



(To be filled out by the EDPS' DPO)

Register number: 41

Date of submission: 13/12/2012

Legal basis: Art 25 Regulation 45/2001

NOTIFICATION

INFORMATION TO BE GIVEN¹

1/ NAME AND FIRST NAME OF THE CONTROLLER

EDPS

2/ SERVICE RESPONSIBLE FOR PROCESSING PERSONAL DATA

Supervision and Enforcement Unit

3/ NAME AND DESCRIPTION OF THE PROCESSING OPERATION

Performance of inspections and security audits.

It is the general duty of the EDPS to monitor and ensure the application of the Regulation with regard to the processing of personal data by any EU institution or body (Article 41 Regulation (EC) 45/2001).

The EDPS may perform inspections on its own initiative or on the basis of a complaint, as a means to achieve different objectives: fact-finding, checking follow up of cases, and monitoring of compliance in general.

4/ PURPOSE(S) OF THE PROCESSING

Inspections are launched to collect relevant information for the purpose of verifying compliance with the Data Protection Regulation in selected institutions and bodies. This information may be related to

¹ Please attach all relevant documents

recommendations made by the EDPS in a prior check Opinion, a complaint or a consultation on administrative measures or more generally to information necessary to assess compliance with the Regulation.

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

- Staff of the EU institutions and bodies contacted or interviewed in the context of the inspection (DPO, Director, Heads of relevant services and any other staff member involved in the matters under inspection);
- Persons outside the EU institutions and bodies contacted or interviewed in the context of the inspection as they are or have been involved in the matters under inspection;
- Persons whose data is consulted or collected as part of the documents and files gathered during the inspection/audit (staff or third parties).
- EDPS staff participating in the inspection.

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

- Name, function, contact details of any data subjects who might be contacted or interviewed.
- Details of the ID card/passport (including those of the security clearance) of EDPS staff participating in the inspection.
- Documents and files relevant for the inspection/audit may contain personal data.
- Sensitive data may be collected when relevant and necessary for the purpose of providing evidence.

In principle the personal data collected in the documents and files will not be mentioned in the final Inspection Report, unless relevant for the purposes of the inspection findings.

Any refusal to respond to the questions of EDPS inspectors will be specifically recorded in the inspection minutes (transcript).

7/ INFORMATION TO BE PROVIDED TO THE DATA SUBJECTS

The following Privacy Statement, available on the EDPS internet and intranet site, is also attached to the Announcement letter informing the EU institution/body of the upcoming inspection exercise.

Privacy policy

The European Data Protection Supervisor will process all personal data accessed and obtained during the inspection in accordance with *Regulation (EC) No 45/2001* of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

The controller is the EDPS.

Personal data will only be *used for* documenting the EDPS findings made during the inspection and drawing appropriate conclusions in relation to the activities of the inspected institution or body in processing personal data.

The personal data involved are:

- Name, function and contact details of staff of the EU institutions and bodies involved in the inspection (including persons outside the EU institutions and bodies contacted or interviewed in the context of the inspection as they are or have been involved in the matters under inspection), their statements and personal data contained in the accessed and obtained documents.
- Details of the ID card/passport (including those of the security clearance) of EDPS staff participating in the inspection.

The categories of data contained in documents may vary depending on the nature of an inspection.

Any refusal to respond to the questions of EDPS inspectors will be specifically recorded in the inspection minutes (transcript).

The EDPS *will not transfer* any personal data to third parties, save the case when the Court of Justice of the European Union or the European Ombudsman would require so in the framework of their duties. This is without prejudice of Regulation (EC) No.1049/2001 regarding public access to European Parliament, Council and Commission documents.

Data subjects have a *right to access to and rectify* of their data concerning them, subject to the limitations of Article 20§1 (c) of Regulation (EC) No 45/2001.

The *processing operation is based* on Articles 41 and 47(2) of Regulation 45/2001. For specific obligations for data protection or security audits, the following legal bases apply:

- EURODAC - art 20 R 2725/2000
- CIS - art 37.4 R 515/1197 amended
- VIS - art 43.3 R767/2008
- SIS II - art 45.2 of R1987/2006
- IMI - art 21.2 of R1024/2012

Personal data will be *stored* for a five-year period, unless legal proceedings would require keeping them for longer period as evidence. The starting date of the five-year term is computed from the closing date of the inspection file.

Data subjects have the right to have recourse at any time to the EDPS DPO (EDPS-DPO@edps.europa.eu).

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

The inspection minutes are shared with the institution/body under inspection prior to the adoption of the Inspection Report. Persons interviewed during the on the spot visit may request the rectification of inaccurate or incomplete data when relevant.

The inspection report is also sent to the institution concerned. Any personal data may also be rectified accordingly.

Data subjects have the right to access and rectify personal data concerning them subject to limitations in Article 20§1 (c) of Regulation (EC) 45/2001.

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

Use of databases and datasheets may apply during the processing.

10/ STORAGE MEDIA OF DATA

- During the on the spot activities, electronic files are stored both on (secured) EDPS laptop and USB key. Once back to the EDPS' headquarter, information is moved to the EDPS' "S" drive and deleted from both the laptop and the USB key.
- Any other physical support (cd, video tape, audio cassette, etc) that may be provided during the inspection is stored with the paper files.
- Paper files stored in locked cupboards.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Articles 41 and 47(2) of Regulation (EC) 45/2001.

Security audits:

- EURODAC - art 20 R 2725/2000
- CIS - art 37.4 R 515/1197 amended
- VIS - art 43.3 R767/2008
- SIS II - art 45.2 of R1987/2006
- IMI - art 21.2 of R1024/2012

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

The inspection minutes are shared with the participants to the interviews/meeting prior to the adoption of the Inspection Report.

The Inspection Report is sent to the President/Director-general/Director of the EU institution/body under inspection. The DPO is in copy.

The EDPS *will not transfer* any personal data to third parties, save the case when the Court of Justice of the European Union or the European Ombudsman would require so in the framework of their duties. This is without prejudice of Regulation (EC) No. 1049/2001 regarding public access to European Parliament, Council and Commission documents.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Personal data will be *stored* for a five-year period, unless legal proceedings would require keeping them for longer period as evidence. The starting date of the five-year term is computed from the closing date of the inspection file.

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 (c) 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

NOT APPLICABLE

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

NOT 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: BRUSSELS 13 DECEMBER 2012

FOR THE CONTROLLER: SOPHIE LOUVEAUX, HEAD OF SUPERVISION AND ENFORCEMENT UNIT