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ASSISTANT SUPERVISOR

Ms. Maria ARSENE
Data Protection Officer
Committee of the Regions
Rue Belliard 101
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JBD/kdl D(2007)1118 C 2007-369

Dear Ms Arsène,

After having reviewed the notification on 'Accreditation', we have concluded that the case is **not subject to prior checking** by the EDPS.

The processing was submitted under Article 27(2)(a) of the Regulation (EC) No 45/2001 ("the Regulation") since it concerns security measures. The notification refers to 'security measures' taken in order to guarantee the security of the buildings managed by the common service of the European Economic and Social Committee and the Committee of the Regions.

The interpretation consequently followed by the EDPS on the words 'security measures' ('mesures de sûreté' in French) is that they mean measures concerning natural persons in order to prevent future crimes, to ensure smooth criminal procedure, etc., as they are included in **Article 27(2)(a)** together with suspected offences, offences, criminal convictions. Based on these considerations and the description of the processing operation in your notification we have come to the conclusion that the processing is not subject to prior checking by the EDPS under Article 27(2)(a).

Furthermore, we have considered whether the processing falls under **Article 27(2)(b)** of the Regulation. The processing aims at establishing the list of persons admitted to enter the buildings of the EESC and CoR. Different personal data (name, personal number, sex, photo, car registration number, identity card number, date of birth and nationality) are processed for the decision on granting or not access to the buildings. This decision, however, does not concern evaluation of personal aspects like ability, efficiency or conduct of the data subject. The establishment of the list is rather a technical operation depending on formal criteria than an assessment of personal aspects. Taking into account these aspects, we have concluded that the processing does not fall under the scope of Article 27(2)(b).

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Finally, we considered **Article 27(1)** of the Regulation especially in connection with the processing of the photo which is biometric data. As it was already pointed out by the EDPS in a previous case¹, the sole processing of the photo (not combined with other biometric data) in itself does not present specific risks which would justify prior checking under Article 27(1) safe other circumstances of the processing lead to specific risks.

Due to the above mentioned arguments we have decided to close the case. However, if you believe that there are other factors justifying prior checking of the notified processing, we are prepared to review our position.

Yours sincerely,

Joaquín BAYO DELGADO

¹ See point 4 of Opinion on "Laissez-passer communautaire" EDPS case number: 2006-111