nl](http://rivm.nl))
- ASKV / Refugee Support Centre (ASKV: [askv.nl](http://askv.nl))

- International Centre for Migration Policy Development (ICMPD: [icmpd.org/home](http://icmpd.org/home))
- The Dutch Organisation for Scientific Research (NWO: [nwo.nl](http://nwo.nl))

For more information about the background and nature of the research conducted by these institutes, see the websites mentioned above.

#### **Personal data are only processed when necessary for the research**

In general, personal data will only be processed during research if this is strictly necessary for conducting the research. The results of the research can be published in scientific publications and or on the websites of the research institutes.

The publications contain the anonymised and / or aggregated results of the research. The privacy of the research participants is guaranteed in privacy regulations. Researchers sign a confidentiality agreement.

#### **More information about IND research**

For more information about research conducted within and by the IND, you can contact the Research Supervision Department at Research & Analysis department via the contact form: <https://ind.nl/en/service-and-contact/contact-with-ind/e-mail>.

## **Whom does the IND provide our personal data to?**

According to the Aliens Act 2000, the IND may or must provide other government organisations with information to perform their duties. For this purpose, such organisation requests (request) or demands information (claim).

The IND assesses whether it is necessary to provide your personal data and whether it does not harm your personal life. The IND checks why the organisation wants to get the data and whether it can do with less or no personal data.

#### **More information**

The IND shares personal data with other organisations in the immigration chain. These are the Repatriation & Departure Service (DT&V), the Central Agency for the Reception of Asylum Seekers (COA), the Royal Netherlands Marechaussee, the National Police, the Ministry of Foreign Affairs, the Custodial Institutions Service (DJI), and the International Organisation for Migration (IOM). All these organisations have their own role in supporting foreign nationals on the way to the Netherlands, in the Netherlands and on the way out of the Netherlands. In addition, the IND shares data with other Dutch government organisations. For example, the UWV or the Public Prosecution Service (OM).

Sometimes the IND shares data with organisations that are not government institutions. They are often associations and foundations. For example, Dutch Council for Refugees (VWN). These organisations only receive personal data if this is necessary to implement the immigration policy.

## How does the IND protect your personal data?

The IND has taken measures to protect personal data and prevent misuse. All persons who can access the data must keep this information secret.

### More information

Customers and employees trust that personal data are in good hands with the IND. Therefore, the IND protects personal data with suitable technical and organisational measures.

The IND has introduced the Government Information Management Baseline (BIO) for the protection of data in the systems. The technical measures that the IND has introduced to protect personal data, are in accordance with the BIO. The IND actively implements the BIO.

The IND has taken extra measures to protect your data at all times. Technology and processes have been adjusted. The IND also teaches its employees what the risks there are and how they should deal with them. The IND ensures that the risks are reduced and audits the measures.

## Does the IND share your personal data with other countries?

In certain situations, the IND passes on personal data to other countries or (international) organisations.

### Sharing your personal data with countries within the EEA

The AVG rules also apply in the countries within the European Economic Area (EEA). These are all countries of the European Union plus Norway, Iceland, and Liechtenstein. These countries protect your personal data as well as the Netherlands.

### Sharing your personal data with countries or organisations outside the EEA

In such case, the IND takes measures to protect your personal data. For example, by providing data to the countries for which the European Commission has taken an adequacy decision. The IND also exchanges personal data with embassies of countries where foreign nationals come from. This happens for reasons that are important to everyone (Article 49, paragraph 1, sub d., GDPR).

### More information

#### Adequacy decision

According to the law, the IND may transfer personal data based on an 'adequacy decision'. An adequacy decision is the decision of the European Commission (EC) in which the EC has determined that this country protects data at the AVG level in its own laws.

The adequacy decision can apply to an entire country or for one or more sectors or regions in that country. Is there an adequacy decision in place? Then no additional measures are needed to provide personal data to this country, sector or region.

The EC has adopted an adequacy decision for the following countries and regions:

- Andorra
- Argentina
- Canada (except for Quebec) (see explanation below)
- Isle of Man
- Faroe Islands
- Guernsey
- Israel
- Japan
- Jersey
- New Zealand
- Uruguay
- United States of America (see explanation below)
- Switzerland.

