

REGISTER NUMBER: 180

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 19 March 2007

CASE NUMBER: 2007-171

NOTIFICATION OF: OHIM

LEGAL BASIS: Article 27-5 of the Regulation CE N° 45/2001¹

INFORMATION TO BE GIVEN²

1. Name and address of the controller

Office for Harmonization in the Internal Market (Trade Marks and Designs)
Avenida de Europa, 4
E-03008 Alicante
Spain

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

Human Resources Department
Ms Graziella JUSTE, Social Worker

3. Name of the processing

Social Assistance
(OHIM Reference DPN-2007-014)

4. Purposes of the processing

The processing operations consist in providing appropriate professional counselling and information upon request by data subjects.
The main aim of this service is to assist in reconciling professional and private life. The basic concept is to secure the most favorable personal conditions for each individual in order to develop their utmost potential.
Consultations may be made on matters relating to:
Family
Money
Psychological issues

¹ OJ L 8, 12.01.2001.

² Please attach all necessary backup documents

<p>Administrative issues</p> <p>Adjusting to the environment and cultural issues</p> <p>Health</p> <p>Conflict management</p> <p>Relationships</p> <p>Miscellaneous</p> <p>The Social Worker carries out individual and collective activities in prevention, assistance and, where the need arises, social accompaniment.</p> <p>It is important to clarify that this is a consultation and assessment service on both professional (communication, stress, conflicts, burn-out, etc.) and personal matters (adaptation, specific problems, etc.).</p> <p>It also provides information on the various resources of both the Social Services of Alicante and the Institutions.</p>
<p>5. Description of the category or categories of data subjects</p> <p>Any person working for the Office (statutory or not).</p> <p>Related persons of family of statutory staff members.</p>
<p>6. Description of the data or categories of data (<i>including, if applicable, special categories of data (article 10) and/or origin of data</i>)</p> <p>Name of the agent (not always provided and not compulsory) and description of social consultation submitted to the Social Worker.</p>
<p>7. Information to be given to data subjects</p> <p>Whenever a data subject consults the Social Worker, he/she is informed orally about the confidentiality of the consultation and about the code of deontology followed by the Social Worker (www.ifsw.org).</p>
<p>8. Procedures to grant rights of data subjects</p> <p>Considering the particularity of this service and the underlying processing of personal data which is mainly carried out orally, there is no specific procedure to grant rights to data subjects.</p> <p>Nevertheless, as far as eventual emails are concerned, data subjects' rights are applied without delay upon simple request from the data subject to the Social Worker.</p>
<p>9. Automated / manual processing operation</p> <p>Most of the processing operations are done orally (phone conversation, bilateral interview). Other consultations are managed by email.</p> <p>Only the Social Worker has access to the data. The Social Worker works alone without any administrative support.</p>
<p>10. Legal basis and lawfulness of the processing operation</p> <p>Article 5(d) of Regulation 45/2001 (<i>"the data subject has unambiguously given his or her consent"</i>)</p>

Article 5(e) of Regulation 45/2001 (“*processing is necessary in order to protect the vital interests of the data subject*”)

11. The recipients or categories of recipient to whom the data might be disclosed

Any related family member, or any professional (doctor, psychologist, lawyer ...) directly linked with the case, only where strictly necessary and always with the prior unambiguous consent of the data subject.

12. General indication of the time limits

For Blocking: immediate

And/or

For erasing: immediate

Of the different categories of data (*please, specify the time limits for every category, if applicable*)

Eventual emails are kept for a maximum period of 5 years.

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 of international organisations

Not applicable.

15. The processing operations presents specific risks which justifies prior checking (*please describe*):

The purposes may be related either to the health (social, psychological) of the data subject or to the evaluation of personal aspects related to the data subjects.

As foreseen in:

☒ **Article 27.2(a)**

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

☒ **Article 27.2(b)**

Processing operations intended to evaluate personal aspects related to the data subject

<input type="checkbox"/> Article 27.2(c) <i>Processing operations allowing linkages not provided for pursuant to national of Community legislation between data processed for different purposes</i>
<input type="checkbox"/> Article 27.2(d) <i>Processing operations for the purpose of excluding individuals from a right, benefit or contract</i>
<input type="checkbox"/> Other (general concept in Article 27.1)
16. Comments (1) It is worth mentioning that the Social Worker <u>does not</u> hold/maintain a “social personal file” of data subjects consulting her for social assistance. (2) Further processing operations of personal data related to the granting of Social Financial Aids are subject to a separated prior check notification to the EDPS (OHIM Reference DPN-2007-015).
17. Annexes Original notification to the DPO
Place and Date : Alicante, 16 March 2007 Data Protection Officer: Luc Dejaiffe Institution of body: Office for Harmonization in the Internal Market (Trade Marks and Designs)