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Subject: Prior checking Opinion regarding the "Registrar application as part of the Goalkeeper software environment" of EEAS (Case 2015-0138)

Proceedings

On 17 February 2015, the European Data Protection Supervisor ("EDPS") received from the Data Protection Officer ("DPO") of the European External Action Service ("EEAS") a notification regarding the "Registrar application as part of the Goalkeeper software environment" - an application aimed at facilitating the identification and possible deployment of civilian personnel for missions within the framework of the Common Security and Defence Policy ("CSDP").

Questions were raised on 10 March 2015 to which the DPO partly replied on 27 March 2015. Further clarifications were given at a meeting with EEAS that took place on 4 May 2015. In accordance with Article 24.4 of the Regulation, the present Opinion shall be delivered on 8 June 2015 at the latest.

Description of the processing operation

The purpose of the processing operation is to facilitate and expedite the identification and possible deployment of civilian personnel for CSPD missions within the framework of the "Goalkeeper software environment". The latter has been developed by EEAS and is expressly designed to facilitate civilian capability development at various levels as a supporting tool aimed for the conduct of the Civilian Capability Development Plan¹. Each Member State will have their own roster of experts potentially available for CSPD missions. Experts who want to

¹ See Multi-annual Civilian Capability Development Plan (EEAS (2012) doc 01186).

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be included in the roster will upload information containing their personal data online through the Registrar Expert Registration Form² and the Registrar Application Form³. Data of the experts (both independent and seconded) will be processed and managed by the Data Providing Authority⁴ of the Member State in whose rosters the experts are included. Personal data of the experts are collected and retained in order to enable the Data Providing Authorities in the concerned Member State to manage their possible secondment to international missions.

EEAS does not have access to the personal data contained in the Members States' rosters (except for the purpose of technical system maintenance). Only anonymised statistically relevant elements of personal data are shared with EEAS in order to allow them to establish detailed statistics concerning the state of preparedness of the Member State and the EU respectively, in the realm of civilian capabilities for international crisis management activities/CSDP.

The objectives of the Goalkeeper-Registrar and the common principles on its functioning are set out in a Technical Arrangement, which will be concluded between EEAS and the relevant national authorities of the Member States.

In the future, it is also foreseen that EEAS will have its own roster with independent experts whose personal data it will process and manage. The EEAS roster has not, however, yet been put into place and it is not clear when this will be done.

Controllership

The Regulation in its Article 2(d) defines the controller as the "*the Community institution or body, the Directorate-General, the unit or any other organisational entity which alone or jointly with others determines the purposes and means of the processing of personal data*", Article 2(e) of the Regulation provides that "*'processor' shall mean any natural or legal person, public authority, agency or any other body which process personal data on behalf of the controller*".

The notification and the Technical Arrangement refer to EEAS as the controller, whereas the national authorities identified within the Goalkeeper-Registrar system as the Data Providing Authorities, are referred to as processors. However, according to the Technical Arrangement, the setup of the Goalkeeper-Registrar implies that the tasks of a controller are in fact not fulfilled by EEAS, but by the Data Providing Authorities of the Member States. For example, Article 4.2 of the Regulation obliges the controller to ensure that the principle of data quality is respected. Pursuant to the Technical Arrangement, this responsibility is attributed to the Data Providing Authorities with regard to the processing that they undertake. The EDPS notes that the latter process and manage personal data of the experts contained in the rosters assigned to them and are responsible for the data contained in their roster. This responsibility notably includes updating, blocking and ensuring correctness of personal data at any time.⁵ According to the Technical Arrangement, EEAS is responsible for the development, management and maintenance of the Goalkeeper-Registrar and will take necessary measures

² The Expert Registration Form is the form used by the experts to enter their personal data into the roster of the Data Providing Authority to which they have been assigned. The Expert Registration Form only includes profile information of the expert and is not an application to a vacancy.

³ The Application Form contains the fields that an expert needs to fill each time he/she wants to apply for a vacancy. The Application Form will automatically include a copy of the profile information contained from the approved Expert Registration Form.

⁴ An organisation or governmental institution in the concerned Member State.

⁵ Points 3.3.2 and 4.2.5 of the Technical Arrangement.

regarding the security, confidentiality and integrity of personal data entered into the Goalkeeper-Registrar.⁶ EEAS does not, however, have access to any personal data contained in the Member States' rosters (provided that the anonymised statistical data shared with EEAS does not allow an identification of the experts concerned), except when performing technical system maintenance.

During the meeting with EEAS, it was further made clear that the latter does not carry out any proper processing of personal data within the Goalkeeper-Registrar. There might be incidental processing in the context of technical system maintenance, but the purpose of such a processing would not fall under any of the grounds for prior checking pursuant to Article 27 of the Regulation. In view of the foregoing, and in particular, of the information given by EEAS at this meeting, it must be concluded that the controller of the processing operation that was submitted for prior checking is in fact the Data Providing Authorities of the Member States.

For these reasons, the EDPS considers that the processing operation notified is not subject to prior checking.

The EDPS would like to clarify, however, that when and if EEAS puts in place its own roster, such a processing operation is likely to be subject to prior checking and should be notified under Article 27 of the Regulation.

Furthermore, the EDPS recommends that the Technical Arrangement be amended in order to reflect the actual tasks and responsibilities of the different parties, in particular as regards controllership.

Yours sincerely,

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⁶ Points 4.1, 5.1 and 6.1 of the Technical Arrangement.