

**REGISTER NUMBER: 153**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 09/02/2007

Case number: 2007-073

Institution:OLAF

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

*(1) OJ L 8, 12.01.2001*

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

*(2) Please attach all necessary backup documents*

1/ Name and adress of the controller

2) Name and First Name of the Controller:BRANDT Eberhard

3) Title:Head of Unit

4) Directorate, Unit or Service to which the Controller is attached:.01

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

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

Regular monitoring of the implementation of the investigative function.

4/ Purpose or purposes of the processing

To reinforce OLAF's independence, as required by Art. 11 of Reg. 1073/99.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

Staff of the EU institutions, bodies, offices and agencies subject to OLAF investigations or otherwise involved in the matters under investigation (as whistleblowers or witnesses).

Persons outside the EU institutions, bodies, offices and agencies subject to OLAF investigations or otherwise involved in the matters under investigation (as informants, witnesses, economic operators and/or managers of companies concerned).

Staff of the judicial authorities of the Member States in charge of the case which OLAF has forwarded to such authorities.

16) Category(ies) of Data Subjects:

Staff of the EU institutions, bodies, offices and agencies subject to OLAF investigations or otherwise involved in the matters under investigation (as whistleblowers or witnesses).

Persons outside the EU institutions, bodies, offices and agencies subject to OLAF investigations or otherwise involved in the matters under investigation (as informants, witnesses, economic operators and/or managers of companies concerned).

Staff of the judicial authorities of the Member States in charge of the case which OLAF has forwarded to such authorities.

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

Surname, forename, nickname, birthday, birthplace, case involvement, address, profession, organisation, function, telephone number, fax number, e-mail address, activities related to matters which are the subject of OLAF investigations/follow-up.

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

Identification and contact data, professional background, case involvement.

No data fields which fall under Article 10.

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'

Please see the reply to Question 15(a) in DPO-6, external investigations and operations.

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' :

Please see the reply to Question 15 (b) in DPO-6, external investigations and operations.

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)"

The OLAF Supervisory Committee is, in view of Article 11 of Regulation N° 1073/1999, legally obliged to monitor regularly the implementation of OLAF's investigative function. This requires that the Supervisory Committee and its secretariat receive personal data contained in various documents forwarded by OLAF: reports that an investigation has been in progress for more than nine months, reports concerning cases where the responsible institution, body office or agency has failed to act on recommendations made by OLAF in the context of a case, and notes concerning cases requiring information to be forwarded to the judicial authorities of a Member State. The Supervisory Committee has also requested, and received, access to the OLAF Case Management System files for all closed cases and non-cases, which will enable it to review all documents in the case files.

8) Automated Processing operation(s):

No electronic processing operations.

9) Manual Processing operation(s):

A filing system has been developed comprised of general/pertinent information (Commission/Council documents, etc.); documents transmitted by OLAF; minutes, agendas, etc.; documents from the former SC.

10/ Storage media of data

Paper and hard disk.

CMS electronic data is stored in an Oracle database protected by a special OLAF firewall. For further details see notifications for the CMS (DPO-73) and IT infrastructure (DPO-97).

Paper data is stored in the Supervisory Committee files.

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

Article 11 of Regulation 1073/1999; Article 4 of Commission Decision 1999/352.

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 processing is necessary for the Supervisory Committee to perform its duties as laid out in the legal basis specified in the reply to Question 11. Thus it is lawful under Article 5(a) of Regulation 45/2001.

The exemptions and restrictions specified in Article 20(1)(a) and (b) of the Regulation may be applicable in specific cases.

This processing is subject to prior checking according to Article 27(a).

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

20) Recipient(s) of the Processing:

Members of the SC and of its Secretariat.

21) Category(ies) of recipients:

Members of the SC and of its Secretariat.

13/ retention policy of (categories of) personal data

The SC may keep both electronic and paper files relating to investigations and follow-up activities for up to 10 years after the date on which the follow-up has been completed in line with OLAF's retention policy.

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

One month.

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

Such historical, statistical or scientific purposes have not as yet been identified. In the event of the appearance of such purposes, the SC would align with OLAF's policy in this field, i.e. keep documents of particular importance in anonymised form for 50 years.

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)"

The OLAF Supervisory Committee is, in view of Article 11 of Regulation N° 1073/1999, legally obliged to monitor regularly the implementation of OLAF's investigative function. This requires that the Supervisory Committee and its secretariat receive personal data contained in various documents forwarded by OLAF: reports that an investigation has been in progress for more than nine months, reports concerning cases where the responsible institution, body office or agency has failed to act on recommendations made by OLAF in the context of a case, and notes concerning cases requiring information to be forwarded to the judicial authorities of a Member State. The Supervisory Committee has also requested, and received, access to the OLAF Case Management System files for all closed cases and non-cases, which will enable it to review all documents in the case files.

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)"

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The exemptions and restrictions specified in Article 20(1)(a) and (b) of the Regulation may be applicable in specific cases.

This processing is subject to prior checking according to Article 27(a).

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

Yes.

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

Yes.

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

No.

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

No.

Other (general concept in Article 27.1)

No.

#### 17/ Comments

1) Date of submission:

10) Comments if 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

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

PLACE AND DATE:01/02/2007

DATA PROTECTION OFFICER: LAUDATI Laraine

INSTITUTION OR BODY:OLAF