



EUROPEAN DATA  
PROTECTION SUPERVISOR

(To be filled out by the EDPS' DPO)

**Register number: 37**

**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

Consultations submitted to EDPS in accordance with Art. 28.1 and 46d and publication of EDPS related answer/opinion on the website.

Description

Article 28(1) of Regulation (EC) 45/2001 (hereafter "the Regulation") stipulates that EU institutions and bodies shall inform the EDPS when drawing up administrative measures which relate to the processing of personal data. Article 46(d) provides that the EDPS shall advise institutions and bodies in particular before they draw up internal rules relating to the protection of fundamental rights and freedoms with regard to the processing of personal data.

Advice can be given as the result of a consultation received from an EU institution or body itself (data controller) or from a DPO. Advice can also be provided by the EDPS on his/her own initiative.

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

4/ PURPOSE(S) OF THE PROCESSING

The purpose of the processing is to implement the duty of the EDPS to provide advice to EU institutions and bodies on administrative measures relating to the processing of personal data as described in Articles 28.1 of the Regulation and to consultations from on all matters concerning the processing of personal data according to Article 46d 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 or person submitting the consultation are to be found in the consultation submitted to the EDPS which is stored in the case file; EDPS answer may be addressed to the person submitting the consultation or to the hierarchy of the submitting institution/body.

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 consultation, the following data may be included: Name, First Name, Title, Function, Phone Number, E-mail of the person responsible for processing; Name, First Name of the DPO or person submitting the consultation.

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 when answering consultations to EDPS according to Articles 28.1 and 46d.

The legal basis of the processing operation at stake is Regulation (EC) 45/2001 which requires "institutions and bodies [to] inform the European Data Protection Supervisor when drawing up administrative measures relating to the processing of personal data involving a Community institution or body alone or jointly with others". Furthermore "The European Data Protection Supervisor shall: ... advise all Community institutions and bodies, either on his or her own initiative or in response to a consultation, on all matters concerning the processing of personal data, in particular before they draw up internal rules relating to the protection of fundamental rights and freedoms with regard to the processing of personal data". (Articles 28.1 and 46d).

The controller is the EDPS.

The purpose of the processing is to implement the right of the EDPS to be informed of, and provide advice on administrative measures relating to the processing of personal data as described in Articles 28.1 and 46d of the Regulation.

The personal data which will be processed for that purpose are the following:  
Name, First Name, Title, Function, Phone Number, E-mail of the person responsible for the processing (as mentioned in the consultation submitted) and Name and First name of the DPO or person submitting the consultation.

The personal data kept in the published answers to the consultations can be accessed by any person connecting to EDPS website.

The EDPS will normally decide to publish opinions in answer to consultations on its website. The EDPS may decide not to publish a consultation at the request of the data controller or the DPO. This decision would be adopted without prejudice to the fact that such opinions might be disclosed upon request and in the light of Regulation (EC) No. 1049/2001).

The consultations will be kept for 10 years from the closure of the file 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 if mentioned in the answer to the consultation published in the website and have it corrected if necessary.

#### 9/ AUTOMATED / MANUAL PROCESSING OPERATION

The consultations are submitted via email and saved in case files.  
A paper copy is also produced.

#### 10/ STORAGE MEDIA OF DATA

The personal data are stored in the consultation request.  
The electronic version (email + eventual annexes) is stored in electronic case files in the s drive; a paper copy is also printed.

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

##### **Legal basis**

##### Article 28.1

"The Community institutions and bodies shall inform the European Data Protection Supervisor when

drawing up administrative measures relating to the processing of personal data involving a Community institution or body alone or jointly with others".

#### Article 46d

"The European Data Protection Supervisor shall:

... advise all Community institutions and bodies, either on his or her own initiative or in response to a consultation, on all matters concerning the processing of personal data, in particular before they draw up internal rules relating to the protection of fundamental rights and freedoms with regard to the processing of personal data".

#### **Lawfulness of the processing**

The lawfulness of the processing of the notifications is based on Article 5(a) of the Regulation:

"processing is necessary for the performance of a task carried out in the public interest on the basis of the Treaties establishing the European Communities or other legal instruments adopted on the basis thereof or in the legitimate exercise of official authority vested in the Community institution or body or in a third party to whom the data are disclosed".

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

The personal data kept in the published answers to the consultations can be accessed by any person connecting to EDPS website.

The EDPS will normally decide to publish opinions in answer to consultations on its website. The EDPS may decide not to publish a consultation at the request of the data controller or the DPO. This decision would be adopted without prejudice to the fact that such opinions might be disclosed upon request and in the light of Regulation (EC) No. 1049/2001).

#### 13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Consultations are kept for 10 years after closure of the related case, and are then transferred to 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 Supervision and Enforcement