

Form: exercising the right of access

Right of access

With certain exceptions, you have the right to know whether the Finnish Border Guard, as a data controller, processes personal data concerning you. In addition, you have the right to request from the Finnish Border Guard the information specified in Article 15 of the General Data Protection Regulation (EU 679/2016) and section 23 of the Act on the Processing of Personal Data in Criminal Matters and in Connection with Maintaining National Security (1054/2018, hereinafter referred to as the Criminal Data Protection Act), including a copy of the processed data.

The right of access under data protection legislation applies only to personal data concerning you.

Exercising your right of access

Section 50 of the Border Guard Personal Data Act lays down provisions for exercising your right of access to the processing of personal data on the basis of the Act on the Processing of Personal Data by the Border Guard (639/2019, hereinafter referred to as the Border Guard Personal Data Act), the Maritime Search and Rescue Act (1145/2001) and the Act on the Processing of Personal Data in Immigration Administration (615/2020).

Section 50 of the Border Guard Personal Data Act

In order to implement the right of access by the data subject referred to in Article 15 of the Data Protection Regulation and the right of access of the data subject referred to in section 23 of the Criminal Matters Personal Data Act, the controller or another authority ordered by it provides access to the data.

The data subject shall, when exercising his or her right of access, make a request to this effect in person to the controller or to another authority referred to in subsection 1 and prove his or her identity. The request may also be submitted by using the strong electronic identification referred to in the Act on Strong Electronic Identification and Electronic Trust Services (617/2009), if such service is available.

You must prepare a written request to exercise your right of access and submit it in person at the headquarters of any of the Finnish Border Guard's administrative units. When you submit your request, you must prove your identity by showing a passport, identity card issued by an EU state, or a driving licence issued by a Finnish authority since 1 October 1990.

This form makes it easier for you to prepare a request to exercise your right of access under the data protection legislation. We recommend using this form, but it is not mandatory. If you wish to exercise your right of access to a processing activity that is not listed on the form, you must prepare your request in enough detail to enable the requested information to be found. If necessary, the Finnish Border Guard may ask you for additional information in order to fulfil your request.

Limits to the right of access

In certain situations, the Finnish Border Guard may postpone, limit or deny your request to exercise your access right. Limits to the right of access are laid down in section 34 of the Data Protection Act (1050/2018), sections 24 and 28 of the Act on the Processing of Personal Data in Criminal Matters and in Connection with Maintaining National Security (1054/2018), and section 51 of the Border Guard Personal Data Act.

Data Protection Act, section 34, subsections 1–3

A data subject does not have the right of access to data which have been collected concerning the data subject, referred to in Article 15 of the Data Protection Regulation, if:

- 1) providing access to the data could compromise national security, defence, or public order and security, or hamper the prevention or investigation of offences;*
- 2) providing access to the data could seriously endanger the health or treatment of the data subject or the rights of some other person; or*
- 3) the personal data are used in the performance of supervisory and inspection tasks and the refusal to provide access to the data is necessary to safeguard an important economic or financial interest of Finland or the European Union.*

If only a part of the data concerning a data subject is such that it under subsection 1 falls outside the scope of the right of access referred to in Article 15 of the Data Protection Regulation, the data subject has the right of access to the remainder of the data concerning them.

The data subject shall be informed of the reasons for the restriction, unless this undermines the purpose of the restriction.

Act on Data Protection in Criminal Matters, section 24, subsection 1

The right of access of the data subject may be postponed or restricted wholly or partly, or it may be refused to the extent that is necessary on the grounds mentioned in section 28. If the right of access of the data subject is postponed, restricted or refused, the controller shall, without undue delay, inform the data subject thereof by a written certificate. The grounds for the postponement, restriction and refusal shall also be stated, unless this would undermine the purpose of the refusal or restriction. The controller is also considered to have refused the right of access if the controller, within three months after the making of the request, has not replied to the data subject in writing.

Act on Data Protection in Criminal Matters, section 28

The rights of the data subject may be restricted in the manner referred to in section 22, subsection 2; section 24, subsection 1; section 26, subsection 1 and section 35 if this, considering the rights of the data subject, is proportionate and necessary in order to

- 1) avoid detriment to the prevention, detection, investigation or prosecution of criminal offences or the enforcement of criminal sanctions;*
- 2) safeguard any other investigation, examination or other procedure of an authority;*
- 3) protect public security;*
- 4) protect national security; or*
- 5) protect the rights of other persons.*

Border Guard Personal Data Act, section 51, subsection 1

By derogation from section 23 of the Criminal Matters Personal Data Act and in addition to the provisions of section 28 of the said Act, the data subject does not have the right of access to:

- 1) the personal data referred to in section 12;*
- 2) information concerning the tactical and technical methods of the Border Guard, observation data, personal data of covert human intelligence sources or data used for forensic investigation purposes included in the personal data referred to in sections 8–11.*

To be filled in by the person requesting access

Details of the person requesting access

Last name (including former last name)	First names (including former first names)
Personal identification code (or date and place of birth)	Phone number for requesting additional information

Method for delivering the information

How would you like the Finnish Border Guard to provide you with the information you have requested? You can only select one delivery method.	
<input type="checkbox"/>	Collect it from the nearest Finnish Border Guard office
<input type="checkbox"/>	Sent by registered post
<input type="checkbox"/>	Sent by encrypted email

