



PETER HUSTINX
SUPERVISOR

Ms Catherine DAY
Secretary-General
European Commission
BRU-BERL 13/173
B-1049 Brussels

Brussels, 4 October 2011
PH/IC/kd/D(2011)1698 C 2011-0387

Dear Ms Day,

The European Data Protection Supervisor (EDPS) has received enquiries concerning the proportionality of the information collected by the European Commission when awarding funding to projects carried out by national public bodies and/or private companies, in order to demonstrate the competencies of the staff assigned to these projects as well as the expenditure involved in their remuneration.

Following our correspondence with the European Commission's Data Protection Officer, it appears that the Commission does not have either a harmonised policy on the funding procedures or a standardised data collection form.

For the funding programmes for which we have been provided with information¹, it appears that the Commission generally requires an employment contract and/or pay slip plus proof of payment of salary to be provided in order to verify the working hours and to establish the costs incurred. Additionally it appears that the Commission requires this information to include names for the purposes of auditing the correct use of European Union funds, in accordance with the Financial Regulation and European regulations governing the different European funds.

The EDPS would reiterate that, under the data protection principles set out in Article 4 of Regulation (EC) No 45/2011, the Commission may only collect personal data which is relevant to and necessary for the intended purpose. The EDPS reminded the Commission of this in particular with regard to prior checking concerning procurement procedures and calls for expressions of interest for selection of experts (file 2009-0570, opinion adopted on 15 April 2010²).

¹ Additional information was received regarding the programmes specifically mentioned by the French National Commission for Data Protection (CNIL), which are the Prevention and Fight Against Crime (ISEC) and Territorial cooperation (SUDOE) programmes.

²http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Supervision/Priorchecks/Opinions/2010/10-04-15_Commission_selection_experts_EN.pdf

If it is deemed necessary for certain personal information to be collected regarding the recipients of European funding and the persons they employ, such as pay slips, evidence of payments and copies of employment contracts, it is nonetheless not necessary to obtain other personal information such as the family quotient, social security number or bank details which may appear on the pay slip or any other supporting document.

The EDPS recommends that the Commission considers using a method which would avoid collecting the data which is not required. This could, for example, involve advising those people concerned to hide or remove those details which are irrelevant, inappropriate or excessive in nature.

I would be grateful if you could inform me of the measures taken by the Commission to comply with these recommendations mentioned above, within a period of two months from the receipt of this letter.

Yours sincerely,

(signed)

Peter Hustinx

Cc: Mr Philippe Renaudière, Data Protection Officer,
European Commission