



EUROPEAN DATA  
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Brussels, 21 November 2013  
GB/OL/sn/D(2013)0498 C 2013-0653  
Please address all correspondence to  
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Dear Ms Altenberg

On 17 June 2013, the Data Protection Officer of the European Parliament ('EP') submitted a notification in accordance with Article 27 of Regulation (EC) No 45/2001 ('the Regulation') for the prior checking of processing operations involving personal data in the context of the procedure for the awarding of 'grants for university based interpreting courses'.

On 25 June 2013, the EDPS published its guidelines on public procurement, grant awards and management and the selection of external experts.<sup>1</sup> The notified processing operation comes under the processing operations covered by these guidelines. The analysis will therefore focus on the aspects which deviate from these guidelines. On 18 July 2013, the EDPS asked for additional information, which was received on 23 July 2013. On 1 October 2013, the draft opinion was sent to the European Parliament's Data Protection Officer for comments. These were received on 8 November 2013.

### **The Facts**

The purpose of the processing operation is the awarding of grants for university based interpreting courses. The EP, in conjunction with the European Commission ('EC'), launches calls for applications via its website.

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<sup>1</sup> Available on the EDPS's website: <https://secure.edps.europa.eu/EDPSWEB/edps/Supervision/Guidelines> (currently available in English only).

The legal basis for the processing operation is said to derive from Articles 54(2)(e) and 121 et seq. of Regulation No 966/2012, the Financial Regulation.

According to the notification, the controller is the EP. The unit responsible for processing the personal data checks the eligibility of the applications, which are then evaluated by an evaluation committee. This committee comprises representatives of the EP and of the EC. Thus, certain tasks are shared between the EP and the EC.<sup>2</sup>

The personal data processed in this procedure relate to the individuals representing the candidate universities (identity and professional contact details) and the career details of teaching staff at the candidate universities (i.e. CVs).

A privacy statement is appended to the application form which has to be submitted to the EP and the EC. This statement directs the individuals concerned to a form on the EP's website where they can exercise their rights.

All files are kept for five years from budget discharge, which takes place two years after the year in which the grants were awarded. The total period is therefore seven years.

The data are forwarded to the members of the evaluation committee and may, on their authority, also be forwarded to OLAF, the Court of Auditors and the Court of Justice. The additional documentation appended to the notification also states that some data may be forwarded to the managers of the Early Warning System and the Central Exclusion Database. The EP has clarified that these data are forwarded not by the EP but by the EC.

### **Legal analysis**

The grant award procedure is managed jointly by the EP and the EC: application forms must be submitted to the EP and the EC; the evaluation committee comprises representatives from both institutions; grants are monitored either by an EP unit or by an EC unit using the same rules. It appears therefore that responsibility is shared between the EP and the EC. Since the processing operation has been notified by the EP, this opinion relates only to the activities of the EP.

As far as the retention period is concerned, the 7-year period provided for complies with the guidelines in the case of successful grant applications. For unsuccessful applications, the guidelines specify a retention period of 5 years. **The EDPS draws the EP's attention to the guidelines and invites it to justify the retention period for unsuccessful applications (taking into account the time required for appeals) or to revise the retention period.** The EDPS also wishes to draw your attention to Article 48(3) of Delegated Regulation (EU) No 1268/2012 (rules of application of the financial regulation), which states that 'personal data contained in supporting documents shall be deleted where possible when those data are not necessary for budgetary discharge, control and audit purposes.' **The EP is therefore invited to review the options for deleting personal data contained in files before the end of the retention period.**

As far as the privacy statement is concerned, the EDPS wishes to emphasise that use of the form by the individuals concerned to exercise their rights cannot be mandatory. A form of this type can be a way of making the processing of applications more economical but the fact that a particular individual does not use it must not in itself result in a negative response.

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<sup>2</sup> The procedure is also explained on the EC's website: [http://ec.europa.eu/dgs/scic/cooperation-with-universities/training-grants/index\\_en.htm](http://ec.europa.eu/dgs/scic/cooperation-with-universities/training-grants/index_en.htm).

**Conclusion**

The proposed processing operation does not appear to contravene the provisions of the Regulation, provided that the above-mentioned recommendations are taken into account.

Please advise the EDPS of the action taken to comply with the recommendations made in this opinion within 3 months.

Yours sincerely

**(signed)**

Giovanni BUTTARELLI

Cc: Mr Secondo Sabbioni, Data Protection Officer, European Parliament