

Immigration and Naturalisation Service Caribbean Netherlands

Privacy Statement

Mission:

‘The IND CN is the leading authority in the Caribbean Netherlands in the area of admissions and enforcement. In this capacity it is responsible for the professional, diligent and efficient implementation of migration policy within the Caribbean part of the Netherlands.’

Vision:

‘To contribute to the social and economic development of the Caribbean Netherlands by ensuring that admission applications and requests for Dutch citizenship are assessed by staff who are skilled and motivated and like to put clients first.’

VERSION:
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The Immigration and Naturalisation Service Caribbean Netherlands (*Immigratie- en Naturalisatiedienst Caribisch Nederland*, IND CN) assesses all applications relating to living, working, or studying in the Caribbean Netherlands, as well as applications from individuals who wish to become Dutch citizens.

When carrying out the assessments, the organisation processes the personal data of clients and employees it requires. The IND CN places a great deal of importance on privacy and that is why it processes your data with considerable care and attention. This Privacy Statement explains what data the IND CN collects and why. We also outline who we share your data with and what rights you have.

In order to ensure that everything is explained clearly, there are two information sections for each topic. The first section contains the key information. If you would like to find out more, you can read the information in the **‘More information’** sections.

More information

The IND CN is responsible for implementing immigration policy in the Caribbean Netherlands. This means it assesses all applications from people wishing to live in the Caribbean Netherlands, as well as those who want to become Dutch citizens. This includes refugees who are unsafe in their home countries and are therefore seeking asylum in the Caribbean Netherlands, as well as people who wish to work or study here, or join a family member who is already living here. The IND CN also processes applications from people who have lived here for so long that they would like to become Dutch citizens and are therefore allowed to apply for Dutch citizenship. The IND CN assesses each application against immigration policy rules. This means we carefully consider the account of everyone who submits an application. Each decision therefore takes the individual’s personal situation into account.

The IND CN is a government agency and falls under the Ministry of Justice and Security, where the Minister for Justice and Security is responsible for its work. The IND CN has no influence on immigration policy, which is drawn up by the House of Representatives and the Senate. Rules derived from (international) treaties, such as the Refugee Convention, also have to be taken into account.

The IND CN has offices at three locations in the Caribbean Netherlands. The head office is located at Kaya Gresia 11 in Kralendijk, Bonaire. There are also offices on Saba (Cap Matthew Levenston Street in The Bottom) and on St. Eustatius (Cottageroad z/n in Oranjestad). These offices are where clients can, for example, collect residence documents.

What kind of personal data does the IND CN collect?

The IND CN processes personal data¹ of people applying for a residence permit in the Caribbean Netherlands, or people applying to become Dutch citizens. We also process the personal data of sponsors, family members, interpreters, authorised representatives, IND CN staff and employees of other organisations. The IND CN receives this personal data directly from the individuals concerned, or from other involved persons or organisations.

The IND CN processes general personal data, such as your name, nationality and passport number, date of birth, place of birth and civil status.

The IND CN obtains personal data in various ways:

- The applicant personally provides the personal data relating to themselves in connection with their application. This may also be done via an authorised representative.
- The sponsor of the person seeking permission to become a resident of the Caribbean Netherlands provides the personal data concerning the person in question.
- The applicant provides personal data regarding family members.
- The personal data is provided by other government agencies and bodies.

More information

Data collected by the IND CN

The IND CN collects the following types of personal data:

General personal data

- Name
- Date of birth/age
- Sex
- Nationality
- Country of origin
- Country and place of birth
- Civil status (e.g. single, cohabiting, married)
- Client-client relationships (e.g. spouse/partner of, child of, parent of...)
- Application number (Residence permit application number)
- Central Aliens Register (*Centraal Register Vreemdelingen*, CRV) number (Client number of the residence permit applicant)
- Address
- Foreign address
- Email address
- Telephone number
- Copy of passport/ID document
- Date of registration with the IND CN
- Date of registration in the Population Registry for the Netherlands Antilles and Aruba (*Persoonsinformatievoorziening Nederlandse Antillen en Aruba*, PIVA BES)
- Residence status, type of residence permit and its period of validity
- Bank account number

¹ Section 1(2)(a) of the BES Personal Data Protection Act (*Wet bescherming persoonsgegevens BES*, Wbp BES): personal data: any data relating to an identified or identifiable natural person.

