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ASSISTANT SUPERVISOR

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Dear Ms Martel,

We have received the notification for prior checking on the Legal Entity and bank identification. After examining the notification form, we have analysed whether the case should actually be subject to prior checking.

Article 27.1 of Regulation EC 45/2001 covers "*processing operations likely to present specific risks to the rights and freedoms of data subjects of subjects by virtue of nature, their scope or their purposes*". There do not seem to be any specific risks which would qualify the case "Legal entity file" for prior checking.

In your notification form, you mentioned that there is a relation with the processing operations listed in Article 27.2.a of the Regulation (*processing of data relating to health and to suspected offences, offences, criminal convictions or security measures*).

Our assumption is that you have indicated this relation with Article 27.2.a, because of the mention in the privacy statement of the Early Warning System (EWS). The EWS introduces a flag into the Legal Entity File if appropriate, so that anyone accessing to LEF for consulting a single accounting position for an entity is informed of the existence or not of an EWS flag and which one.

EWS flags are data produced in the course of a separate processing and this processing has been already subject to prior checking on its own merits. We have handled the relevant aspects of the LEF in the prior checking case 2005-120 (Early Warning System). For this reason the EDPS is of the opinion that the LEF system in itself is not subject to prior checking.

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Regarding the privacy statement, I would suggest the following redaction for the last sentence: "Should a conflict not be resolved by the Controller or the Data Protection Officer you may lodge a complaint with the EDPS at any time".

Therefore, unless you can give us other specific grounds to reconsider, or you can demonstrate the existence of particular risks to the rights and freedom of the data subjects, we have decided not to prior check the processing operation "Legal Entity File".

Yours sincerely,

(signed)

Joaquín BAYO DELGADO