

REGISTER NUMBER: 8

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 20 DECEMBER 2004

CASE NUMBER: 2004-196

NOTIFICATION OF: EUROPEAN COMMISSION

LEGAL BASIS: ARTICLE 27-5 OF THE REGULATION CE N° 45/2001⁽¹⁾

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

ROMAN Jean-Claude
Head of unit C5 Prix
Directorate C 05
ESTAT

2/ ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA

1. OLIVARES RAMOS Jose Maria
2. MONTAIGNE Fabienne
3. LIOTTI Amerigo
4. LEMAIRE Guy

Officials, Directorate C 05
ESTAT

3/ NAME OF THE PROCESSING

Actuarial calculations of the pension scheme of the European Civil Service

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

4/ PURPOSE OR PURPOSES OF THE PROCESSING

- To update actuarial assumptions, like mortality table, invalidity table etc. required for actuarial calculations.
- To assess the Pension Scheme of the European Civil Service according to the Annex XII of the Staff Regulations.
- To calculate the liability of the Pension Scheme.
- To produce statistics on the population of members of the Pension Scheme.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Data subjects concerned:

All active officials, temporary agents, contractual agents, and beneficiaries of an invalidity allowance contributing to the EU pension scheme; all beneficiaries of the EU pension scheme: retired and invalids officials' widows and orphans.

Categories of data subjects:

Members of the pension scheme: Active officials, temporary agents, contractual agents, beneficiaries of an invalidity allowance, retired officials, invalids officials, widows and orphans

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA (*including, if applicable, special categories of data (Article 10) and/or origin of data*).

Data fields:

Data concern all Institutions and agencies whose officials are members of Pension scheme of the European Civil Service and beneficiaries of any type of pension. The data fields by individual are the NUP Code, personnel number, statistical code (=anonymised NUP), birth date, death date and sex of the official, widows, children and assimilated persons, nationality, place of residence, marital status, Institution or Agency, starting date in the Institution or Agency, termination date, statutory link, administrative status, current grade and step, basic salary used for pension contribution, activity rate, contribution rate, annuity rate, amount of the pension contribution, pensionable time, amount and type of transactions other than the regular pension contribution (transfer, purchase of pensions rights, severance grants, etc) that are taken into account for calculating the pensionable time, pension type, pension rate and pension amount.

Categories of data:

Identity codes, Personal data of the member, Personal data of direct relatives, Career data, Contribution data, Pension data

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Administrative Notice with proposed text as follows: PROJET D'INFORMATION ADMINISTRATIVE Communication en application du règlement (CE) n° 45/2001 du Parlement européen et du Conseil du 18 décembre 2000 relatif à la protection des personnes physiques à l'égard du traitement des données à caractère personnel par les institutions et organes communautaires et à la libre circulation de ces données, Journal officiel n° L 008 du 12/01/2001 (CE) n. 45/2001, Il est porté à la connaissance du personnel qu'en application de l'Annexe XII du Statut, Eurostat en tant qu'autorité responsable de son exécution technique, collecte annuellement un nombre de données sur le personnel qui sont nécessaires pour les calculs actuariels du système de pension des fonctionnaires européens. Ces données sont transmises à Eurostat directement par les institutions et agences qui font partie du système de pension, ou via le PMO, la DIGIT (Direction Général de la Commission gestionnaire de la NAP et du système SYSPER) ou tout autre fournisseur de données. Eurostat a pris des mesures de sécurité pour sauvegarder la confidentialité de ces données et une déclaration du traitement à été transmise au Délégué à la Protection des Données de la Commission.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

The Administrative Notice under point 15) a) here above covers the rights of Data Subjects as follows: "Il est rappelé que le personnel concerné a un droit d'accès aux données le concernant et de demander une éventuel rectification de ces données auprès du responsable du traitement à Eurostat".

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Automated processing operation:

- To import personal data to Pension data base.
- To generate the statistical code to be used instead the NUP to make data anonymous
- To generate input files file for calculations.
- To calculate the liability of the Pension Scheme
- To assess the Pension Scheme
- To produce statistics on the population of members of the Pension Scheme

Manuel processing operation:

- To check and update methodology according to Annex XII of the Staff Regulations and advises of independents experts and experts from Members States.
- To update the questionnaires for data collection
- To check personal data, correct mistakes and complete missing data if necessary
- To update actuarial assumptions
- To draw up the Eurostat report on the liability of the Pension Scheme
- To draw up the Eurostat report on the assessment of the Pension Scheme.
- To transfer anonymised personal data to independent expert according to Article 13 of Annex XII of the Staff Regulations.
- To aggregated result of actuarial calculations and other statistics to DGs of the Commission.

