



EUROPEAN DATA  
PROTECTION SUPERVISOR

(To be filled out by the EDPS' DPO)

**Register number: 30**

**Date of submission: 16/07/2012**

**Legal basis: Art 25 Regulation 45/2001**

## NOTIFICATION

### INFORMATION TO BE GIVEN<sup>1</sup>

1/ NAME AND FIRST NAME OF THE CONTROLLER

EDPS - Rue Wiertz 60 - 1047 Bruxelles

2/ SERVICE RESPONSIBLE FOR PROCESSING PERSONAL DATA

The Data Protection Officer

3/ NAME AND DESCRIPTION OF THE PROCESSING OPERATION

Investigations by the Data protection Officer (including access requests)

The Data Protection Officer (DPO) may, on his or her own initiative or at the request of the Community institution or body which appointed him or her, the controller, the Staff Committee concerned or any individual, investigate matters and occurrences directly relating to his or her tasks and which come to his or her notice, and report back to the person who commissioned the investigation or to the controller (as foreseen in § 1 of the Annex of Regulation (EC) 45/2001.

The requests for an investigation shall be addressed to the DPO in writing. Within 15 days upon receipt, the DPO shall send an acknowledgment of receipt to the person who commissioned the investigation, and verify whether the request is to be treated as confidential. In the event of obvious misuse of the right to request an investigation, the DPO shall not be obliged to report back to the applicant.

The DPO shall request a written statement on the matter from the Controller who is responsible for the data-processing operation in question. The Controller shall provide his/her response to the DPO within 15

<sup>1</sup> Please attach all relevant documents

working days. The DPO may wish to request complementary information from him and/or other parties, which shall be within 15 working days. If appropriate he/she may request an opinion on the issue from the Legal Team. The DPO shall be provided with the opinion within 20 working days.

The DPO shall report back to the person who commissioned the investigation no later than three months following its receipt. This period may be suspended until the DPO has obtained any further information that he may have requested.

No one shall suffer prejudice on account of a matter brought to the attention of the DPO alleging a breach of the provisions of the Regulation.

The DPO shall have access at all times to the data forming the subject matter of processing operations on personal data and to all offices, data-processing installations and data carriers.

#### 4/ PURPOSE(S) OF THE PROCESSING

Investigation of matters and occurrences directly relating to the tasks of the Data Protection Officer and which come to his or her notice, and report back to the person who commissioned the investigation or to the controller.

The DPO may carry these investigations, on his or her own initiative or at the request of the Community institution or body which appointed him or her, the controller, the Staff Committee concerned or any individual.

#### 5/ DESCRIPTION OF THE CATEGORY(IES) OF DATA SUBJECT(S)

The requester of the investigation.

Potentially Controllers, Staff Committee and the Management Board can be targeted in investigations.

#### 6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA (INCLUDING, IF APPLICABLE, SPECIAL CATEGORIES OF DATA (ARTICLE 10) AND/OR ORIGIN OF DATA)

Name, First Name, title, unit and e-mail address.

Documents and files related to the investigation can potentially contain personal data of the Data Subjects relating to the investigated processing operations on personal data by the Controllers.

7/ INFORMATION TO BE PROVIDED TO THE DATA SUBJECTS

Regulation 45/2001 (herein after the Regulation) applies to the processing of personal data carried out for investigations by the Data Protection Officer (DPO).

The controller is the EDPS.

Purpose of the processing: investigations of matters and occurrences directly relating to the tasks of the Data Protection Officer and which come to his or her notice, and report back to the person who commissioned the investigation or to the controller.

The data which will be used only for that processing are:

Name, First Name, title, unit and e-mail address.

Documents and files related to the investigation can potentially contain personal data of the Data Subjects relating to the investigated processing operations on personal data by the Controllers.

The recipients of the data can be potentially as appropriate and applicable the controllers, the EDPS, the Assistant EDPS and the EDPS Director.

The legal basis of the processing operation at stake is Regulation (EC) 45/2001 - more particularly § 1 of the Annex.

Regarding the data retention period, the DPO will keep the data up 5 years for simple access requests and up to a maximum of 10 years for investigations.

The data subjects have the right to have recourse at any time to the EDPS DPO and the EDPS.

Regarding the right of access and the right to rectify the data concerning him or her, Article 20.1 of Regulation (EC) 45/2001 applies as follows:

Article 20 - Exemptions and restrictions

1. The Community institutions and bodies may restrict the application of Article 4(1), Article 11, Article 12(1), Articles 13 to 17 and Article 37(1) where such restriction constitutes a necessary measure to safeguard:

(a) the prevention, investigation, detection and prosecution of criminal offences;

(e) a monitoring, inspection or regulatory task connected, even occasionally, with the exercise of official authority in the cases referred to in (a) and (b).

