

Subject: RE: Subject Data Request: Data Exchange with Non-EU Jurisdictions

Date: Monday 5 July 2021 at 10:05:15 Central European Summer Time

From: FG@minfin.nl <FG@minfin.nl>

To: Nick Lee <[REDACTED]>

Dear Mr. Lee,

We hereby acknowledge receipt of your e-mail of July 4th that you have addressed to the Data Protection Officer.

The Data Protection Officer will not process your data access request himself. We have therefore forwarded your request to our contact at the Tax Authorities for further processing.

We trust to have informed your sufficiently.

Yours sincerely,

On behalf of the Data Protection Officer

Dhr. R. Meerts
Beleidsondersteuner FG

.....
SG-cluster | Bureau BVA
Ministerie van Financiën

Korte Voorhout 7 | Den Haag | Kamer P3.08
Postbus 20201 | 2500 EE | Den Haag

.....

-----Oorspronkelijk bericht-----

Van: Nick Lee <[REDACTED]>

Verzonden: zondag 4 juli 2021 15:02

Aan: FG@minfin.nl

Onderwerp: Subject Data Request: Data Exchange with Non-EU Jurisdictions

To whom it may concern,

I am a US Citizen residing in the Netherlands. I am hereby requesting access to my personal data according to Article 15 of the General Data Protection Regulation, specifically concerning any and all information that has been transferred by the Ministerie van Financiën / Belastingdienst to any non-EU jurisdiction such as the United States.

I have a reasonable presumption that this data exchange is occurring under the United States Netherlands Inter-Governmental Agreement.

I additionally request access to any data concerning me that is to be transferred to the United States prior to any and all future transfers of data under the US-NL IGA in order to exercise my right to review the accuracy of the data and to correct any errors that could result in substantive personal harm; the Schrems II ruling noted that there is insufficient opportunity for redress of any errors in the United States when it invalidated the Privacy Shield.

While the US Treasury & Internal Revenue Service refuse to respond to GDPR Subject Access Requests despite their obligation to do so when processing data of a European resident, the Belastingdienst / Ministerie van Financiën are within European Union jurisdiction and as such, are obligated to respond to this request. The non-responsiveness of the IRS / Treasury underscores the importance of the right to review and correct for errors in data being transferred outside of EU jurisdiction, as the United States may take action based on this information without regard for accuracy or due process with regards to European rights.

Having outlined the domain of the data access request, I am now defining its scope:

1. all personal data concerning me that you have stored or transferred, including any potential pseudonymised data on me as per Article 4(5) GDPR;
2. the purposes of the processing;
3. the categories of personal data concerned;
4. the recipients or categories of recipient to whom the personal data have been or will be disclosed;
5. where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
6. where the personal data are not collected from the data subject, any available information as to their source;
7. the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) GDPR and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for me.
8. information concerning the appropriate safeguards according to Article 46 GDPR concerning the transfer and applicable considerations in light of the recent Schrems II ruling.

As laid down in Article 12(3) GDPR, the requested information must be provided to me without undue delay and in any event within one month of receipt of the request.

I am providing the following information necessary to identify me:

Nicholas [REDACTED] Lee

BSN: [REDACTED]

Should this request not be responded to in a satisfactory manner within the stated period, I reserve the right to lodge complaints with the appropriate supervisory authority and to take other necessary action.

Thank you,
Nick Lee

Dit bericht kan informatie bevatten die niet voor u is bestemd. Indien u niet de geadresseerde bent of dit bericht abusievelijk aan u is toegezonden, wordt u verzocht dat aan de afzender te melden en het bericht te verwijderen. De Staat aanvaardt geen aansprakelijkheid voor schade, van welke aard ook, die verband houdt met risico's verbonden aan het elektronisch verzenden van berichten.

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