



Opinion on the notification for prior checking from the Data Protection Officer of the Joint Research Centre (Ispra) regarding social, financial and practical assistance

Brussels, 24 July 2007 (Case 2007-304)

1. Procedure

On 21 May 2007 notification within the meaning of Article 27(3) of Regulation (EC) No 45/2001 was given by the Data Protection Officer (DPO) of the European Commission concerning "social, financial and practical assistance" at the Joint Research Centre (ISPRA).

Questions were put on 8 June 2007 and replies received on 15 June 2007.

2. The facts

A general description of the facts of the processing operation under examination is given in Opinion 2004-223 issued by the European Data Protection Supervisor (EDPS) on 22 December 2005. Only the facts described below differ.

The controller is Mr David Wilkinson, Director at the Joint Research Centre Directorate-General (JRC). Recipients of the various services are informed via a "confidentiality clause" which, in addition to the items mentioned in the European Commission document, includes the following items of information: the categories of data and the data storage period. Data subjects may exercise their rights - the rights of access and rectification - by submitting a request for access to/correction of their data to the following e-mail address: jrc-socialserv@ec.europa.ec. The processing operation is exclusively manual. Personal data are kept for a maximum of five years after closure of the file.

3. Legal aspects

3.1. Prior checking

The JRC is a Directorate-General of the European Commission. The processing under examination is very similar to that put in place by the Commission. The Commission's social and financial assistance processing operation has already been checked by the EDPS in his Opinion on the notification for prior checking from the European Commission's DPO regarding social, financial and practical assistance (Case: 2004-223) published on 22 December 2005. The analysis below will therefore simply check the points of difference between the processing operation under examination and the one already checked. The recommendations made by the EDPS for Case 2004-223 obviously also apply to the

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processing operation under examination. Analysis of the notification of processing from the JRC (Ispra) showed that the processing complied with the recommendations established for Case 2004-223.

The only difference in the legal analysis determining whether or not the processing should be submitted for prior checking is that the processing is manual. As the processed data form part of a filing system - an individual file for each type of assistance proposed (Article 3(2)) - the processing therefore falls within the scope of Regulation (EC) No 45/2001.

The formal notification was received by e-mail on 21 May 2007. An e-mail requesting additional information was sent on 8 June 2006. In accordance with Article 27(4) of Regulation (EC) No 45/2001, the two-month period within which the EDPS must deliver an opinion was suspended. Replies were sent by e-mail on 15 June 2007, involving a suspension of 7 days. The EDPS will therefore deliver an opinion by 29 July 2007 (22 July plus 7 days of suspension).

3.2. Conservation of data

Personal data must be "kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the data were collected or for which they are further processed. (...)" (Article 4(1)(e) of Regulation (EC) No 45/2011).

For the record, data are kept for five years after closure of the file. The EDPS considers this period to be reasonable in view of the purpose of the various types of assistance.

3.3. Right of access and rectification

Article 13 of the Regulation makes provision, and sets out the rules, for right of access at the request of the data subject. Article 14 of the Regulation allows the data subject a right of rectification.

In this case, data subjects may exercise the rights of access and rectification by submitting a request for access to/correction of their data to the following e-mail address: jrc-socialserv@ec.europa.ec. Articles 13 and 14 of the Regulation are therefore duly complied with.

3.4. Information for data subjects

The Regulation provides that the data subject must be informed where his or her personal data are processed and lists a series of specific items of information that must be provided. In the present case, some of the data are collected directly from the data subject and other data from other persons. Articles 11 and 12 of the Regulation apply.

In addition to the items of information provided for in the European Commission's ad hoc document, the JRC (Ispra) "confidentiality clause" includes the categories of data and the data storage period. Articles 11 and 12 of the Regulation are therefore duly complied with.

4. Conclusion

The proposed processing operation does not appear to involve any infringement of the provisions of Regulation (EC) No 45/2001.

Done at Brussels,

(signed)

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Assistant European Data Protection Supervisor