

REGISTER NUMBER: 73

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 20/12/2005

Case number: 2005/407

Institution: COMMISSION

Legal basis: article 27-5 of the regulation CE 45/2001⁽¹⁾

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN⁽²⁾

(2) Please attach all necessary backup documents

1/ Name and adress of the controller

Name and First Name of the Controller: BRANDT Eberhard

Title: Adviser

Directorate, Unit or Service to which the Controller is attached: Not Applicable. Not Applicable

Directorate General to which the Controller is attached: ADMIN

2/ Organisational parts of the institution or body entrusted with the processing of personal data

External Company or Directorate, Unit or Service to which the Processor is attached:

External Company or Directorate General to which the Processor is attached:

3/ Name of the processing

Détermination d'existence d'irrégularités financières et de leurs conséquences éventuelles - PIF (Panel Irrégularités Financières).

4/ Purpose or purposes of the processing

The Panel has to determine the existence and consequences of financial irregularities and to provide the Authorising Authority with an expertise on these irregularities.

5/ Description of the category or categories of data subjects

Data Subject(s) concerned:

Staff involved in financial management and the scrutiny of financial transactions.

Category(ies) of Data Subjects:

Commission staff and staff of agencies which decided to use the Commission's PIF-Panel (see Article 47§4 attached to point 11).

6/ Description of the data or categories of data(*including, if applicable, special categories of data (article 10) and/or origin of data*)

Data field(s) of Data Subjects: Attention: Please indicate and describe in the answer to this question also data fields which fall under article 10

Données concernant des violations éventuelles relatives à la gestion financière et au contrôle des opérations et résultant d'un acte ou d'une omission d'un fonctionnaire ou agent.

Toutes les informations qui permettent au PIF d'émettre un avis tendant à déterminer s'il y a ou non existence d'une irrégularité de nature à engager, le cas échéant, la responsabilité disciplinaire ou pécuniaire du fonctionnaire ou de l'agent. Lorsque les travaux du Panel ont conduit à déceler des problèmes systémiques, il en informe le Collège et le Service d'Audit interne.

Category(ies) of data fields of Data Subjects: Attention: Please indicate and describe in the answer to this question also categories of data fields which fall under article 10

Données permettant au PIF d'assumer son rôle légal (existence et conséquences éventuelles d'irrégularités financières).

It is assumed that the PIF will neither receive nor handle data which fall under Art.10.

7/ Information to be given to data subjects

Which kind of communication(s) have you foreseen to inform the Data Subjects as described in articles 11 - 12 under 'Information to be given to the Data Subject'

- In both cases described under 7) the staff members concerned will have the information which has been supplied to the PIF either by themselves or in the framework of an administrative procedure, to which they have participated. It has to be noted that the Panel only uses data collected by other services and does not create himself new personal data.

- A general information for all staff will be prepared at a later stage and published in the 'Administrative Notices'.

- A mission statement and general information on the competences of the Panel have been published on the DG ADMIN Intranet and BUDGEWEB

8/ Procedures to grant rights of data subjects(*rights of access, to rectify, to block, to erase, to object*)

Which procedure(s) did you put in place to enable Data Subjects to exert their rights: access, verify, correct, etc., their Personal Data as described in articles 13 - 19 under 'Rights of the Data Subject' :

Art.4 of the Commission Decision setting up the Panel stipulates:

- If new facts relating to an official emerge ? the Panel shall ask him/her to submit comments.
- If the Panel finds that an official has committed an irregularity it shall ask him/her to submit comments.

This obligation is duly reflected in Art.5 of the Panel's Internal Rules.

9/ Automated / Manual processing operation

Description of Processing: Attention: Please describe in the answer to this question if you process personal data falling under article 27 "Prior-Checking (by the EDPS - European Data Protection Supervisor)"

The Panel has a double role: It is the reception point for all information passed on by a staff member acting under Art.60 Financial Regulation (FR).

Second, it tenders opinions on matters referred to it by the AIPN, in circumstances where specialised advice on financial matters is required.

The President, Mr. Jan O. KARLSSON, is living in Stockholm, all notifications are made to the Panel Secretary.