Information requested

What processing purposes, information systems or registers of the Finnish Border Guard does your request concern? This form can only be used to request concern personal data for which the Finnish Border Guard is the controller. If the access request does not contain sufficient information, it will not be fulfilled.			
<input type="checkbox"/>	Finnish Border Guard's information system (RVT) <input type="checkbox"/> Border crossing data only <input type="checkbox"/> All information	<input type="checkbox"/>	Police information system PATJA (Border information)
<input type="checkbox"/>	Maritime rescue register	<input type="checkbox"/>	Case management system for alien affairs UMA (Border information)
<input type="checkbox"/>	MERT system	<input type="checkbox"/>	National visa information system VISA (Border information)
<input type="checkbox"/>	European Entry/Exit System (EES)	<input type="checkbox"/>	Emergency Response Centre information system Erica (Border information)
<input type="checkbox"/>	European Travel Information and Authorisation System (ETIAS)	<input type="checkbox"/>	Other. Please specify:

Frequency of exercising the right of access

When was the last time you exercised your right of access? In principle, there is no charge for exercising your right of access. However, the Finnish Border Guard has the right to charge a fee if requests to exercise the right of access are manifestly unreasonable or unjustified due to a high frequency of requests or for other reasons. The Act on Criteria for Charges Payable to the State (150/1992) stipulates the grounds for the fee.			
<input type="checkbox"/>	Never, or more than 12 months ago	<input type="checkbox"/>	Less than 12 months ago

Date and signature

Date and locality	Signature and name in block capitals of the person presenting the request
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To be filled in by the official receiving the request

Identifying the person making the request

How was their identity verified?					
<input type="checkbox"/>	Passport	<input type="checkbox"/>	Identity card issued by an EU country	<input type="checkbox"/>	Driving licence issued by a Finnish authority since 1 October 1990

Additional information

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Date and signature

Date and locality	Signature and name in block letters of the person receiving the request
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The official receiving the request shall ensure that the applicant has completed the form correctly. If necessary, the person submitting the request will be given instructions on how to complete the form if it has been filled in incorrectly. If the person submitting the request does not wish to fill in the form correctly or prove their identity despite these instructions, this should be noted in the 'Additional information' field. The form is received in any case. The received form is scanned and sent for processing to rekisterinpitaja@raja.fi.

To be filled in by the official fulfilling the request

Decision on a request to exercise the right of access

<input type="checkbox"/>	The requested information will be disclosed
<input type="checkbox"/>	The right of access is limited <input type="checkbox"/> Data Protection Act, section 34 <input type="checkbox"/> Act on Data Protection in Criminal Matters, sections 24 and 28 <input type="checkbox"/> Border Guard Personal Data Act, section 51 <input type="checkbox"/> Other legal provision. Please specify: The grounds are in an appendix to the decision.
<input type="checkbox"/>	Right of access postponed <input type="checkbox"/> Act on Data Protection in Criminal Matters, sections 24 and 28 <input type="checkbox"/> Other legal provision. Please specify: The grounds are in an appendix to the decision.
<input type="checkbox"/>	Request denied The grounds are in an appendix to the decision.

Charging a fee for fulfilling the request

<input type="checkbox"/>	A fee will be charged for fulfilling the request. Amount: The grounds are in an appendix to the decision.
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Appendices to the decision

This decision includes the following appendices	
<input checked="" type="checkbox"/>	Privacy statement on the processing of personal data
<input type="checkbox"/>	Personal data requested
<input checked="" type="checkbox"/>	Appeal instructions
<input type="checkbox"/>	Grounds for the decision
<input type="checkbox"/>	Other appendix. Please specify:

Additional information

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Signature of the decision maker

Date and locality	Signature and name in block letters of the decision maker
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For further information on the decision, contact the person who made the decision. You can contact the decision-maker using the contact details for the Headquarters of the Finnish Border Guard provided on the following page.

Information requests under the Act on the Openness of Government Activities

In accordance with section 12 of the Constitution of Finland (731/1999) and section 1 of the Act on the Openness of Government Activities (621/1999, hereinafter referred to as the Openness Act), the Finnish Border Guard's documents are, in principle, public. A party concerned has the right to be informed of non-disclosable documents held by the Finnish Border Guard as for in section 11 of the Openness Act, with certain restrictions. The same right also applies to persons whose details are in non-disclosable documents held by the Finnish Border Guard.

Requests for information under the Openness Act should be sent to the Headquarters of the Finnish Border Guard using the contact details below.

Exercising the data subject's rights via the Data Protection Ombudsman

You have the right to ask the Data Protection Ombudsman to review the lawfulness of the processing of personal data concerning you if the Finnish Border Guard has postponed, limited or denied your request for access. You can submit an indirect request for access to the Office of the Data Protection Ombudsman or the Finnish Border Guard. You must also prove your identity.

Referring a matter to the Data Protection Ombudsman for resolution

If the Finnish Border Guard decides to postpone, limit or deny your request for access, you have the right to refer the decision to the Data Protection Ombudsman. You can submit your request to the Office of the Data Protection Ombudsman or the Finnish Border Guard.

Appealing a decision

If the Finnish Border Guard issues a negative decision on your right of access, you can appeal the decision as per the Administrative Judicial Procedure Act (808/2019).

Requesting an administrative review

You can request an administrative review of a decision by the Finnish Border Guard to impose a fee for exercising your right of access as per the Act on Criteria for Charges Payable to the State (150/1992).

Contact details for the Headquarters of the Finnish Border Guard

Postal address	Street address	Switchboard	Email and website
Headquarters of the Finnish Border Guard PO Box 3 00131 Helsinki	Headquarters of the Finnish Border Guard Vilhonvuorenkatu 6 00500 Helsinki	+358 29 542 0000	rajavartiolaitos@raja.fi https://raja.fi

Contact details for the Office of the Data Protection Ombudsman

Postal address	Street address	Switchboard	Email and website
Office of the Data Protection Ombudsman PO Box 800 00531 Helsinki	Office of the Data Protection Ombudsman Lintulahdenkuja 4 00530 Helsinki	+358 29 566 6700	tietosuoja@om.fi https://tietosuoja.fi