



(To be filled out by the EDPS' DPO)

**Register number: 36**

**Date of submission: 19/11/2012**

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

## NOTIFICATION

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

1/ NAME AND FIRST NAME OF THE PERSON RESPONSIBLE FOR PROCESSING

EUROPEAN DATA PROTECTION SUPERVISOR (EDPS)  
RUE WIERTZ 60  
1047 BRUSSELS

2/ SERVICE RESPONSIBLE FOR PROCESSING PERSONAL DATA

Supervision and Enforcement Unit

3/ NAME AND DESCRIPTION OF THE PROCESSING OPERATION

Name

Notification for prior check submitted to the EDPS and Access to the EDPS public Register of prior check notifications and related opinions.

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

## Description

The DPOs of EU institutions and bodies must notify to the EDPS "processing operations likely to present specific risks to the rights and freedoms of data subjects by virtue of their nature, their scope or their purposes" according to Art. 27.1 of Regulation (EC) 45/2001 (hereafter "the Regulation").

The EDPS "shall keep a register of all processing operations that have been notified to him or her ... The register shall contain the information referred to in Article 25 and shall be open to public inspection" according to Art. 27.5 of the Regulation.

In order to do so, the Supervision and Enforcement assistant inserts in the Register an edited version of the notification received (security measures are not published)

The published notifications and the related opinions, including name and contact details of person responsible for processing will be accessible through the Register.

## 4/ PURPOSE(S) OF THE PROCESSING

The purpose of the processing is to manage the notifications for prior check submitted to the EDPS and to manage the Register, as described in Article 27 of the Regulation.

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

Personal data of persons responsible for processing in the institutions and bodies, as well as data of the DPO submitting the notification are collected and written in the notifications submitted to the EDPS, and are stored in the Register together with the related opinions.

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

Depending on the institution or body submitting the notification, the following data may be included: Name, First Name, Title, Function, Unit, Phone Number of the person responsible for processing, and data (Name, First Name) of the DPO submitting the notification.

7/ INFORMATION TO BE PROVIDED TO THE DATA SUBJECTS

The following privacy statement will be available both in the intranet and on the internet:

Regulation 45/2001 (hereinafter the Regulation) applies to the processing of personal data carried out for the prior check notification system to the EDPS and the Register of prior check notifications and related opinions.

The legal basis of the processing operation at stake is Regulation (EC) 45/2001 which requires each DPO to give prior notice of "processing operations likely to present specific risks to the rights and freedoms of data subjects by virtue of their nature, their scope or their purposes shall be subject to prior checking by the European Data Protection Supervisor ... (Article 27.1-3).

The European Data Protection Supervisor shall keep a register of all processing operations that have been notified to him or her pursuant to paragraph 2. The register shall contain the information referred to in Article 25 and shall be open to public inspection (Article 27.5)".

The controller is the EDPS.

The purpose of the processing is to implement the notification system to the EDPS as described in article 27.1-3 of Regulation (EC) 45/2001 and to implement the Register of prior check notifications as defined in article 27.5 of the same Regulation.

The personal data which will be processed for that purpose are the following:

Name, First Name, Title, Function, Phone Number of the person responsible for the processing (as mentioned in the notification received) and Name, First name of the DPO submitting the notification.

Any person connecting to EDPS website through the online version of the Register may access the information.

The notifications for prior check and the related opinions will be kept for 10 years after closure of the related case, then transferred to the archives.

Data subjects have the right of access and the right to rectify the data concerning him or her by contacting the EDPS ([edps@edps.europa.eu](mailto:edps@edps.europa.eu)).

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)).

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

Data subjects can access and verify their personal data mentioned in the notifications published in the Register and have it corrected if necessary.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The notifications are received via email and accessible, together with related opinions, through the Register online (<http://www.edps.europa.eu/EDPSWEB/edps/Supervision/priorchecking/Register>)

A paper copy is also produced.

10/ STORAGE MEDIA OF DATA

The personal data contained in the notifications (Word, Excel, HTML or PDF document are accessible via an hyperlink from the public Register, and are stored as follows:

The electronic version of the notification is stored in editable format (Word, Excel, HTML) and PDF on the S drive in the "Register" folder.

In the "Register" folder, there is separate storage for security measures (folder with password protected files).

A paper version of the notification is stored in the office of the Supervision and Enforcement assistant - separate storage is provided for security measures.

The Register is accessible via the internet, through the EDPS website:

<http://www.edps.europa.eu/EDPSWEB/edps/Supervision/priorchecking/Register>

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

**Legal basis**

Article 27.1 and 27.3

"Processing operations likely to present specific risks to the rights and freedoms of data subjects by virtue of their nature, their scope or their purposes shall be subject to prior checking by the European Data Protection Supervisor ... The prior checks shall be carried out following receipt of a notification from the Data Protection Officer".

Article 27.5

"The European Data Protection Supervisor shall keep a register of all processing operations that have been notified to him or her pursuant to paragraph 2. The register shall contain the information referred to in Article 25 and shall be open to public inspection".

**Lawfulness of the processing**

The lawfulness of the processing of the notifications is based on Article 5(b) of the Regulation, since it is necessary for the compliance with the legal obligation to receive notifications for prior check and make them available through the Register.

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

The personal data in the notifications and in the Register can be accessed by any person connecting to EDPS website through the online version of the Register.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The notifications for prior check are kept for 10 years after closure of the related case, and are then transferred to the archives.

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)*

In accordance with Article 15 of the Regulation:

(1) When the data subject contests the accuracy of his/her data, these will be blocked immediately upon receipt of the request and for the period necessary for verifying their accuracy and completeness.

(2) When the data subject requires the blocking of his/her data because the processing is unlawful, or when data must be blocked for purpose of proof, the time limit for ruling on a request for blocking under these grounds will be 15 days.

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*

NA

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

NA

16/ FURTHER INFORMATION

NA

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: Brussels, 19 November 2012

FOR THE CONTROLLER: Sophie Louveaux - Head of Unit Supervision and Enforcement