- Application(s) for a residence permit (asylum or regular) and all documents required and listed on the application form.
- Date on which you became a Dutch citizen.
- Personal data contained in documents from your file, for example interview reports, letters and deeds.
- Financial details such as payslips, bank statements, employment contracts and tax data.
- Contact records, for example email correspondence, telephone notes.
- Feedback received: Communication within the immigration chain relating to the implementation of supervision and enforcement measures (covenants).
- The date on which you left the Caribbean Netherlands.
- The country to which you departed.
- Whether the authorities are permitted to deport you from the Caribbean Netherlands (combination of data regarding residence status).

Special personal data

- Race².
- Religious or philosophical beliefs.
- Political persuasion.
- Health.
- Sexual behaviour.
- Trade union membership.

Other data

- Passport number or other identification number.
- Criminal convictions and crime-related or security measures.
- Court-imposed ban resulting from unlawful or nuisance-causing behaviour.

Organisations with which IND CN collaborates and shares personal data:

IND CN collaborates with, among others, the following government agencies and civil society organisations:

- IND Netherlands (*IND Nederland*).
- The Royal Netherlands Marechaussee (*Koninklijke Marechaussee*, KMar).
- The Public Bodies of Bonaire, Saba and St. Eustatius.
- The RCN Unit for Social Affairs and Employment Caribbean Netherlands (*RCN-unit Sociale Zaken & Werkgelegenheid Caribisch Nederland*).
- The Guardianship Council Caribbean Netherlands (*Voogdijraad Caribisch Nederland*).
- The Caribbean Netherlands Tax and Customs Administration (*Belastingdienst Caribisch Nederland*).
- NGOs.
- The Judicial Information Service (*Justitiële informatiedienst*).
- The Caribbean Netherlands Correctional Institution (*Justitiële Inrichting Caribisch Nederland*, JICN)
- The BES Public Prosecution Service (*Openbaar Ministerie BES*, OM BES).

² Data on race is processed if a copy of a Sédula ID card or passport is submitted. It can be inferred from case law that a photograph contains race-related information.

- The Caribbean Netherlands Police Force (*Korps Politie Caribisch Nederland*).
- The Ministry of Justice and Security (Migration Policy Department, (*Directie Migratiebeleid*, DMB)).
- The Ministry of Foreign Affairs (*Ministerie van Buitenlandse Zaken*)³.

Why does the IND CN process your personal details?

The IND CN needs your personal data to perform its work effectively. The IND CN is required to comply with various laws, namely the Netherlands Nationality Act (*Rijkswet op het Nederlanderschap*) and the BES Admission and Expulsion Act (*Wet Toelating en Uitzetting*, BES) and the accompanying rules and regulations. Other applicable rules are laid down in international treaties, such as the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

The IND CN administers records pertaining to foreign nationals using two systems, namely the Foreign Management System (FMS) and the Foreign Management System On-line. Personal data relating to foreign nationals is first verified and then registered in these systems.

More information

Privacy legislation requires the IND CN to process personal data only for clearly defined purposes. Those purposes are described in Section 8(c) and (e) of the BES Personal Data Protection Act (*Wet bescherming persoonsgegevens BES*).

The following is a summary of the purposes for which the IND CN collects personal data:

- In order to implement the BES Admission and Expulsion Act, the Netherlands Nationality Act and other statutory regulations.
- In order to verify, check and refer the data and to make it available.
- To evaluate policy on foreign nationals and IND CN policy.

The purpose for which special categories of personal data are processed is described in Section 2 of the BES Personal Data Protection Act (Sections 16 to 24).

Special categories of personal data are primarily processed in relation to asylum applications (interviews conducted by the IND CN). It is not permitted to issue any data to parties in the country of origin or the country to which the asylum application relates while asylum proceedings are pending. The IND CN does not collect any biometric data, not even for asylum applications. However, data on race is processed if a copy of a Sédula ID card or passport is submitted. It can be inferred from case law that a photograph contains race-related information.

³ Representative of the Leeward Islands: Bonaire, Curaçao and Aruba.

Research

The IND in the Netherlands has a Research & Analysis department that conducts research which may be confidential or public in nature. The IND CN does not have such a department. Requests for research are therefore submitted to the IND CN Unit Manager. He or she assesses requests from external parties for IND CN data to be provided for research purposes. Researchers can request interviews with IND CN staff, as well as quantitative data, case files and internal documents. If permission is granted, the personal data is anonymised to ensure that the external party cannot identify the individuals to whom the data relates.

External researchers sign a confidentiality agreement which stipulates that they will not include any data in the public research report that could be traced back to a specific individual. Figures are rounded off to the nearest ten. Written agreements regarding the data to be used are made for each research project. Written agreements are also made concerning the manner in which information is provided and the (factual) review which the IND CN conducts regarding the publication.