For Canada, the adequacy decision only applies to electronically processed data covered by the Canadian Personal Information Protection and Electronic Documents Act (PIPEDA).

The United States does not have an appropriate level of protection for the whole country. The EC has adopted EU-US Privacy Shield. The Privacy Shield can issue companies and institutions with a certificate. Personal data is only shared with companies and institutions that have a Privacy Shield certificate. On <https://www.privacyshield.gov/welcome> there is a list of all certified organisations.

Information about adequacy decisions on the website of the European Commission:  
[https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en)

### **Sharing personal data with countries without adequacy decision**

Your personal data can also be passed on to a country without the adequacy decision. This can only be done if one of the exceptions referred to in Article 49 of the AVG is met. Article 49, paragraph 1, sub 'd' of the AVG allows sharing personal data if there are important reasons in the public interest. Art. 49 paragraph 4 sets the additional requirement that this public interest is recognised in a European Union law or a Dutch law that applies to the organisation responsible for the processing of those personal data.

To the IND, the Aliens Act 2000 applies. It states that the IND must keep records of foreign nationals. Another law is the Regulation (EU) 2019/1240 of the European Parliament and the European Council of 20 June 2019.

### **Exchanged of data with other organisations in the Netherlands and abroad**

The IND must also be able to share personal data with law enforcement authorities, foreign authorities and within networks of immigration liaison officers. The IND only does this if those personal details are necessary for the following purposes:

- implementation of the Aliens Act,
- prevention and tackling of irregular migration, or
- prevention, investigation, detection and prosecution of migrant smuggling or human trafficking.

The AVG applies to such processing of personal data. This means that:

- a. personal data must be deleted if they are no longer needed for the purpose for which they were collected or processed.
- b. any exchange of personal data is limited to what is strictly necessary for the application of the Aliens Act and / or the Regulation.

## How long will your personal information be stored?

The IND does not store personal data for longer than necessary for the purpose for which the IND has collected it. The retention periods are laid down in the archive policy. How long personal data are preserved, varies per situation and also depends on the purpose of storage. This period can be a few weeks to many years.

### More information

The Minister of Justice and Security has a duty of care (that is an administrative responsibility) to keep the archive of the IND in order and to ensure that there is access to the archive. It is stated in Article 3 of the 1995 Archive Act.

The Minister of Justice and Security has made selection lists. This is stated in Article 5 of the 1995 Archive Act. The selection lists state how long the IND must keep its archives and whether the IND may destroy an archive after a certain time.

The following selection lists are made for the IND:

1. [Selection list for the repercussions of the actions of Minister of Justice and actors involved in the field of admission of foreign aliens 1945-1993, 18 February 2002 R&B/OSA/2002/578](#) (Dutch Government Gazette no. 95, 23 May 2002).
2. Selection list for the repercussions of the actions of the Ministry of Justice in the field of Admission of Aliens from 1945, 20 November 2009, no. NA/09/3091 (Dutch Government Gazette no. 1754, 9 February 2010). [BSD Actualisatie Toelating Vreemdelingen strcrt 09 02 2010.pdf](#)
3. Determination of the selection list in the field of Nationalities for the period from 1945, 17 March 2003, no. C/S/03/705 (Dutch Government Gazette no. 86, 6 May 2003). [BSD Nationaliteiten 1945 - heden](#)

These selection lists are published in the Dutch Government Gazette.

Alle retentions periods: <https://ind.nl/nl/documenten/05-2022/avgbewaartermijnenlijst-ind.pdf>  
Basis for retention periods: <https://ind.nl/nl/documenten/05-2022/avggrondslagenbewaartermijnenlijstind.pdf>

### Retention periods

The archives of foreign nationals who remain for indefinite period are preserved forever.

From 1990, the archives of foreign nationals with a residence permit for a limited period are preserved for 15 years. The retention period starts on the departure date

The archives of foreign nationals who acquire Dutch nationality are preserved forever. These archives are an important source of information for immigrants and their descendants about their arrival in the Netherlands.

