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GB/OL/sn/D(2014)1610 C **2013-0780**
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Dear Mr Bosman,

On 2 July 2013, the Data Protection Officer (DPO) of the ECDC notified a set of processing operations named "selection of EPIET and EUPHEM fellows" to the European Data Protection Supervisor (EDPS) for prior checking under Article 27 of Regulation (EC) 45/2001 ("the Regulation").

As the notification was received as an ex-post case, i.e. the processing was already occurring at the time of notification, the deadline of two months for the EDPS to issue an Opinion does not apply.

As this set of processing operations is similar to other processing operations already prior-checked by the EDPS and can also subsumed under the processing operations addressed in the Guidelines on staff selection and recruitment¹, the EDPS' legal analysis will only focus on those aspects that diverge from the Guidelines, need improvement or otherwise merit explanation.

The Facts

The European Programme for Intervention Epidemiology Training (EPIET) and the European Public Health Microbiology Training Programme (EUPHEM) are two fellowship programmes run by ECDC in order to provide training and practical experience to health professionals. The notification concerns the selection procedure for these fellows.

¹ Available on the EDPS website.

According to the notification, data of selected applicants will be stored for 50 years; copies of certificates issued to fellows may be kept for longer, in order to provide documentation upon request from the data subject (e.g. to re-issue a lost certificate). Data of non-selected candidates will be deleted after two years. The data protection notices for the two programmes submitted with the notification are part of the Director's Decisions on the fellowship programmes and published on ECDC's website.² They did not distinguish between the conservation periods for selected and non-selected candidates and only mentioned a conservation period of 24 months. On 22 July 2014, ECDC provided updated texts for parts data protection notices, distinguishing between selected and non-selected candidates, as well as specifying that only data necessary for re-issuing the fellowship certificates will be stored for 50 years.

Legal Analysis

According to Article 4(1)(e) of the Regulation, personal data may not be kept for longer than is necessary for the purposes for which they have been collected and/or further processed. In the light of this, the EDPS questions the 50 years conservation period initially notified for selected fellows. While keeping a copy of the certificate (and possibly some administrative information) for 50 years may be considered appropriate in order to be able to re-issue lost certificates, there seems to be no reason for storing the entire file for such a long period. Documents of financial relevance may be stored under the rules of the Financial Regulations.³ ECDC has announced that it would adapt the conservation periods accordingly and update the data protection notices for the next EPIET and EUPHEM programmes.

Conclusion

The EDPS expects that ECDC implements the announced changes and will therefore close case 2013-0780.

Yours sincerely,

(signed)

Giovanni BUTTARELLI

Cc: Dr Andrea AMMON, Acting Data Protection Officer, ECDC

² EUIPET: Director's Decision N° 89/2013; EUPHEM: Director's Decision N° 88/2013

³ See also EDPS Guidelines on Public Procurement, Grants and External Experts, available on the EDPS website