

Mr Marc SCHAUSS
Data Protection Officer
Court of Justice of the European
Communities
Boulevard Konrad Adenauer
L - 2925 LUXEMBOURG

Brussels, 15 July 2005
JBD/SLx/ktl D(2005)443 C 2004-0283

Dear Mr Schauss,

We have received the notification for prior checking on training: data base of courses attended on an individual base and thank you for this.

This case was initially qualified as a case for prior checking on the basis of the information received on the processing operation which referred to a data base of courses attended on individual basis. The case therefore seemed to fall under Article 27(2)b.

After examining the notification form, however, we question whether the case should actually be qualified as a prior checking case.

Article 27(2) b of Regulation EC No 45/2001 covers "processing operations intended to evaluate personal aspects relating to the data subject, including his or her ability, efficiency and conduct". The main purpose of the processing operation must therefore be the evaluation of data subjects. This is not however the main objective of the data base under examination even though certain information may be of relevance in an evaluation procedure.

The only part of the data base which seems to have relevance for Article 27(2)b of Regulation EC No 45/2001 is the SUIVI data base: absences of translation directorate in which absences (among which training absences) can be taken into account when calculating the number of working days of a staff member in order to assess his/her work. Having said this, the SUIVI data base is already subject to prior check as concerns sick leave (case 2004-279).

Unless you can give us specific grounds to reconsider, we have therefore decided not to prior check this processing of personal data in itself and to close case 2004-283. We will handle to the relevant aspects of the SUIVI data base in the prior checking case 2004-279. Any relevant information for the SUIVI data base is of course welcome.

Yours sincerely,

Joaquín BAYO DELGADO