

REGISTER NUMBER: 181

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 19 March 2007

CASE NUMBER: 2007-172

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 Financial Aids
(OHIM Reference DPN-2007-015)

4. Purposes of the processing

The processing operations consist in taking decision whether to grant financial support in application of article 76 of Staff Regulation or other OHIM administrative decisions upon request by data subjects.

For the time being, OHIM grants two types of social financial aids:

- Salary advance payment (see annex 1)
- aids to handicapped data subjects in accordance with OHIM's administrative decision ADM-05-38 (see annexes 2 and 3)

The Social Worker collects the requests for financial aids either on the application form (annex 1) or in accordance with the requirements of article 4.2. of decision

¹ OJ L 8, 12.01.2001.

² Please attach all necessary backup documents

ADM-05-38 (annex 2). In the latter case, the request may be examined by an ad hoc committee composed by the Office's medical officer, the social worker and the administrator responsible for the case concerned, and, where appropriate, two experts appointed by the President of the Office according to the nature of the disability.

Once the decision is taken (see example in annexes 1 and 3), the Social Worker circulates it to the financial actors in order to implement the financial aids in accordance with the requirements of OHIM's Financial Regulation (commitment, payment). The circulated decision does not contain any medical data or information with regards to the justification of the social financial aids granted.

In accordance with article 38§6 of OHIM's Financial Regulation, decision files are stored for a period of 5 years (*"The authorising officer shall conserve the supporting documents relating to operations carried out for a period of five years from the date of the decision granting discharge in respect of implementation of the budget."*)

5. Description of the category or categories of data subjects

Only statutory staff members and their related family

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

Personal number, name of the agent, type and justification of financial aid, amount and bank account.

7. Information to be given to data subjects

The data subjects are informed when filling in the application for financial aid.

8. Procedures to grant rights of data subjects

Data subject is to send a written request to the Social Worker.

9. Automated / manual processing operation

The processing is manual.

10. Legal basis and lawfulness of the processing operation

Article 5(a) of Regulation 45/2001 (*"processing is necessary for the performance of a task carried out in the public interest on the basis of the Treaties establishing the European Communities or other legal instruments adopted on the basis thereof [...]"*)

→ Legal instruments:

- Article 76 of the Staff Regulations

Article 5(d) of Regulation 45/2001 (*"the data subject has unambiguously given his or her consent"*)

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

In the case of aid for disabled (Decision ADM-05-38), an ad hoc committee

consisting of the Office's medical officer, the social worker and the administrator responsible for the case concerned, and, where appropriate, two experts appointed by the President of the Office according to the nature of the disability, is consulted to take the decision.

In all other cases, only the Social Worker has access to the data.

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*)

Applications and subsequent decisions to grant financial aids are stored for a period of 5 years in accordance with article 38§6 of OHIM's Financial Regulation (*"The authorising officer shall conserve the supporting documents relating to operations carried out for a period of five years from the date of the decision granting discharge in respect of implementation of the budget."*)

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 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

- Article 27.2(c)**
Processing operations allowing linkages not provided for pursuant to national of 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)**

16. Comments

17. Annexes

Original notification to the DPO including:

- Annex 1 - Model of application for financial aid
- Annex 2 - Decision no ADM-05-38
- Annex 3 - Model of decision in accordance with ADM-05-38

Place and Date : Alicante, 16 March 2007

Data Protection Officer: Luc Dejaille

Institution of body: Office for Harmonization in the Internal Market (Trade Marks and Designs)