He is obliged to inform all Panel Members that a notification has been made and to ask whether they want to receive a copy or to consult the file inside the Panel's office. Members and the staff were made aware that they have to comply with the legal requirements of data protection and the Commission's security rules whilst giving adequate protection to all files.

The notified case is put on the agenda of the next Panel meeting.

Automated Processing operation(s):

Non

Manual Processing operation(s):

Constitution de dossiers et de tableaux Excel.

10/ Storage media of data

Dossiers individuels sur support papier; documents sur support électronique.

11/ Legal basis and lawfulness of the processing operation

Legal basis of Processing:

Articles 60, 66 du Règlement Financier.

Articles 74, 75 des Modalités d'exécution.

Décision de la Commission du 9 juillet 2003 (C(2003)2247)

Article 47§4 of Commission Regulation n° 2343/2002 of 23 December 2002.

Lawfulness of Processing: Answering this question please also verify and indicate if your processing has to comply with articles 20 "Exemptions and restrictions" and 27 "Prior checking (by the EDPS)"

Article 5(a) du Règlement 45/2001

Because of its nature this processing should be subject to a prior checking by the European Data Protection Supervisor.

12/ The recipients or categories of recipient to whom the data might be disclosed

Recipient(s) of the Processing:

Les avis et rapports sont adressés à l'AIPN resp. aux fonctionnaires ou agents concernés (voir article 5 de la décision de la Commission) et dans le cas de problèmes systémiques au Collège et à l'auditeur interne (voir considérant 4 de la décision de la Commission).

Category(ies) of recipients:

- Financial actor(s) concerned.
- Competent staff of the Authorising Authority (cf.20).

13/ retention policy of (categories of) personal data

The PIF-files have to be kept as long as:

- the budget authority and the Court of Auditors might wish to receive pertinent information (5 years)
- and as long as an official concerned could introduce legal remedies.

A retention period of five years appears to be reasonable. It should be noted that the Panel will examine this issue in one of the next meetings.

13 a/ time limits for blocking and erasure of the different categories of data
(on justified legitimate request from the data subject)
(Please, specify the time limits for every category, if applicable)

Time limit to block/erase data on justified legitimate request from the data subjects:

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,

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:

15/ Proposed transfers of data to third countries or international organisations

Legal foundation of transfer: Only transfers to third party countries not subject to Directive 95/46/EC (Article 9) should be considered for this question. Please treat transfers to other community institutions and bodies and to member states under question 20.

Not applicable.

Category(ies) of Personal Data or Personal Data to be transferred:

Pas de transfert hors de l'institution et de l'agence concerné (point 16).

16/ The processing operation presents specific risk which justifies prior checking (*please describe*):

Description of Processing: Attention: Please describe in the answer to this question if you process personal data falling under article 27 "Prior-Checking (by the EDPS - European Data Protection Supervisor)"

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Article 5(a) du Règlement 45/2001

Because of its nature this processing should be subject to a prior checking by the European Data Protection Supervisor.

AS FORESEEN IN:

Article 27.2.(a)

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

The processing operations on personal data related to "Détermination d'existence d'irrégularités financières et de leurs conséquences éventuelles - PIF (Panel Irrégularités Financières)." are submitted under the provisions of the present paragraph of article 27.

Article 27.2.(b)

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

Not applicable

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,

Not applicable

Other (general concept in Article 27.1)

The processing operations on personal data related to "Détermination d'existence d'irrégularités financières et de leurs conséquences éventuelles - PIF (Panel Irrégularités Financières)." are submitted under the provisions of the present paragraph of article 27.

17/ Comments

Date of submission:

Comments if applicable:

La plupart des documents versés au dossier papier sont établis grâce à des systèmes de traitement de texte.

Do you publish / distribute / give access to one or more printed and/or electronic directories?

Personal Data contained in printed and/or electronic directories of users and access to such directories shall be limited to what is strictly necessary for the specific purposes of the directory.

If Yes, please explain what is applicable.

no

Complementary information to the different points if applicable:

It should be noted that the PIF Panel is a new entity which was created by the new Financial Regulation and that the administrative experience which was acquired until now is very limited.

PLACE AND DATE:20/12/2005

DATA PROTECTION OFFICER: HILBERT Nico

INSTITUTION OR BODY:European Commission