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UNITED KINGDOM

Brussels, 31 August 2007  
JBD/SM/ktl D(2007)1305 C 2007-0497

**Subject:** Notification for prior checking of the processing of personal data for the purposes of administering the Diplomatic Registration Document (DPD)  
**Your ref:** EMA/361372/2007

Dear Mr Salvatore,

Thank you for your notification for prior checking of DPD. Having studied the information provided in the notification, the EDPS is of the opinion that the administration of DPD does not fall to be prior checked under Article 27 of Regulation 45/2001.

Article 27(1) provides that "*Processing operations likely to present specific risks to the rights and freedoms of data subjects by virtue of their nature, their scope or their purposes shall be subject to prior checking by the European Data Protection Supervisor*". Article 27(2) provides some examples of processing operations which are likely to present such risks. As this list is not exhaustive, the EDPS has included some specific cases falling under Article 27(1) and not mentioned in 27(2), such as biometrics and breach of confidentiality.

The notification of DPD states that the specific risk is in the fact that a photo of the data subject will reveal ethnic origin. The EDPS is of the opinion that the processing of a photograph for the purposes of administering DPD is not, in itself, a specific risk to the rights or freedoms of the data subject which would necessitate a prior check. Indeed, although photographs are biometric data, when used by themselves without other data of that category, do not pose specific risks. As to the fact that they reveal ethnic origin and thus come under Article 10 of the Regulation, it should be borne in mind that not all sensitive data as defined in Article 10 are taken as a criterion in Article 27(2)(a).

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Should you have any further questions about any issue raised in this letter, please do not hesitate to contact me.

Yours sincerely,

Joaquín BAYO DELGADO