

REGISTER NUMBER: 125
NOTIFICATION FOR PRIOR CHECKING
<p>Date of submission: 10 October 2006</p> <p>Case number: 2004-272</p> <p>Institution: European Central Bank</p> <p>Legal basis: article 27-5 of the regulation CE 45/2001⁽¹⁾</p>

INFORMATION TO BE GIVEN⁽²⁾
<i>(2) Please attach all necessary backup documents</i>
<p>1/ Name and address of the controller Head of Division Operations and Support (Jean-Luc Gérardy) European Central Bank, Kaiserstrasse 29, D-60311 Frankfurt am Main</p>
<p>2/ Organisational parts of the institution or body entrusted with the processing of personal data Directorate General Information Systems - Division Operations and Support -</p>
<p>3/ Name of the processing Investigation procedures regarding the usage of ECB mobile telephones</p>
<p>4/ Purpose or purposes of the processing Conducting an investigation whenever management, after having performed a plausibility check, disagrees with the information contained in the monthly summary report on costs per ECB mobile phone (which have been allocated to staff members in its respective business area).</p>
<p>5/ Description of the category or categories of data subjects All individuals working for the ECB who have been allocated an ECB mobile telephone are potential data subjects for the relevant data processing operations.</p> <p>Staff members with permanent or fixed term contracts are subject to the obligations laid down in the Administrative Circular 4/2000 on "Rules for the official and private use of the ECB's telephone and fax equipment" and to the relevant attachment entitled "Call Charging Facility Investigation Procedures". Additionally to that all these staff members are subject to the "Statute of the European System of Central Banks and of the European Central Bank", the "Conditions of Employment for staff of the ECB", the "ECB Staff Rules" and the "Code of Conduct of the European Central Bank"; all staff members with a short-term contract are subject to the "Statute of the European System of Central banks and of the European Central Bank", the "Code of Conduct of the European Central Bank", the "Conditions of Short-Term Employment" and the "Rules for Short-Term Employment"</p>

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

Basic personal data of staff members, high-level billing data/statistical data (name, phone number, monthly costs).

In addition: traffic data, in case an itemised bill is requested.

7/ Information to be given to data subjects

Should a manager wish to query the monthly statistical information on the costs for calls made by an individual staff member via ECB mobile phone, or require additional information, he or she should proceed - in analogy to the procedure to be applied in case of office telephones - as follows (Art. 3 of the attachment to the AC 4/2000):

- 1) Inform the staff involved that an investigation will be conducted.
- 2) In cases where he or she is dissatisfied with the content of the received monthly report, the line manager should discuss the issue with the member of staff concerned and resolve discrepancies where possible.

The Administrative Circular 4/2000 and the relevant attachment are published on the ECB's intranet site. Additionally to that staff members are informed in specifically organised "induction seminars" about the most important provisions concerning the professional duties laid down in the "Conditions of Employment for staff of the ECB" and the "ECB Staff Rules" or "Conditions of Short-Term Employment" and the "Rules for Short-Term Employment" when start working at the ECB, including the rules for the private and official use of phones.

Data subjects can contact the Controller for any additional information falling under the scope of Art. 11 and 12 of the Regulation.

8/ Procedures to grant rights of data subjects

a) As to the right of access (Art. 13):

1) In the course of an administrative investigation or prior to that during the discussions with their line manager, data subjects have access to the relevant monthly reports with statistical data. In case an itemised bill is requested from the provider, the Controller sends the itemised bill to the staff member concerned.

2) In order to access other data related to their business calls, data subjects shall contact the Controller.

b) As to the exercise of all other rights laid down in Section 5 of the Regulation:

In the course of an investigation, data subjects shall contact the Controller in order to exercise their rights.

9/ Automated / Manual processing operation

a) Manual processing operations can take place:

Upon personal data contained in the monthly reports (print-outs are sent to the respective Area Heads, e.g. to the Director Generals). If an itemised bill is requested, the Controller sends the copy directly to the staff member concerned who will have to contact his line manager.

b) Automated processing operations can take place:

The monthly report is produced via automated processing. The monthly bill can be downloaded online from the provider's website. In an access data base costs are allocated to the telephone numbers and thus to ECB mobile phone holders. The monthly reports per business area are printed out and sent to Area Heads.

10/ Storage media of data

a) Print-outs of the monthly reports with statistical data and, if applicable, hardcopies of itemised bills (which are immediately forwarded to the staff member concerned).

b) Data base with monthly statistical data.

11/ Legal basis and lawfulness of the processing operation

Conditions of Employment for staff of the ECB / Conditions of Short-Term Employment / ECB Staff Rules / Rules for Short-Term Employment / Statute of the European System of Central Banks and of the European Central Bank / Code of Conduct of the European Central Bank / Administrative Circular 4/2000 on "Rules for the official and private use of the ECB's Telephone and Fax Equipment" and relevant attachment. In accordance with Art. 11.2 of the ECB's Rules of Procedure, Administrative Circulars are binding for the staff of the ECB.

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

The only recipients of data related to the Investigation Procedure described in this notification can be:

- a) All responsible managers (monthly report)
- b) The Directorate General Human Resources, Budget and Organisation and, if necessary, the Directorate General Legal Services and the Directorate Internal Audit in cases of a suspected misconduct (monthly reports and, if applicable, itemised bills; the latter needs to be forwarded via the line manager by the staff member concerned).
- c) Members of staff who, for professional reasons, need to have access to the relevant information and whose access is authorised by the Controller.

13/ retention policy of (categories of) personal data

For legal and statistical purposes, monthly reports and, if applicable, itemised bills per mobile phone number will be stored and retained for up to three years from the date of the first data backup. After expiry of this period, all detailed personal call data will be deleted.

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)

There is no special period foreseen for blocking the data.

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,

There are no specific rules or procedures in place concerning longer storage periods for historical, statistical or scientific purposes.

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

There are no proposed transfers of data to third countries or international organisations.

16/ 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,

X Article 27.2.(b)

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

Article 27.2.(c)

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

Article 27.2.(d)

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

Other (general concept in Article 27.1)

17/ Comments

1) To ensure that data are not kept for longer than allowed, the respective managers will be reminded to destroy the monthly reports they received for verification purposes on a regular basis.

2) Administrative Circular (AC) 4/2000 is currently being revised (adoption foreseen still in fall 2006). Please note that the new AC will, in line with Regulation 45/2001, foresee a retention period of 6 months (instead of 3 years). Furthermore, the Annex to AC 4/2000 will not be attached to the new AC (will be communicated separately).

PLACE AND DATE: Frankfurt am Main, 9 October 2006

DATA PROTECTION OFFICER: Wolfgang Sommerfeld *[signed]*

INSTITUTION OR BODY: European Central Bank