IND CN research falls into three categories:

- 1) Research which is mandatory by law⁴.
- 2) Research by external parties. These may include universities⁵, students, or other organisations.
- 3) Independent research.

More information

Mandatory research

The IND CN cooperates on research conducted by the following institutes:

- The Research and Data Centre (*Wetenschappelijk Onderzoek- en Documentatiecentrum*) (WODC: <https://www.wodc.nl/>)
- The Advisory Committee on Migration Affairs (*De Adviescommissie voor Vreemdelingenzaken*) (ACVZ: <https://acvz.org/>)
- The Inspectorate of Justice and Security (*Inspectie Justitie & Veiligheid*) (Inspectie J&V: <https://www.inspectie-jenv.nl/>)
- The Netherlands Court of Audit (*Algemene Rekenkamer*) (ARK: <https://www.rekenkamer.nl/>)
- The United Nations High Commissioner for Refugees (UNHCR: <https://www.unhcr.org/nl/>)

Non-mandatory research

In terms of the non-mandatory academic research category the IND CN supports Dutch and

⁴ See Section 3 of the BES Personal Data Protection Act.

⁵ See Section 3 of the BES Personal Data Protection Act (exception for scientific research).

foreign universities. This may concern research conducted by academic staff or research carried out by students for master's theses.

Research by civil society organisations

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

- National Institute for Public Health and the Environment (*Rijksinstituut voor Volksgezondheid en Milieu*, RIVM) (RIVM: <https://www.rivm.nl/>)
- International Centre for Migration Policy Development (ICMPD: <https://www.icmpd.org/home/>)
- The Dutch Research Council (*De Nederlandse Organisatie voor Wetenschappelijk Onderzoek*) (NWO: <https://www.nwo.nl/>)
- Statistics Netherlands in the Caribbean Netherlands (*Centraal Bureau voor de Statistiek Caribisch Nederland*) (<https://www.cbs.nl/>)
- Tourism Bonaire (<https://www.tourismbonaire.com/>)

For more information on the background and nature of the research conducted by these institutes, please visit the websites listed above.

Personal data is processed only when necessary for the research in question

In general, personal data is only processed in the context of research when strictly necessary in order for the research in question to be conducted. Research results may be published in scientific articles and/or on the research institutes' websites.

Published articles will contain anonymised and/or aggregated research results. The privacy of research participants is safeguarded by privacy regulations and the researchers themselves sign a confidentiality agreement.

More information about IND CN research

For more information about research conducted within and by the IND CN, please contact the IND CN Unit Manager via the email address: IND@rijksdienstcn.com.

Who does the IND CN pass your personal details on to?

In accordance with the BES Admission and Expulsion Act, the IND CN is permitted or required to provide information to other government organisations to enable them to perform their duties, following a request or demand received from those organisations and often on the basis of a statutory obligation or a covenant.

The IND CN assesses whether it is necessary to disclose your personal data and whether doing so would cause any harm in terms of your private life. The IND CN considers the reason why the organisation requires the data and whether the objective could be achieved using less personal data or none at all.

More information

The IND CN shares personal data with other organisations within the immigration chain. These include the Repatriation and Departure Service (*Dienst Terugkeer & Vertrek*, DT&V), the Royal Netherlands Marechaussee, the Caribbean Netherlands Police Force, the Ministry of Foreign Affairs, the Caribbean Netherlands Correctional Institution, the RCN Unit for Social Affairs and Employment (Caribbean Netherlands), the Public Bodies of the Caribbean Netherlands, and the Guardianship Council Caribbean Netherlands. Each of these organisations plays a specific role in managing the arrival, stay, and departure of foreign nationals in/from the Caribbean Netherlands. The IND CN also shares data with other Dutch government organisations, such as the BES Public Prosecution Service.

Occasionally, the IND CN shares data with non-governmental organisations. Often these are associations and foundations, such as 'CARITAS BONAIRE'. Personal data is only issued to these organisations if they need it to implement immigration policy.

How does the IND CN protect your personal data?

The IND CN has taken measures to secure personal data and prevent misuse. Anyone with access to the data is required to keep the information confidential.

More information

Clients and employees need to be able to have faith that any personal data held by the IND CN is in safe hands. That is why the IND CN has appropriate technical and organisational measures in place to protect personal data.

The IND CN has entered into a data processing agreement with the Foundation for the Management of ICT in Law Enforcement (*Stichting Beheer ICT Rechtshandhaving*, SBIR) to cover the processing and protecting data within the FMS and FMS-online systems. This agreement regulates, among other things, the processing of personal data and the security of that processing within the framework of the agreement.

