

**NOTIFICATION FOR PRIOR CHECKING**

**DATE OF SUBMISSION: 15 JULY 2005**

**CASE NUMBER: 2005/175**

**NOTIFICATION OF: COMMITTEE OF THE REGIONS**

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

**INFORMATION TO BE GIVEN<sup>2</sup>**

1/ NAME AND ADDRESS OF THE CONTROLLER

PEDRO CERVILLA (CONTROLLER), HEAD OF THE LEGAL SERVICE

SOPHIE BACHOTET (DELEGATED CONTROLLER), ADMINISTRATOR

COMMITTEE OF THE REGIONS  
RUE BELLIARD 101  
1040 BRUXELLES

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

Legal Service (Committee of the Regions)

3/ NAME OF THE PROCESSING

Requests and complaints submitted to the Legal Service in accordance to Article 90.1 and 2 of the Staff Regulations.

Processing of personal files submitted in accordance with Article 90.1 and 2 and Article 24 of the Staff Regulations and Article 46 of the Conditions of Employment of other Servants. The personal files relating to staff members of the CoR and the documents that these files contain (CV, Decisions taken by the Appointing Authority, probationary period report, etc), are kept within the Personnel Unit. The Legal Service needs to consult these documents in order to evaluate the rights and

---

<sup>1</sup> OJ L 8, 12.01.2001.

<sup>2</sup> **Please attach all necessary backup documents**

obligations of the personnel or in order to establish the facts that will enable it to draft replies to requests and complaints.

4/ PURPOSE OR PURPOSES OF THE PROCESSING

Processing of files in the pre-contentious and contentious field of European Civil Service (requests in accordance with Article 90.2 of the Staff Regulations and requests in accordance with Article 90.1 and 24 of Staff Regulations) (by analogy, Article 46 of the Conditions of Employment of other Servants).

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Members and former members of the CoR  
Staff members and former staff members of the CoR  
Citizens to whom a Staff Regulation decision is addressed (for example: spouse or children of a staff member)  
Pensioners  
Candidates for an employment or a traineeship

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

Data of statutory nature:  
Name, sex, address, telephone number, fax number;  
Grade, step, personnel number, salary, allowances received;  
Marital status, composition of the household;  
CV;  
Probationary period report, appraisal report;  
Medical data;  
Disciplinary procedures (if applicable);  
Career related data (posts occupied, promotions etc).

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Identity of the controller (head of the Legal Service)  
Purpose of the processing (reply to requests and complaints)  
Possible recipients of personal data (CoR counsel in the event of an appeal to the Court of First Instance)  
Existence of a right to access and rectify personal data (upon request addressed to the controller)

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

The data subject can exercise his rights according to Regulation (CE) 45/2001 upon request addressed to the controller.

When submitting a request or a complaint, the data subject is informed that the treatment of his/her request or complaint necessitates a processing of his/her personal data by the Legal Service.

All documents relating to staff cases are treated confidentially within the Legal Service.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Manual and automated processing operation.

10/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Regulations and Rules applicable to officials and other servants of the European Communities.

The processing of personal data by the Legal Service is necessary in order to examine and reply to requests and complaints submitted on the basis of the provisions of the Staff Regulations and the Conditions of Employment of other Servants.

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

Within the scope of Article 24 and 90.1, the final draft decision is drawn up by the Legal Service and sent to the Head of the Cabinet of the Secretary General, the Director of Administration and the Head of the Personnel Unit, for opinion.

The final decision is adopted and signed by the Appointing Authority or the Authority Authorized to Conclude Contracts of Engagement (Secretary General or Bureau of the CoR depending on the grade of the official).

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*)

Personal data are stored for a maximum period of 8 years as from the day of the processing of the request or complaint.

This period of time covers the time limit for replying to a request or complaint (4 months). It is important that the data are kept within the legal service for a certain period of time, allowing a comparison between different cases in order to guarantee a uniform application of the staff regulation in similar cases.

In the event of an appeal against the decision adopted by the appointing authority before the court of first instance, the data will be kept by the legal service throughout the contentious procedure.

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.*

Not applicable.

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*):

AS FORESEEN IN:

↑ Article 27.2.(a)

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

Some data relating to health and, in rare cases, to suspected offences etc, could be processed when examining the cases and preparing the replies to requests and complaints.

↑ Article 27.2.(b)

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

As explained above, the data are processed in order to reply to requests and complaints submitted by the data subject, which often are directly related to an evaluation of his/her personal aspects.

↑ Article 27.2.(c)

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

Not applicable.

↑ Article 27.2.(d)

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

As explained above, some decisions adopted by the Appointing Authority upon advice by the Legal Service could have the result of excluding data subjects from a right, benefit or a contract.

↑ Other (general concept in Article 27.1)

Not applicable.

16/ COMMENTS

The data processed by the Legal Service are essentially of statutory nature. In some cases medical data or data relating to the personal aspects of the data subject can be processed.

PLACE AND DATE: Brussels, 15 July 2005

DATA PROTECTION OFFICER: Petra Karlsson

INSTITUTION OR BODY: Committee of the Regions