REGISTER NUMBER: 90

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 17/03/2006

Case number: 2006-142

Institution: European 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

2) Name and First Name of the Controller:DE BRUIJN Bastiaan

3) Title:Head of Unit

4) Directorate, Unit or Service to which the Controller is attached:R.04

5) Directorate General to which the Controller is attached:INFSO

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

26) External Company or Directorate General to which the Processor is attached:
25) External Company or Directorate, Unit or Service to which the Processor is attached:

 3/ Name of the processing

Voice recording of Helpdesk calls

 4/ Purpose or purposes of the processing

The purpose of the installation of the recording system is the improvement of the quality of the support provided by the Helpdesk.

Firstly, the system will allow the streamlining of the response to the support calls by allowing the re-tracing of the original conversations and the verification of the information recorded in the "trouble ticket" without having to call back the user.

Secondly, it will make it possible to monitor the quality of the conversations between users and the operators with the goal of improving the operator?s effectiveness in managing time and the courteous gathering of information.

Thirdly, the system should simplify, shorten, and, at the same time, increase the quality of the training of new operators due to the availability of examples of typical conversations with users in a realistic context.

The purpose is by no means related to the Career Development Report system nor to similar evaluation exercises of the personnel and the information gathered by the NiceCall Focus system will not be mentioned

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

The persons calling DG INFSO's Helpdesk can be any person: they are primarily DG INFSO's staff but nothing prevents external people from calling DG INFSO's Helpdesk.

Those receiving the calls are the Helpdesk operators. Part of them are statutory staff and the others are contractual staff hired through DIGIT's framework contract for the provision of Information Technology Support Services.

16) Category(ies) of Data Subjects:

The persons calling DG INFSO's Helpdesk can be any person: they are primarily DG INFSO's staff but nothing prevents external people from calling DG INFSO's Helpdesk.

Those receiving the calls are the Helpdesk operators. Part of them are statutory staff and the others are contractual staff hired through DIGIT's framework contract for the provision of Information Technology Support Services.

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

17) 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

Phone number of the Helpdesk Operators.
Date / time stamps of beginning and end of each conversation.
Recording of each conversation.

18) 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

Phone number of the Helpdesk Operators.
Date / time stamps of beginning and end of each conversation.
Recording of each conversation

7/ Information to be given to data subjects

15a) 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'

- Information page on the DGs Intranet (attachment 1 "Privacy Statement).
- broadcast via e-mail to all DG's staff (see attachment 2)
- Information as part of the presentations on the IT facilities in the DG made by the IRM unit to newcomers.
- short informational voice message at the beginning of each call to the DG's IT Helpdesk (see attachment 3).

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

15b) 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' :

On simple request by an e-mail message addressed to the functional mailbox "INFSO HELPDESK", each person can obtain a copy of the record of his conversation with the DG INFSO IT Helpdesk staff in case of his / her clear and unambiguous identification through the content.

Through the same procedure, the Data Subjects may ask to verify which personal data is stored on their behalf by the responsible controller, have it modified resp. deleted or corrected, by explicitly specifying their request.

In the context of the present system, a ?correction? request cannot be accepted as such. This specific case would be taken care of through the registration of a new conversation, identifying unambiguously the record to correct.

9/ Automated / Manual processing operation

7) 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)"

All the conversations between users and Helpdesk operators are recorded and stored in a NiceCall Focus II system format (from NICE Systems Ltd). Along with the recording, the system stores the channel number (associated to the phone number of the operator) , the time and date stamps of the beginning and end of the conversations.

8) Automated Processing operation(s):

Storage of date / time stamps of beginning and end of each conversation.
Recording of each conversation.

9) Manual Processing operation(s):

System Administrator's utilities are available to search and listen back the conversations either directly or after exporting them to computer files (WAV format).
Reporting facilities are available to provide for statistical information.

The query tools allow for searches and processing on the phone number of the Helpdesk operators, the associated channel number (generated by the system and usually associated with the same operator number), the number of calls in specific periods, the calls durations. The phone number of the caller is not traceable from the statistics.

10/ Storage media of data

Computer hard-disks of the NiceCall Focus II System (NCFS).

The files stored on these hard disks can be exported to computer files (in .WAV format) onto the PCs of Systems Administrators, Investigation staff and Reporting staff (see answer to question 21).

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

The processing operations of Nice Call Focus II System is necessary for the good quality of the performance and the support of the tasks carried out by the DG , and more generally by the institution, as mandated by the treaties, and more specifically articles 6, 7, 211 - 219 and 255 of the Treaty of Amsterdam.
Beyond, the processing operations of the European Commission ICT system is in direct relation with the first prescription of the CODE OF GOOD ADMINISTRATIVE BEHAVIOUR FOR STAFF OF THE EUROPEAN COMMISSION IN THEIR RELATIONS WITH THE PUBLIC, published as an Annex to the "Commission Decision of 17 october 2000". In the first section of this Annex, Quality service, it is stated that "The public legitimately expects quality service and an administration that is open, accessible and properly run".

12) 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)"

The legal basis for the processing is Regulation (EC) 45/2001, in particular art. 5(a). The processing complies with art. 20 "Exemptions and restrictions" and does not likely present specific risks to the rights and freedom of data subjects by virtue of their nature, their scope or their purposes, in the sense of art. 27 "Prior checking (by the EDPS)".

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

20) Recipient(s) of the Processing:

Query utilities of the system will be installed on the Personal Computers of the Helpdesk team leader, the responsible for Support, the Controller and the Delegated Controller.

21) Category(ies) of recipients:

Users of the system: every person calling the DG's IT Helpdesk.
Systems administration: local systems administrators, helpdesk team leader, User Support responsible.
Investigations: IDOC, ADMIN/DS, OLAF, AUDIT, OMBUDSMAN, DPO, EDPS.
Reporting: Helpdesk team leader, User Support responsible, Controller and Delegated Controller.

13/ retention policy of (categories of) personal data

It is possible to adjust the retention time of the recordings up to a maximum of 7 years after which the system deletes automatically the record. For practical purposes and because of compliance with the DP Regulation the retention time will be adjusted not to exceed a maximum of 6 months.

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)
(on justified legitimate request from the data subject)
(Please, specify the time limits for every category, if applicable)

22 b) Time limit to block/erase data on justified legitimate request from the data subjects

Four months.

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,

22 c) 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

Data are stored for six months (see q. 22.a). The data can be stored under one format only. It includes the phone number of the Helpdesk Operators, which is the only identification field.

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

27) 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

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

Not applicable

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

7) 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 27.2.(a) Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

None

   Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject,

The processing operations on personal data related to the "Voice recording of Helpdesk calls " in DG INFSO is submitted to the EDPS under the present article.

   Article 27.2.(c) Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

None

   Article 27.2.(d) Processing operations for the purpose of excluding individuals from a right, benefit or contract,

None

   Other (general concept in Article 27.1)

None

17/ Comments

1) Date of submission:

10) Comments if applicable:

Not applicable

36) 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
Not applicable

37) Complementary information to the different questions if applicable, including attachments to this
notification which should not be public :

Not applicable

PLACE AND DATE:17/03/2006

DATA PROTECTION OFFICER: HILBERT Nico

INSTITUTION OR BODY:European Commission