These retention periods have been determined after advice from the Dutch Council for Culture. The selection list has been formally determined by the Minister of Education, Culture and Science and the Minister of Justice.

**Managing director of the IND gives shape to the archive policy**

The managing director of the IND determines the archive policy on behalf of the Minister of Justice. This is stated in Article 14 of the Archive Decree and Article 3 under 5 of the Justice and Safety archive management rules. When drawing up a selection list, the managing director must involve the State archivist and an external expert. The final retention period is determined by considering several interests. Privacy is one of these interests.

**Retrieval of file document from the period before 1986**

The entire archive of the IND and its predecessors over the period from the end of the 19th century to 1986 was transferred to the National Archive (NA). Documents from this period can be requested by submitting a request via the contact form on the IND website. Please state a file number in your request.

## **Message for authorised persons and lawyers**

On 25 May 2018 the General Data Protection Regulation (GDPR) became effective. This means the IND wants to handle persons information as carefully as possible. To do this we also need your help.

### **Do not send applications or documents that contain information on more than 1 (adult) persons**

Persons details of customers should only be accessible by that person and not by others. This of course does not apply when the customer has a parent or legal representative.

### **Do your clients not object to sharing their personal details with other clients?**

In that case, please add a declaration of permission to the application or documents. This declaration clearly states that your client gives permission to use these documents and, therefore, the documents may be added to the file of this customer. We do wish to inform you that Archive Law applies to the file of the customer. We thank you for your co-operation to be as carefully as possible with the personal details of our clients.

## **What privacy right do you have?**

Regarding your personal data, you have the right:

- to inspect
- to adjust (rectify)
- to delete
- to have data processed to a limited extent
- to transfer data to another party

You also have the right to object to processing of your personal data.

## **Using your privacy rights**

Do you want to use these rights? Then use the online form:

<https://ind.nl/en/service-contact/contact-with-ind/request-for-documents-or-information-from-your-ind-file>

## **More information**

### **Right to inspect**

It is the right to view your personal data at the IND. Your family members may only view your file if you have given them written permission (authorisation). Parents and legal representatives may view the file of their children under the age of 16. Persons who are 16 years or older, decide about inspection (permission hereto) personally. The IND may (partially) refuse inspection of your own file if your inspection damages the privacy of someone else. Surviving relatives are not entitled to inspect the file of someone who has died.

### **Right to rectify**

Do you think that your personal data are no longer correct or complete? Then you can ask the IND in writing to adjust the data. If we do not change the data, we will clearly explain why we don't.

### **Right to delete**

You can ask the IND to delete (part of) your data from the file. If we do not delete the data, we will clearly explain why we don't.

## **Automated decision making**

The IND does not use automated decision-making without human intervention. This means that an employee always looks at the case.

## **Do you have questions, or do you wish to file a complaint?**

Do you have any questions, do you want more explanation or are you not satisfied with how the IND handles your personal data? Then contact our Privacy Officer.

You can file a complaint by using the complaint form on the IND website <https://ind.nl/en/service-contact/contact-with-ind/complaints-about-the-ind>.

Or send a letter to:

IND  
Privacy Officer  
Postbus 17  
9560 AA Ter Apel

Are you not satisfied with the answer to your complaint? Then you can submit a complaint to the Dutch Data Protection Authority. This is possible via the website: [www.autoriteitpersoonsgegevens.nl](http://www.autoriteitpersoonsgegevens.nl)

## **More information**

The IND is an implementation organisation of the Ministry of Justice and Security. The State Secretary for Justice and Security is responsible for the work of the IND. The Data Protection Officer of the Ministry of Justice and Security checks whether the IND applies and complies with the General Data Protection Regulation (AVG). This official is formally the point of contact for processing of personal data within the ministry.

[Contact details of the Data Protection Officer](#)

## **When was this Privacy Statement amended last?**

The legislation and our services are not standing still. We closely follow these developments and adjust our organisation as well and as quickly as possible. This can also have consequences for the way we handle personal data. We therefore adjust the Privacy Statement. For this reason, read our Privacy Statement regularly. We will inform you of major changes.

We updated this Privacy Statement last on 15 January 2020.