



(To be filled out by the EDPS' DPO)

**Register number: 35**

**Date of submission: 06/11/2012**

**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 Ex-post facto verification function - Accounting correspondent function

3/ NAME AND DESCRIPTION OF THE PROCESSING OPERATION

#### **Ex-post controls**

The processing operation is aimed to check, on a sample and regular basis, that operations financed by the budget are correctly implemented and to ensure in particular that:

(a) Expenditure and revenue are in order and comply with the provisions applicable, in particular those of the budget and the relevant regulations and of any acts adopted in implementation of the Treaties or regulations and, where appropriate, the terms of contracts;

(b) The principle of sound financial management referred to in Chapter 7 of Title II of the Financial Regulation is applied.

Ex-post controls also help the Institution in further improving the quality of its accounts as they are carried out to assess the right application of procedures, the quality of bookings and regular reporting exploitation.

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

Verifications are performed by reviewing a sample of financial transactions processed by the EDPS' HRBA unit and accounted for on the balance sheet of the Institution.

Results of the ex-post controls are reported to the Director of the EDPS Secretariat. Copy of the reports is provided to the Head and relevant staff of the HRBA unit.

4/ PURPOSE(S) OF THE PROCESSING

The processing operation is aimed to check, on a sample and regular basis, that operations financed by the budget are correctly implemented and to ensure in particular that:

(a) Expenditure and revenue are in order and comply with the provisions applicable, in particular those of the budget and the relevant regulations and of any acts adopted in implementation of the Treaties or regulations and, where appropriate, the terms of contracts;

(b) The principle of sound financial management referred to in Chapter 7 of Title II of the Financial Regulation is applied.

It helps the institution in further improving the quality of its accounts.

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

Contractors and sub-contractors

Beneficiaries

EDPS Members and staff (including interim staff) members

Experts

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

All necessary data to effectively conduct ex-post controls such as:

- Identification details such as: name, first name, function, grade, contact details;
- Description of activities, training and expertise;
- Timesheets, salaries and allowances;
- Accounts details;
- Cost accounting;
- Missions details;
- Information resulting from supporting documents used to declare costs as eligible and to process financial transactions.

Regulation (EC) N. 45/2001 (herein after the Regulation) applies to the processing of personal data carried out in the context of the ex-post controls performed by the Ex-post facto verification and Accounting correspondent functions.

**The controller** is the EDPS.

**Purpose of the processing:** the processing operation is aimed to check, on a sample and regular basis, that operations financed by the budget are correctly implemented and to ensure in particular that:

(a) Expenditure and revenue are in order and comply with the provisions applicable, in particular those of the budget and the relevant regulations and of any acts adopted in implementation of the Treaties or regulations and, where appropriate, the terms of contracts;

(b) The principle of sound financial management referred to in Chapter 7 of Title II of the Financial Regulation is applied.

It helps the institution in further improving the quality of its accounts. To this purpose, controls are carried out to assess the right application of procedures, the quality of bookings and regular reporting exploitation.

**The legal basis** of the processing operation is represented by:

- Provisions contained in the Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, and in particular Article 60, paragraph 4, thereof;
- Provisions contained in the Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities, and in particular Article 47, paragraphs 4 and 5, thereof;
- The DAS observations expressed by the European Court of Auditors in its 33rd Annual Report concerning the 2009 financial year, and in particular observation 9.27 therein, referring to the need to put in place a system of ex-post facto verification at the EDPS.
- The note "*Contrôle comptable et rôle du correspondant comptable*" addressed by the Accounting Officer of the Commission to the Directors General and Heads of Service on 26 July 2006 (Ref. BUDG/C2/RAB/EO/D(2006)6932), which sets forth the need to formally integrate the function of Accounting Correspondent in the internal organisation of the institution.
- The recommendation to appoint an Accounting Correspondent within the EDPS, contained in the Report on the Validation of Local Systems 2010 issued by the Accounting Officer of the Commission<sup>2</sup>.

**The data** used for the processing (exclusively) are:

- Identification details such as: name, first name, function, grade, contact details;
- Description of activities, training and expertise;
- Timesheets, salaries and allowances;
- Accounts details;
- Cost accounting;
- Missions details;

<sup>2</sup> Also Accounting Officer of the EDPS.

