

REGISTER NUMBER: 195

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 27/03/2007

Case number: 2007-213

Institution: OLAF

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: KUHL Lothar

3) Title: Head of Unit

4) Directorate, Unit or Service to which the Controller is attached: D.02

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

Processing of complaints received from the European Ombudsman

4/ Purpose or purposes of the processing

Conformance with requirements of Article 195 of the EC Treaty.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

Complainants to the European Ombudsman whose complaints relate to OLAF; persons mentioned in documentation related to complaints.

16) Category(ies) of Data Subjects:

Complainants to the European Ombudsman whose complaints relate to OLAF; persons mentioned in documentation related to complaints.

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

Name, address, telephone number, e-mail, fax, position, information related to the complaint.

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

Name, address, telephone number, e-mail, fax, position, information related to the complaint.

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 attached privacy statement.

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 attached privacy statement.

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)"

Processing of complaints received from the European Ombudsman: preparing and sending OLAF's opinion and replies on any further requests for information; follow-up on proposals for friendly solutions and draft recommendations, etc.; maintaining files of complaints and related documentation.

8) Automated Processing operation(s):

None.

9) Manual Processing operation(s):

All processing operations described in response to Question 7.

10/ Storage media of data

Hard disk; paper.

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

Article 195 of the EC Treaty;
Decision 94/262/ECSC, EC, Euratom of the European Parliament of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties;
Decision of the European Ombudsman adopting implementing provisions.

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 compliance with a legal obligation to which the controller is subject, and thus lawful under Article 5(b) of Regulation 45/2001.

The exemptions and restrictions of Article 20 may apply in certain circumstances.

This processing operation is subject to prior checking by the EDPS in accordance with Article 27.

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

20) Recipient(s) of the Processing:

Staff of OLAF responsible for dealing with complaints to the Ombudsman; staff of the European Ombudsman; the Secretariat General of the Commission receives a copy of all responses sent by OLAF to the European Ombudsman.

21) Category(ies) of recipients:

Staff of OLAF responsible for dealing with complaints to the Ombudsman; staff of the European Ombudsman; and staff of the Secretariat General of the Commission.

13/ retention policy of (categories of) personal data

Files related to complaints to the Ombudsman are retained for a period of two years after the decision of the Ombudsman is issued.

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

Not applicable.

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)"

Processing of complaints received from the European Ombudsman: preparing and sending OLAF's opinion and replies on any further requests for information; follow-up on proposals for friendly solutions and draft recommendations, etc.; maintaining files of complaints and related documentation.

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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This processing operation is subject to prior checking by the EDPS in accordance with Article 27.

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:27/03/2007

DATA PROTECTION OFFICER: LAUDATI Laraine

INSTITUTION OR BODY:OLAF