

INTERNATIONAL TRACING SERVICE (ITS)

Data protection principles

According to the *Agreement on the International Tracing Service*, signed in Berlin on 9 December 2011, the International Tracing Service (ITS) takes all reasonable steps to avoid disclosing information about a person or persons which might prejudice the interests of the person or persons concerned or of their relatives. Article 11 of the said *Agreement* states the following:

- a) *Access to the archives and documents held by the International Tracing Services shall always be granted with due regard to the protection of the privacy of personal data, in accordance with the provisions below. The fulfilment of the humanitarian and research mandates is fully compatible with this Article.*
- b) *The International Tracing Service and the International Commission and the Liaison Officers shall take all reasonable steps to avoid divulging information about a person or persons which might prejudice the interests of the person or persons concerned or of their relatives.*
- c) *The use of personal data based on information taken from the original archives and documents provided by the International Tracing Service at Bad Arolsen, including their dissemination through publications, shall be governed by a set of rules laid down in directives unanimously adopted by the International Commission. Such directives shall give due regard to the interests of a person or persons concerned and their close relatives as well as to the furtherance of research on and knowledge about the period and events covered by the archives and documents held at the International Tracing Service.*
- d) *In providing access to copies of the archives and documents of the International Tracing Service, each Party to the present Agreement, taking into consideration the sensitivity of information these copies may contain, shall ensure through national law adequate protection of personal data derived from such information.*

1. ITS staff policy in responding humanitarian requests

In providing information to inquirers and while giving access to correspondence cases which are over 25 years old, the ITS draws the attention of users to the sensitivity of certain data which that correspondence may contain. When answering requests for information about specific individuals in fulfilment of ITS tracing function, the ITS staff observes special care in dealing with the personal data available in the documents deposited in its collections. In particular,

- The ITS will invite users to treat with due respect information in any historical document or correspondence about a person other than the person on whom information is sought;
- In the case of living persons the ITS will seek the consent of that person before releasing his/her address to a third party;
- When the person sought has explicitly refused permission to release his or her address to an enquirer, the ITS will not transmit this information;
- When judicial authorities have requested the ITS not to disclose information related to an ongoing legal proceeding, the ITS will respect such a request.

2. Research at the International Tracing Service in Bad Arolsen

Researchers who use the ITS archives in Bad Arolsen may have access to all records of which the last entry is older than 25 years, in accordance with the Access Regulations established by the International Commission for the ITS. For files that contain documentation that is both older than 25 years and more recent, access shall be granted, when possible, to the segment of the file that is older than 25 years. Researchers are required to assume full responsibility for respecting all privacy and other relevant practices that may apply. In this regard Article 8 b) of the *Agreement on the ITS* specifies that “*Access to the archives and documents for research at the premises of the International Tracing Service shall be granted provided that all appropriate measures have been taken in order that the activities connected with this research do not significantly impair the fulfilment of the task of the International Tracing Service relating to its humanitarian mandate (...).*”

The *Regulations for Access*, adopted by the International Commission for the ITS on 18 November 2011 state that “*The correspondence between private or official inquirers and the ITS is accessible if it is over 25 years old. (...)*” and specify that the inquirer or user shall bear individual responsibility under applicable national law for the disclosure of personal data.

All users of ITS material are thus required to sign a “User Statement” to fulfil these requirements.

3. Copies of ITS documents in national repositories

Copies of the ITS archives held at national repositories of member States of the International Commission for the ITS will be made available to researchers in accordance with the respective national privacy and other laws that may apply. The member States have agreed that each set of national laws and practices provides sufficient privacy protection for any personal data that may appear in these archives.