- Information resulting from supporting documents used to declare costs as eligible and to process financial transactions.

**The recipient** of the data is the Director of the EDPS Secretariat, to whom the results of the ex-post controls are reported. Copy of the reports is provided to the Head and relevant staff of the HRBA unit.

As appropriate, data can be disclosed to:

- The EDPS and Assistant EDPS;
- Heads of Units/Sectors and staff concerned by the financial transactions under review;
- The European Court of Auditors, the Internal Audit Service (IAS), the OLAF, DG BUDGET Validation and Accounting Quality teams, the Internal Control Coordinator.

In respect of **the data retention period**, data are kept up to five years after the discharge of the relevant EDPS Budget.

The data subjects have the **right of access** and the **right to rectify** the data.

The data subjects have the right to have recourse at any time to the EDPS DPO ([EDPS-DPO@edps.europa.eu](mailto:EDPS-DPO@edps.europa.eu)).

Article 20§1 (e)<sup>3</sup> of Regulation (EC) 45/2001 may apply.

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

The data subjects have the right of access, to rectify, to object, to ask for blocking and erasure of the data concerning him or her by contacting - in writing - the Controller.

Article 20§1 (e)<sup>3</sup> of Regulation (EC) 45/2001 may apply.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Personal data are processed both manually and automatically, by using the most appropriate audit technique(s), such as:

- analysis;
- check;
- confirmation;
- evaluation;
- examination;
- inspection;

<sup>3</sup> "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:

1.

(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)".

- investigation;
- review;
- scan;
- substantiation;
- test;
- verification.

Use of databases and datasheets may apply during the processing.

#### 10/ STORAGE MEDIA OF DATA

- Paper files are stored in locked cupboard.
- Electronic files are stored in a specific folder on the EDPS "S" drive, accessible to the Ex-post facto verifier / Accounting correspondent and to the Director of the EDPS Secretariat only.

#### 11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

- Provisions contained in the Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, and in particular Article 60, paragraph 4, thereof;
- Provisions contained in the Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities, and in particular Article 47, paragraphs 4 and 5, thereof;
- The DAS observations expressed by the European Court of Auditors in its 33rd Annual Report concerning the 2009 financial year, and in particular observation 9.27 therein, referring to the need to put in place a system of ex-post facto verification at the EDPS.
- The note "*Contrôle comptable et rôle du correspondant comptable*" addressed by the Accounting Officer of the Commission to the Directors General and Heads of Service on 26 July 2006 (Ref. BUDG/C2/RAB/EO/D(2006)6932), which sets forth the need to formally integrate the function of Accounting Correspondent in the internal organisation of the institution.
- The recommendation to appoint an Accounting Correspondent within the EDPS, contained in the Report on the Validation of Local Systems 2010 issued by the Accounting Officer of the Commission<sup>4</sup>.

The processing is lawful and necessary under article 5(b) of Regulation (EC) 45/2001 (processing necessary for compliance with a legal obligation to which the controller is subject).

<sup>4</sup> Also Accounting Officer of the EDPS.

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

**The recipient** of the data is the Director of the EDPS Secretariat, to whom the results of the ex-post controls are reported. Copy of the reports is provided to the Head and relevant staff of the HRBA unit.

As appropriate, data can be disclosed to:

- The EDPS and Assistant EDPS;
- Heads of Units/Sectors and staff concerned by the financial transactions under review;
- The European Court of Auditors, the Internal Audit Service (IAS), the OLAF, DG BUDGET Validation and Accounting Quality teams, the Internal Control Coordinator.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Retention policy: data are kept up to five years after the discharge of the relevant EDPS Budget.

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)*

- Upon justified request by the data subject: 15 working days.
- Article 20§1 (e)<sup>3</sup> of Regulation (EC) 45/2001 may apply.

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

Non applicable

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

DATE AND PLACE: BRUSSELS 6 November 2012

THE CONTROLLER:       Dario Rossi  
                              *Ex post facto verifier*  
                              *Accounting correspondent*