



(To be filled out by the EDPS' DPO)

Register number: 18

Date of submission: 28/10/2015

Legal basis: Art 25 Regulation 45/2001

NOTIFICATION

INFORMATION TO BE GIVEN¹

1/ NAME AND FIRST NAME OF THE CONTROLLER

The EDPS

2/ SERVICE RESPONSIBLE FOR PROCESSING PERSONAL DATA

The Human Resources Unit

3/ NAME AND DESCRIPTION OF THE PROCESSING OPERATION

Name of the processing operation: business continuity plan

Description of the processing

The Business Continuity Plan (BCP) is a plan to deal with possible business continuity incidents so long as the EDPS is in the building MTS. The purpose of the BCP and the associated Guidance is to provide the EDPS with a structured approach and guidance to Business Continuity, because we need to plan and prepare for unforeseen disruptions to our activities.

Such disruptions could affect our buildings, operations or people. Possible risks include fire, no access to the office, serious IT failures, power cuts, pandemic flu... The Plan explains who will do what, when and how in such circumstances. Good planning and response can protect our people, help keep us in business and preserve our assets, interests and reputation.

¹ Please attach all relevant documents

After the initial response to the incident, our Business Continuity Team (BCT) will meet and put the Plan into action, operating as a Crisis Management Team (CMT).

Alternative strategies might mean going to another location, working from home, prioritising activities or appointing back-ups for colleagues doing critical tasks.

All staff responsibilities are to check and if necessary update their contact details and to follow the instructions of the hierarchy. All staff should know the location of the nearest exit and assembly point in case of evacuation.

Communication channels that will be used include SMS, email and HoU/HoS professional telephone.

An example would be the following:

An emergency situation occurs.

The BCT meets and decides on the need to invoke the BCP.

All EDPS has to evacuate the building and should meet at the Square de Meeus.

An SMS is sent to all EDPS staff members on their private mobile phones giving more information on what should be done. A complementary email is also sent to EDPS staff members

The same procedure applies for informing all staff members when the BPC is stand down.

4/ PURPOSE(S) OF THE PROCESSING

The purpose of the BCP and the associated Guidance is to provide the EDPS with a structured approach and guidance to Business Continuity.

The BCP is in place to ensure that the institution is able to continue operation to the extent possible whatever the nature of a major disruption.

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

All staff members of the EDPS

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

The personal data that are triggered during the processing operation are the following:

- Name and surname
- The list of professional phone numbers with professionals e-mails and location rooms
- Personal mobile phone numbers
- The personal data contained in the BCP (some names and contact details)

Private GSM numbers are stored in the emergency phone, in the print out in two sealed envelopes (the Director and the BC Desk officer), and in the Excel file on a USB stick in the EDPS safe.

As well as general communications from the BC Duty Officer by SMS and/or email, the Director and Heads of Units/Sectors can communicate with and inform the members of their teams by mobile phone. The Director and Heads of Units/Sectors can send e-mail with information to staff using staff e-mails. Staff with questions can telephone on the work phone of Heads of Units/Sectors. In addition to professional phones, there are a laptop and a token at the Human Resources Head of Unit's house.

7/ INFORMATION TO BE PROVIDED TO THE DATA SUBJECTS

A privacy statement is posted on the EDPS Intranet with the following information and is sent to all EDPS staff members by e-mail:

Regulation 45/2001 (herein after the "Regulation") applies to the processing of personal data carried out in the framework of the EDPS Business Continuity Plan.

In compliance with articles 11 and 12 of the regulation, the EDPS provides the staff with the following information:

The controller of data is the EDPS.

The purpose of the processing is to permit the institution, in the context of a Business Continuity plan, to contact each EDPS staff member where necessary. All personal data submitted will be used for the sole and exclusive purpose of informing staff in case of BCP action.

The legal basis for processing data is EDPS Business Continuity Plan of 12 June 2013.

Processing is lawful because of:

- Article 5(e) of the "Regulation" ("the processing is necessary in order to protect the vital interests of the data subject").
- Article 5 (a) of the "Regulation" ("processing is necessary (...) in the legitimate exercise of official authority vested in the Community institution or body")

The categories of personal data dealt with are the following:

- Name and surname
- The list of professional phone numbers with professionals e-mails and location rooms
- Personal mobile phone numbers
- The personal data contained in the BCP (three EP staff names and contact details)

The information is kept for so long as necessary to fulfil the purpose indicated above: Personal data will be kept as long as the staff member is a member of the EDPS. As soon as a staff member leaves the EDPS, all his/her personal data will immediately be removed from the phone lists both in the emergency EDPS mobile phone and in the 2 sealed envelopes.

Personal mobile phone data will not be disclosed to any third parties. Any other personal data may be transferred to the European Parliament in the same way as the BCP itself was.

In order to safeguard personal data against any possible misuse or unauthorised access, electronic information is accessible with a restricted access only (password and sealed envelopes).

The Regulation safeguards your right to access your data and to require the data controller to rectify without delay any inaccurate or incomplete personal data.

Where appropriate, queries or complaints can be sent to the person responsible for processing or to the EDPS Data Protection Officer (EDPS-DPO@edps.europa.eu).

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

All EDPS staff members have the right to access and to modify their personal data.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The processing to collect the contact data is manual. They are gathered in excel charts for professional phone numbers and e-mails, and personal mobile phones on a excel chart with secured access (password) restricted to the BC Desk Officer. They are also in the emergency mobile phone.

10/ STORAGE MEDIA OF DATA

Data are stored:

- in excel files on a secure drive of the EP which is only accessible to the EDPS staff members,
- in 2 sealed envelopes (the Director and the BCP Desk officer) at their private homes
- in the emergency EDPS mobile phone for personal mobile phone numbers
- in an encrypted excel file on a secure USB stick in the EDPS safe for the list of personal mobile phone numbers

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Legal basis: EDPS Business continuity Plan of 12 June 2013

Lawfulness:

- Article 5(e) of the Regulation ("the processing is necessary in order to protect the vital interests of the data subject").
- Article 5 (a) of Regulation (EC) No 45/2001 ("processing is necessary (...) in the legitimate exercise of official authority vested in the Community institution or body")

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

The Business continuity plan was sent to the European Parliament as the EDPS is closely linked to it. The EDPS building belongs to the EP. The BCP relies only on having a permanent and reliable contact with the security of the Parliament. The reverse scenario should also be taken into account where it is Duty officer who informed EP security on an incident which will trigger measures from EP side.

Personal mobile phones data will never be disclosed to any third parties.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Personal data will be kept as long as the staff member is a member of the EDPS.

As soon as he/she leaves the EDPS, all personal data will immediately be removed from the phone lists whether in the emergency EDPS mobile phone or in the 2 sealed envelopes.

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)

Not applicable.

In this specific case, Article 20.1.c applies

"The institution ...may restrict the application of Articles ...13 to 17 ... where such restriction constitutes a necessary measure to safeguard:

- c/ the protection of the data subject

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 28 October 2015

THE CONTROLLER: Leonardo CERVERA NAVAS