10/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Legal basis:

Mainly Annex XII of Staff Regulations based on Article 83a, Annex VIII, Annex XIII and other relevant provisions of the Staff Regulations.

Lawfulness of the processing operation:

Given the legal basis the processing is lawful based on article 5 (b) of the Regulation (EC) 45/2001. The processing covered by this notification is not subject to prior-checking with the EDPS (article 27 of the Regulation (EC) N° 45/2001) because personal data will be stored in secure servers in Eurostat, access to those data are reserved to authorised officials from Eurostat, results of calculations have no application at individual level, only aggregated results like the contribution rate, the total liability of the Pension Scheme, etc will be disseminated and personal data will be anonymised if they needs to be sent to independent experts (Article 13 of Annex XII of the Staff Regulations).

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

Recipients of the Processing:

In Eurostat the "Article 83a Team" receives data. DG BUDG receives anonymous aggregated results of the pension liability as requested in the EU Budget. DG ADMIN receives anonymous aggregated results of the pension assessment. PMO receives anonymous forecast on pension beneficiaries by type. Independent external experts: An anonymised set of data is sent to independent experts by Eurostat (assistance and validation of results from independent experts is mandatory according to Annex XII). National experts from relevant departments of public administration of Member States, as specified in Annex XII of Staff Regulations, receive anonymous aggregated results.

Categories of recipients:

Eurostat concerned Service, other DGs of the Commission, External experts, National experts from relevant departments of public administration of Member States

12/ GENERAL INDICATION OF THE TIME LIMITS

FOR BLOCKING: -----

AND/OR

FOR ERASING: -----

OF THE DIFFERENT CATEGORIES OF DATA (*Please, specify the time limits for every category, if applicable*)

Permanently.

As historical personal data are needed to calculate actuarial assumptions, this personal data is encrypted.

13/ 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.

As historical personal data are needed to calculate actuarial assumptions, this personal data is encrypted.

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

Not applicable

15/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING (*Please describe*):

Article 83a and Annex XII of the Staff Regulations state the rules to guaranty the equilibrium of the pension scheme of the European Civil Service. Annex XII stipulates the rules for implementing article 83a of the Staff Regulations. Particularly, it stipulates that Eurostat shall be the authority responsible for the technical implementation of this Annex (article 13(1)) and that each year on 1 September Eurostat shall submit a report on the assessment and updating referred to n article 1 of this Annex (article 13(3)). Eurostat is also required for calculating the total liability of the Pension Scheme at the 31st December of each year (figure to be sent to DG BUDG) and for calculating statistics on the population of contributing (active officials) and beneficiary members (pensioners) of the Pension Scheme.(PMO -Payment Master Office requirement) In order to perform the requirements above described and to implement the Article 9 of the Annex XII of the Staff Regulations, Eurostat needs to collect and store annually personal data of the population of participants in the scheme from the different institutions and agencies from PMO or from DG DIGIT with the agreement of the Institutions and agencies and PMO. The processing covered by this notification is not subject to prior-checking with the EDPS (article 27 of the Regulation (EC) N° 45/2001) because personal data will be stored in secure servers in Eurostat, access to those data are reserved to authorised officials from Eurostat, they will be used exclusively for the purposes above mentioned, results of calculations have no application at individual level, only aggregated results like the contribution rate, the total liability of the Pension Scheme, etc will be disseminated and personal data will be anonymised if they needs to be sent to independent experts (Article 13 of Annex XII of the Staff Regulations).

AS FORESEEN IN:

† Article 27.2.(a)

Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

í Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject,

í Article 27.2.(c)

Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

í Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

X Other (general concept in Article 27.1)

16/ COMMENTS

Mr José Maria Olivares Ramos is the Delegated Controller of the hereby notified processing.

PLACE AND DATE: LUXEMBOURG, 20 DECEMBER 2004

DATA PROTECTION OFFICER: DIETER KONIG

Institution or body: European Commission