The IND CN has implemented additional measures to ensure the ongoing protection of your data, including adjustments to technology and processes. The IND CN also trains its staff on the risks involved and how to deal with them, makes sure that risks are mitigated and monitors the measures taken.

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

The IND CN may forward personal data to other countries or (international) organisations. If third countries are involved that do not offer guarantees of an adequate level of protection, the exchange will take place in accordance with the safeguards set out in Section 43 of the BES Personal Data Protection Act. If an asylum procedure is pending, no data will be issued to the country of origin, or the country to which the asylum application relates.

Forwarding your personal data to countries or organisations outside the European Union

In such cases the IND CN takes measures to protect your personal data. The IND CN also exchanges personal data with embassies, for example within the framework of issuing a provisional residence permit (*machtiging tot voorlopig verblijf*, MVV). Personal data may also be exchanged with the countries that foreign nationals come from, for example in a 'deportation' context. Such exchanges take place in accordance with Sections 42 and 43 of the BES Personal Data Protection Act.

More information

The exchange of data with other organisations in the Caribbean Netherlands, the Netherlands, Curaçao, Aruba and St. Maarten⁶

The IND CN also has to be able to share personal data with law enforcement agencies, foreign authorities and networks of liaison officers. It only does so if the personal data in question is needed to:

- implement the BES Admission and Expulsion Act;
- implement the Netherlands Nationality Act;
- prevent (identity) fraud⁷
- prevent and tackle irregular migration, or
- prevent, investigate, detect and prosecute migrant smuggling or human trafficking.

This type of processing of personal data is subject to the BES Personal Data Protection Act. This implies the following:

1. Personal data must be deleted when no longer required for the purpose for which it was collected or processed.
2. Any exchange of personal data is limited to what is strictly necessary for the application of the BES Admission and Expulsion Act and the Netherlands Nationality Act.

⁶ Aruba and St. Maarten do not, as yet, offer any guarantees of an adequate level of protection because they do not have any adequate legislation and no supervisory authority (see Sections 42 and 43 of the BES Personal Data Protection Act).

⁷ Section 9 of the BES Personal Data Protection Act (further processing).

How long is your personal data retained?

The IND CN retains personal data only for the purpose for which it was collected. The IND CN does not retain it for any longer than necessary. The retention periods are set out in the Public Records Act (*Archiefwet*).

More information

The Minister of Justice and Security has a duty of care to maintain the IND's archive properly and to ensure that it is accessible. That duty of care is an administrative responsibility laid down in Section 3 of the Public Records Act 1995 (*Archiefwet 1995*). The same applies to the IND CN archive.

The Minister of Justice and Security has drawn up retention and disposal schedules, as referred to in Section 5 of the Public Records Act 1995. These retention and disposal schedules state how long the IND CN is required to keep documents in its archive and whether an archived document can be destroyed after a certain period of time.

The IND CN has drawn up the following retention and disposal schedules:

- 1) Retention and disposal schedule of the outcome of actions taken by the Minister of Justice and subordinate bodies in the policy area of admitting foreign nationals 1945–1993, 13 February 2002, R&B/OSA/2002/578 (Government Gazette no. 95, 23 May 2002).
- 2) Retention and disposal schedule of the outcome of actions taken by the Ministry of Justice in the policy area of Admitting Foreign Nationals since 1945, 20 November 2009, no. NA/09/3091 Government Gazette no. 1754, 9 February 2010.
BSD_Actualisatie_Toelating_Vreemdelingen_stcrnt_09_02_2010.pdf
- 3) Adoption of retention and disposal schedule for the policy area of Nationalities over the period since 1945, 17 March 2003, no. C/S/03/705 (Government Gazette no. 86, 6 May 2003).
BSD Nationalities 1945 – present day

These retention and disposal schedules are published in the Government Gazette.

- All IND CN retention periods.
- Bases for the retention periods.

Retention periods

Records concerning foreign nationals who are granted permanent residence are retained forever.

Since 1990, records relating to foreign nationals who are granted a temporary residence permit are retained for 15 years. The retention period commences on the date of departure.

Records relating to foreign nationals who acquire Dutch citizenship are retained forever and constitute an important source of information for immigrants and their descendants regarding their arrival in the Netherlands.

These retention periods were established following advice from the Dutch Council for Culture (*Raad voor Cultuur*). The retention and disposal schedule was formally adopted by the Minister of Education, Culture and Science and the Minister of Justice.

