



JOAQUIN BAYO DELGADO  
ASSISTANT SUPERVISOR

Mr David WILKINSON  
Director  
European Commission  
Joint Research Centre  
IPR-6 1/118

Brussels, 13 October 2008  
JBD/SLx/ktl D(2008)1449 C 2008-0492

Dear Mr. WILKINSON,

I am writing to you in reply to the notification received by the European Data Protection Supervisor (EDPS) on 25 August 2008 for the prior checking of processing operations on personal data concerning the "Recording of Emergency calls at the JRC ISPRA site" (2008-0492).

The notification concerns the processing of personal data in a procedure similar to one which has already been subject to prior checking on the recording of the line reserved for emergency and security calls in the European Commission in Brussels (88888) which led to an opinion by the EDPS adopted on 22 May 2006 (C 2006-0002).

The procedure under examination concerns the recording of communications by the fire brigade of the ISPRA site Directorate (ISD) and by the JRC emergency control room (SEOS). The Fire brigade manages the internal emergency phone number 5666 and an external emergency phone number to communicate with the Italian authorities as part of its around the clock service. The SEOS is equipped with several emergency phones (3 internal and 3 external lines). All incoming and outgoing calls to these phone lines are recorded on tape.

In this respect, and taking into account that the procedures are nearly identical, the EDPS refers you to the opinion C2006-0002 previously adopted, whose recommendations are also applicable. Please find a copy attached for your convenience. I will only highlight in the present letter the differences between the two procedures which are likely to affect the processing of personal data.

### **Legal basis**

The legal basis of the processing at the JRC is different to the one of the recording of communications at the Commission. Indeed, whereas the recording of emergency calls at the Commission is considered as lawful on the basis of Article 5a, based on an internal procedure, the recording of communications at JRC ISPRA is founded mainly on national legislation applicable to nuclear sites, incumbent to the Community institutions and bodies, according to the jurisprudence of the ECJ on their compatibility with the Treaties.

---

Postal address: rue Wiertz 60 - B-1047 Brussels

Offices: rue Montoyer 63

E-mail : [edps@edps.europa.eu](mailto:edps@edps.europa.eu) - Website: [www.edps.europa.eu](http://www.edps.europa.eu)

Tel.: 02-283 19 00 - Fax : 02-283 19 50

## **Conservation of data**

The EDPS notes that the SOES records are retained until the end of the tape. New data will then overwrite old data. As they include traffic data, the EDPS would like to be assured that the data are not kept for longer than 6 months in accordance with Article 37 of the Regulation unless further conservation can be based either on a legal claim pending before Court or an ongoing security/administrative inquiry.

## **Transfers of data**

In the Commission system (C2006-0002), no transfers outside the DG ADMIN/DS are envisaged except in the event of a national investigation in which case the data are communicated to national judiciary authorities. In the procedure under examination the data may be communicated not only to the Italian authorities, but also to the staff members from DG ADMIN/DS. This latter transfer must be examined in the light of Article 7 of the Regulation according to which personal data may only be transferred within or to other Community institutions or bodies if the data are necessary for the legitimate performance of tasks covered by the competence of the recipient. Furthermore, the recipient shall process the personal data only for the purposes for which they were transmitted. If the EDPS can reasonably presume that the data are communicated to DG ADMIN/DS in its competence of ensuring the security at the Commission, the EDPS considers that staff members at DG ADMIN/DS must be reminded that they can only process the data for that specific purpose.

## **Information to data subjects**

The recording of emergency calls at ISPRA concerns both internal and external calls. Staff are informed of the recording procedure by way of a Privacy Statement published on the JRC ISD intranet. The EDPS would like to underline that since it cannot be excluded that external persons make use of the emergency lines in the event of reporting an incident, information must also be provided to these persons. This could take the form of a privacy statement posted at the bottom of the notice on the emergency procedure.

The EDPS therefore invites the JRC ISPRA to provide the EDPS with feedback on the points mentioned above in order to bring the processing operation in line with Regulation (EC) 45/2001. Please inform the EDPS of the measures undertaken in this respect within three months of the reception of this letter.

Yours sincerely,

Joaquín BAYO DELGADO

Cc. Mr. Philippe RENAUDIÈRE, Data Protection Officer, European Commission  
Mr. Yves CRUTZEN  
Mr. Carlo RITEROW, DPC JRC

*Annex:* EDPS Opinion on the notification for prior checking from the Data Protection Officer of the European Commission on recording the line reserved for emergency and security calls in Brussels (88888) (C2006-0002)