REGISTER NUMBER: 231
NOTIFICATION FOR PRIOR CHECKING

Date of submission: 01/06/2007

Case number: 2007-358

Institution: European Commission

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:ABECASIS Margarida

3) Title:Head of Unit

4) Directorate, Unit or Service to which the Controller is attached:C.03

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

 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:

DIGIT.A.02

 3/ Name of the processing

Telephone and Fax infrastructure, network and system of the Commission

 4/ Purpose or purposes of the processing

Make available Telephone and Fax equipment to the Data Subjects

Management of the Telephone and Fax infrastructure, network and system

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

Any Data Subject who has a contract with the Commission and receives a telephone set , fax and telephone number(s).

16) Category(ies) of Data Subjects:

Any Data Subject who has received an official phone number and telephone/fax set: official, temporary agents, experts, service providers, contractors.

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, Surname, phone number, address (building, floor, office)

Concerning call records: calling number, called number, country, date and time of the call, duration of the call, cost

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

Data needed to establish and identify calls: Name, Surename, phone number, address (building, floor, office)

Data of call records: calling number, called number, country, date and time of the call, duration of the call, cost

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'

Administrative Notice N°45-2006/15.09.2006: Acceptable use of the Commission's ICT services (PC equipment, E-Mail and Internet access systems, telephone, fax and mobile phones) at http://www.cc.cec/guide/publications/infoadm/2006/ia06045_en.html.

Code of good behaviour at http://www.cc.cec/pers_admin/code/conduct/index_fr.html

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' :

eGestel is the application that allows Data Subjects to verify their data.

Unit C3 in DG DIGIT uses the normal procedure of DG DIGIT to report any problem through the Central Helpdesk of the Commission (tél 58181). Data subjects report problems and questions, ask corrections to the Central helpdesk.

The Telephone section has also its own helpdesk available through the following:
- eMail address - DIGIT HELPDESK TELEPHONIE
- Tel. number - 52200.

Data subject will find the procedures to exert their rights, instructions and guidelines at http://www.cc.cec/egestel/index_fr.html.

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 telephone system and PABX use personal data to be able to establish communications. Data are stored in the Gestel database and loaded to telecommunication switches.

The telephone system and PABX provide records on the characteristics of communications. These data are used by eGestel to calculate communication costs.

As this processing exploit data in relation with private communications, prior checking is required according Art. 27.
Gestel and eGestel have been the subject of the Notification DPO-832 version 1.

8) Automated Processing operation(s):

- Loading data into PABX from Gestel
- Display of data on screen of the telephone set
- Processing of call records into gestel and eGestel.

9) Manual Processing operation(s):

- Correction of data in PABX

10/ Storage media of data

Data are stored on servers in the Data Centre in Luxembourg in the Gestel databases and eGestel.

Data are loaded, produced and retained in the PABXes

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

The processing operations of the European Commission Telephone system is necessary for the performance and the support of the numerous tasks carried out by the institution as mandated by the treaties, and more specifically articles 6, 7, 211 - 219 and 255 of the Treaty of Amsterdam.

Implementing the Treaty, the e-Europe Action Plan, including the derived policy measures and actions on e-Government, and the e-Commission implementation strategy based on actions 7, 8 and 9 of the Commission Reform White Paper called for a modern & efficient communications infrastructure including equivalent office automation technology.

As almost all institutional tasks have multiple "communication" aspects, which, considering the current state of the art in use in almost every organisation in a global networked environment around Europe and the world, these tasks must be supported by the appropriate functionalities of a modern and performing telephone system. In addition, the processing operations of the European Commission telephone system is
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 operation on personal data are necessary and lawful under Article 5(a) of Regulation (EC) 45/2001.

This notification has to be submitted to prior checking by the EDPS according to Art. 27.1.

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

20) Recipient(s) of the Processing:

Data Subjects have access to all their information with eGestel. Data subjects can read when the function is activated, the name of the calling party during calls on the telephone set display.

- All officials and external engineers working in unit DIGIT C3 - CUPS.

21) Category(ies) of recipients:

- Officials, temporary agents and service providers under the surpervision and responsibility of authorised officials.

13/ retention policy of (categories of) personal data

- Data (name, surname, phone n°, office address) that are necessary for the operation of the telephone system are kept and used as long as the data subject is the "owner" of the phone number and uses the Commission phone services.

- Data concerning calls of the current month + the 6 previous months are kept live.

- Data are saved during one year in the Data Center to allow the good management of the telephone network: production of statistics, invoices verification, consumption follow-up, consultation of the history for technical reasons, inquiries.

- Data are saved for 5 years for technical reasons and to comply with Finacial Regulations, only available to officials of DIGIT C3 to allow statistics and long terme evolution follow-up on the usage, invoices control. It's only for DIGIT C3 purpose, no data is sent or given outside DIGIT C3 .

The 5 years period of retention is justified by financial rules that require the invoices must be verified during 5 years.

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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

Before erasing or blocking data, the consequences on the continuity of service have to be analysed. This requires 5 working days.

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))*:

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This notification has to be submitted to prior checking by the EDPS according to Art. 27.1.

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

n/a

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

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

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

n/a

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

n/a

   Other (general concept in Article 27.1)

n/a

17/ Comments

1) Date of submission:

10) Comments if applicable:

The telephone system is closely tied to Gestel and eGestel and uses the same personal data. This notification is related to the notification on Gestel and eGestel and should be read together (Notification DPO-832 version 1).

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.

yes
As in notification DPO-832 - Gestel and e-Gestel

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

Roberto Perfetto - Head of Section in DG DIGIT C PCB is the Delegated Controller of this Notification

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PLACE AND DATE:01/06/2007

DATA PROTECTION OFFICER: RENAUDIERE Philippe

INSTITUTION OR BODY:European Commission