



JOAQUIN BAYO DELGADO
ASSISTANT SUPERVISOR

Mr Philippe RENAUDIERE
Mr Louis GEORGES
European Commission
BRU BERL 08/180
B - 1049 BRUSSELS

Brussels, 19 March 2008
JBD/ZB/ab D(2008)402 **C2008-0151**

Dear Mr Renaudière and Mr Georges,

After examining the available information on the "Staff management at JRC-ITU in Karlsruhe", the European Data Protection Supervisor concludes that the case is not subject to prior checking and he closes the case.

The prior checking notification ("Notification") was submitted under Article 27(2) (a) and (b) of Regulation (EC) 45/2001.

Paragraph (a) deals with processing of data relating to health and to suspected offences, offences, criminal convictions or security measures. Paragraph (b) deals with processing operations intended to evaluate personal aspects relating to the data subject, including his or her ability, efficiency and conduct.

The data processing described in the Notification essentially consists of holding various lists with information such as contact details, birthday dates, changes in the staff table (arrivals, departures, etc), as well as information regarding the salaries and social security contributions of certain staff members. These data, then, are typically used whenever the staff member needs to be contacted or the data held need to be communicated to parties within or outside JRC-ITU (e.g. to arrange for a medical check-up or to determine the amount of contributions payable for the crèche).

Although it is clear that these uses of the database are related to quite distinct processing operations, they have not been described in the Notification with sufficient detail. Therefore, it is reasonable to conclude that they do not come within the scope of the Notification.

It is possible that some of these distinct processing operations may need to be submitted for prior checking. For example, it is likely that there will be a need to submit a prior checking

notification with regard to the crèche on grounds that medical data of the children are processed.

On the contrary, collecting and storing contact lists, salary and birthday data and similar information, which appear to be the subject of the Notification on "Staff management at JRC-ITU in Karlsruhe", in itself does not appear to either (i) involve health data or data relating to suspected offences, offences, criminal convictions or security measures that would fall under Article 27(2) (a) of Regulation (EC) 45/2001, or (ii) be intended to evaluate personal aspects relating to the data subject, which would lead to the applicability of paragraph (b).

However, if you believe that there are other factors justifying prior checking of the Staff management at JRC-ITU in Karlsruhe", we are, of course, prepared to review our position.

I would appreciate if you could share these considerations with the controller. We remain available for any further consultation on the above matters.

Yours sincerely,

(signed)

Joaquín BAYO DELGADO