IND Director General responsible for records management policy

The Director General of the IND is responsible for devising the records management policy on behalf of the Minister of Justice. This is stipulated in Section 14 of the Public Records Decree and Section 3(5) of the records management regulations of the Ministry of Justice and Security. The Director General is required to involve the State Archivist and an external expert in the drafting of a retention and disposal schedule. The definitive retention period is determined by weighing up a number of interests, of which privacy is one.

Requesting file documents from before 10-10-2010

Unfortunately, these documents cannot be provided. The Shared Service Organisation (SSO) of the National Office for the Caribbean Netherlands (*Rijksdienst Caribisch Nederland*) destroyed all archives dating from before 10-10-10 in accordance with retention and disposal schedules. This was agreed upon in 2011 when the archive was established, namely that only documents dating from 10-10-10 onwards would be archived.

What are your privacy rights?

You have the following rights in relation to your personal data:

- The right of access.
- The right to amend (rectify).
- The right to have your data deleted.
- The right to restrict its processing.
- The right to transfer your personal data to another party.

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

To exercise any of these rights you should send a letter to:

IND CN
Kaya Gresia 11
Kralendijk
Bonaire
Caribbean Netherlands

Alternatively, you can send an email to: IND@rijksdienstcn.com.

Your letter or email should include the following:⁸

- A description of the data you wish to receive, have supplemented, amended, or deleted, or to which you wish to object.
- The name, address, place of residence, telephone number, email address and date of birth of the person making the request.
- The signature of the person making the request.
- A copy of the pages containing identity details from a valid passport, or a copy of the front and back of a valid identity card (Sédula). You can opt to obscure your passport photo, passport number, or personal identification number.⁹

⁸ CBP website

⁹ CBP website

- If you are making a request on somebody else's behalf, the person for whom you are making the request must authorise you to do so. Please include a signed letter of authorisation along with a copy of the authorised person's passport. If the person making the request is represented by a lawyer, the latter is always authorised to submit such a request.
- If applicable, you should also submit a copy of the death certificate of the person concerned.¹⁰
- You will receive a response to your request within one month. This deadline can be extended by two months, if the IND CN needs more time.

More information

Right of access

This is the right to view your personal data held by IND CN. Family members are only allowed to view your file if you have given them written permission (authorisation). Parents and legal representatives are allowed to view the files of their children who are under the age of 16. Anyone aged 16 or older can themselves take a decision on (granting permission for) access. The IND CN may refuse access to (part of) your file, if that would violate another person's privacy. Surviving relatives do not have the right to access the file of a deceased person.

Right to rectification

If you believe your personal data is incorrect or incomplete, you can ask the IND CN in writing to amend the data. If we are not prepared to amend the data, we will clearly explain the reason.

Right to erasure

You can ask the IND CN to erase (some of) your data from the file. If we are not prepared to erase the data, we will clearly explain the reason.

Automated decision-making

The IND CN does not use automated decision-making processes without any human intervention. This means that a member of staff will always be involved.

Questions or complaints

If you have any additional questions, require a more detailed explanation, or are dissatisfied with how the IND CN handles your personal data, you should contact the IND CN Unit Manager.

¹⁰ BES Personal Data Protection Act relates to people who are still alive. Consequently, if the request relates to someone who has passed away, data relating solely to the deceased person is not covered by the BES Personal Data Protection Act. However, it does apply if the documents also contain details of other people (who are still alive).

You can submit a written complaint to:

IND CN
Kaya Gresia 11 in Kralendijk, Bonaire
Caribbean Netherlands

You can submit your complaint digitally to: IND@rijksdienstcn.com.

If you are dissatisfied with the response to your complaint, you can submit a complaint to the BES Personal Data Protection Supervision Commission (*Commissie toezicht bescherming persoonsgegevens BES*, CBP BES). You can do this via the email address: info@cbpbes.com

More information

The IND CN falls under the authority of the Director General of IND Netherlands and is a government agency of the Ministry of Justice and Security. The Minister for Justice and Security is responsible for its work. The Data Protection Officer at the Ministry of Justice and Security monitors whether the IND CN applies and complies with the BES Personal Data Protection Act. This officer is formally the point of contact regarding the processing of personal data within the ministry.

When was this Privacy Statement last updated?

Legislation and our services are constantly evolving. We monitor any developments closely and adapt our organisation as effectively and quickly as possible. Doing so may have consequences for the way we handle personal data and that is why we regularly update this Privacy Statement. We therefore recommend that you read the latest version whenever one becomes available and we will update you if any major changes are made.