3. If a restriction provided for by paragraph 1 is imposed, the data subject shall be informed, in accordance with Community law, of the principal reasons on which the application of the restriction is based and of his or her right to have recourse to the European Data Protection Supervisor. *(Taking into account the specific situation at the EDPS, the recourse will be sent according to the division of tasks between the Supervisor and the Assistant Supervisor).*

4. If a restriction provided for by paragraph 1 is relied upon to deny access to the data subject, the European Data Protection Supervisor shall, when investigating the complaint, only inform him or her of whether the data have been processed correctly and, if not, whether any necessary corrections have been made.

5. Provision of the information referred to under paragraphs 3 and 4 may be deferred for as long as such information would deprive the restriction imposed by paragraph 1 of its effect.

8/ PROCEDURES TO GRANT DATA SUBJECTS' RIGHTS (RIGHTS OF ACCESS, TO RECTIFY, TO BLOCK, TO ERASE, TO OBJECT)

Regarding the right of access and the right to rectify the data concerning him or her, Article 20.1 of Regulation (EC) 45/2001 applies as follows:

Article 20 - Exemptions and restrictions

1. The Community institutions and bodies may restrict the application of Article 4(1), Article 11, Article 12(1), Articles 13 to 17 and Article 37(1) where such restriction constitutes a necessary measure to safeguard:

- (a) the prevention, investigation, detection and prosecution of criminal offences;
- (e) a monitoring, inspection or regulatory task connected, even occasionally, with the exercise of official authority in the cases referred to in (a) and (b).

3. If a restriction provided for by paragraph 1 is imposed, the data subject shall be informed, in accordance with Community law, of the principal reasons on which the application of the restriction is based and of his or her right to have recourse to the European Data Protection Supervisor. *(Taking into account the specific situation at the EDPS, the recourse will be sent according to the division of tasks between the Supervisor and the Assistant Supervisor).*

4. If a restriction provided for by paragraph 1 is relied upon to deny access to the data subject, the European Data Protection Supervisor shall, when investigating the complaint, only inform him or her of whether the data have been processed correctly and, if not, whether any necessary corrections have been made.

5. Provision of the information referred to under paragraphs 3 and 4 may be deferred for as long as such information would deprive the restriction imposed by paragraph 1 of its effect.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Manual processing operation.

10/ STORAGE MEDIA OF DATA

The personal data is stored in a paper file and the related e-mails are printed and then immediately destroyed in their electronic form. Nothing is stored on the S drive. A copy is kept on a USB key which is locked.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

The legal basis is Regulation (EC) 45/2001 on the protection of personal data and the processing thereof, more particularly § 1 of the Annex.

The processing is lawful and necessary under article 5(a) and potentially also under article 5(b) of Regulation (EC) 45/2001.

Article 20.1(e) of Regulation (EC) 45/2001 also applies as follows:

Article 20 - Exemptions and restrictions

1. The Community institutions and bodies may restrict the application of Article 4(1), Article 11, Article 12(1), Articles 13 to 17 and Article 37(1) where such restriction constitutes a necessary measure to safeguard:

(a) the prevention, investigation, detection and prosecution of criminal offences;

(e) a monitoring, inspection or regulatory task connected, even occasionally, with the exercise of official authority in the cases referred to in (a) and (b).

12/ THE RECIPIENTS OR CATEGORIES OF RECIPIENTS TO WHOM THE DATA MIGHT BE DISCLOSED

The recipients can be potentially as appropriate and applicable the controllers, the EDPS, the Assistant EDPS and the EDPS Director.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Retention policy: the DPO will keep the paper files up 5 years for simple access requests and up to a maximum of 10 years for investigations.

13 BIS/ TIME LIMITS FOR BLOCKING AND ERASURE OF THE DIFFERENT CATEGORIES OF DATA

*(further to justified legitimate request from the data subject)*

*(Please, specify the time limits for every category, if applicable)*

Time limit to block/erase data on request: Article 20 of Regulation (EC) 45/2001 applies in those circumstances.

14/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES

*If you store data for longer periods than mentioned above, please specify, if applicable, why the data must be kept under a form which permits identification*

Non applicable

15/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

Non applicable

16/ FURTHER INFORMATION

The data controller declares the accuracy of the above statements and undertakes to notify any change affecting this information to the Data Protection Officer.

PLACE AND DATE: 16 July 2012

THE CONTROLLER: Sylvie Picard - Data Protection Officer