



SOPHIE LOUVEAUX
HEAD OF SUPERVISION AND ENFORCEMENT

[...]
Data Protection Officer
European Asylum Support Office
(EASO)
MTC Block A
Winemakers Wharf
Grand Harbour Valetta
MRS 1917 MALTA

Brussels, 09 December 2014
SLx/BR/ C 2014-0556
Please use edps@edps.europa.eu for all
correspondence

Subject: Prior checking notification of the procedure for avoiding conflicts of interest by EASO (Case 2014-0556)

Dear [...],

We refer to the the prior checking notification on the above quoted processing operations at EASO which you notified to the European Data Protection Supervisor (“**EDPS**”) on 23 May 2014.

The assessment of this notification was suspended until the adoption of the EDPS Guidelines concerning the processing of personal data with regard to the management of conflicts of interest (the “Guidelines”).

On 8 December 2014 the EDPS adopted these Guidelines. The Guidelines have been communicated to all Data Protection Officers and are available on the EDPS website.¹

In Section 9 of the Guidelines we clarify the conditions under which processing in the area of conflicts of interest are subject to prior checking. The Guidelines conclude that in general processing operations in this field are not subject to prior checking. In particular the Guidelines conclude that Article 27(2)(b) of Regulation 45/2001 (the “**Regulation**”) is not a valid basis for notification as the processing of declarations of interests is not intended to evaluate personal aspects relating to the data subject. On the contrary, the purpose of the processing is an objective assessment of the potential conflict in question, i.e. an evaluation of the nature of certain activities or situations and their compatibility with the position of the

¹ [\[add link to Guidelines on the EDPS Website\]](#)

data subject within the EU institution or body. The processing thus consists in an **objective assessment of the activities or situation in question**, not the evaluation of staff.²

We will therefore **close** the case unless you inform us by **15 January 2015** of any reasons why in your specific case the processing is still subject to prior checking.

However, even if not subject to prior checking, it goes without saying that your processing activities of personal data must be in line with the Regulation.

We are of course available should you have any further queries.

Yours sincerely

(signed)

Sophie LOUVEAUX

² See Non Prior-Checking letter by the EDPS of 29 January 2014 in case Case 2013-1269 regarding the collection and processing of data in the context of conflict of interest framework in place at the Cleansky Joint Undertaking and the declarations of interest to be filled in by Joint Undertaking staff and other Joint Undertaking actors upon start of their assignment at the JU