

REGISTER NUMBER: 197

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 27/03/2007

Case number: 2007-215

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 address of the controller

2) Name and First Name of the Controller: MAKELA Mika

3) Title: Head of Unit

4) Directorate, Unit or Service to which the Controller is attached: C.04

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

Council Regulation (EC) 1469/95

4/ Purpose or purposes of the processing

Implementation of a reporting mechanism for the purpose of identifying and making known to competent authorities a risk of non-reliability of certain beneficiaries of operations financed by the Guarantee Section of the EAGGF: in connection with tendering procedures, the grant of export refunds or sales at reduced prices of intervention products.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

Persons who are representatives of the legal entities (Economic operators) presenting a risk of non-reliability on the initiative of the competent authorities of the Member States, specifically to cases of irregularity which concern or would concern, alone or in combination with other irregularities committed by the same operator over a period of one year, an amount exceeding 100,000 euros.

16) Category(ies) of Data Subjects:

Persons who are representatives of the legal entities (Economic operators) presenting a risk of non-reliability on the initiative of the competent authorities of the Member States, specifically to cases of irregularity which concern or would concern, alone or in combination with other irregularities committed by the same operator over a period of one year, an amount exceeding 100,000 euros.

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, place and date of birth, trader's identification number, and other fields as indicated in attachments to question 9 (Form A and Form B).

No categories of data fields fall under article 10.

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, place and date of birth, trader's identification number, and other fields as indicated in attachments to question 9 (Form A and Form B).

No categories of data fields 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'

See 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' :

See 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)"

Reporting mechanism with regard to certain beneficiaries of operations financed by the Guarantee Section of the EAGGF.

Member States communicate a report of irregularities to OLAF using Communications FORM A (attached) in their own language. The contents are translated into three languages (FR, EN, DE) and sent to the other Member States competent authorities. Communications FORM B (attached) is used to reply to any action by any other Member State.

Transmission of documents is made via AFIS mail (see DPO 90) on the AFIS secure network and by fax and post.

A list of Reports by Member States is kept updated.

This processing is risk level 1 and subject to prior checking according to Article 27 (a) and (d) of the Regulation 45/2001.

8) Automated Processing operation(s):

None

9) Manual Processing operation(s):

Member States communicate a report of irregularities to OLAF using Communications FORM A (attached) in their own language. The contents are translated in to three languages (FR, EN, DE) and sent to the other Member States competent authorities. Communications FORM B (attached) is used to reply to any action by any other Member State.

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10/ Storage media of data

paper, hard disk

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

Council Regulation (EC) 1469/95 on measures to be taken with regard to certain beneficiaries of operations financed by the Guarantee Section of the EAGGF.

Commission Regulation (EC) no 745/96 laying down detailed rules for the application of Council Regulation (EC) 1469/95.

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 operations are necessary for the performance of tasks carried out by OLAF pursuant to its mandate, as referred to in paragraph 11 and thus lawful pursuant to Article 5 (a) of the Regulation no 45/2001.

Exemptions and restrictions pursuant to Article 20 (1) (a) and (b) of Regulation 45/2001 may be applicable to this processing activity in certain cases.

This processing is risk level 1 and subject to prior checking according to Article 27 of the Regulation 45/2001.

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

20) Recipient(s) of the Processing:

Designated staff of the competent authorities of Member States, and of the competent DG of the Commission

21) Category(ies) of recipients:

Designated staff of the competent authorities of Member States, and of the competent DG of the Commission

13/ retention policy of (categories of) personal data

Pursuant to Article 7 of Commission Regulation (EC) no 745/96, any operator will be deleted from the system of identification and notification at the end of the period of application of the measure concerned and when that person shall no longer be treated as a person implicated in the irregularity on the basis of the first notification.

Pursuant to Article Art. 3 (4) of Commission Regulation (EC) no 745/96, as regards the measure referred to in point (c) of Article 3 (1) of Regulation (EC) No 1469/95, the period of application is a minimum of six months, except in duly substantiated exceptional cases, and a maximum of five years.

Data is held no more than four years after the irregularity in question was committed pursuant to Article 8 (2) of Regulation (EC) no 745/96.

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)"

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Exemptions and restrictions pursuant to Article 20 (1) (a) and (b) of Regulation 45/2001 may be applicable to this processing activity in certain cases.

This processing is risk level 1 and subject to prior checking according to Article 27 of the Regulation 45/2001.

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,

Yes.

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