**REGISTER NUMBER: 234**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 04/06/2007

Case number: 2007-367

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:WILKINSON David

3) Title:Director

4) Directorate, Unit or Service to which the Controller is attached:C.00

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

 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:

Vodafone Omnitel N.V. - Via Jervis, 13 - Ivrea (TO).JRC.C.04
TRASYS/CRONOS consortium.JRC.C.04
Telecom Italia S.p.A. - Piazza Affari, 2 - Milano.JRC.C.04

 3/ Name of the processing

eTELMA - TELEPHONE CALLS DATABASE AT JRC ISPRA SITE

 4/ Purpose or purposes of the processing

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PRODUCE ELECTRONIC INVOICES FOR TELEPHONE / FAX / GSM USERS.
Purposes:
- Fulfil the Financial Regulation obligations about the costs control of the communications and of the invoicing.
- Inform users of their telecommunication resources consumption
- Inform in an anonimous way the HoU of the use fo the telecommunication resources of their Unit.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

ALL TELEPHONE USERS OF THE JRC ISPRA SITE:
- All statutory staff (officials, CA, TA)
- Non statutory staff responsible of a telephone line.

Non statutory staff and the staff not rewarded by the Commission, if necessary, have their own telephone line with the possibility to do private calls and receive the related debit note.

16) Category(ies) of Data Subjects:

EVERYBODY WHO IS RESPONSIBLE OF  A TELEPHONE / FAX / GSM ON ISPRA SITE.

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,  FIRST NAME,  PERSONAL NUMBER,  UNIT, BUILDING, ROOM, POST BOX (TP), TELEPHONE NUMBER, SECRETARY TELEPHONE NUMBER AND FAX NUMBER,
DATE, HOUR,  DURATION OF THE COMMUNICATION,  CALLED TELEPHONE NUMBER (FULL NUMBER), COUNTRY/CITY,  PRICE/EUR,  TOTAL NUMBER OF COMMUNICATIONS,  TOTAL COST.

The personal number is falling under article 10.6 of Regulation (EC) 45/2001.

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

PROFESSIONAL PERSONAL DATA ONLY.

The personal number is falling under article 10.6 of Regulation (EC) 45/2001.

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'

USERS WILL RECEIVE INFORMATION REGARDING THEIR TELEPHONE CALLS.
A COMMUNICATION WILL BE SENT TO ALL USERS TO INFORM THEM OF THE NEW INVOICING SYSTEM PROCEDURES.
PRIVACY STATEMENT WILL BE ON THE HOME PAGE  OF THE eTELMA APPLICATION. (SEE ATTACHMENT)

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' :

USERS CAN SEND ANY REQUEST / COMPLAINT TO THE FOLLOWING MAILBOX:
JRC-TELEPHONE-BILLING-ISPRA@EC.EUROPA.EU

AS DESCRIBED IN THE 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 TELEPHONE TRAFFIC DATA TO ESTABLISH ELECTRONIC INVOICES FOR THE USERS OF THE JRC ISPRA SITE.

These processing operations fall under article 37, 27.1 and 27.2(b)

e-Telma is an application that makes use of the PABX and of the GSM data related to the fixed and mobile telephone traffic and of the relevant communications.

e-Telma allows useres to consult the detailed list of their service and private telephone calls (from fixed line and from mobiles), and mades it possible for the Telephone Service the invoicing of communications (in accordance with the Financial Regulation).

The technical specifications of e-Telma application, also used for the develpment of the project, are attached to this notification for further information regarding this matter.

8) Automated Processing operation(s):

AUTOMATIC TRANSFER OF DATA FROM THE TELEPHONE PLANT DATABASE AND FROM THE DATA SUPPORT PROVIDER TO THE INVOICING DEDICATED SYSTEM TO PRODUCE ELECTRONIC INVOICES.
THE SYSTEM WILL AUTOMATICALLY COLLECT ALL THE INFORMATION RELATED TO THE TELEPHONE SERVICE. THE DATA COLLECTED WILL BE TRANSFERRED TO A SYSTEM WHICH WILL PRODUCE INVOICES FOR THE USERS (COMPREHENSIVE OF THEIR DETAILS) AND INVOICES FOR THE UNIT HEADS.
THE INVOICES WILL BE SENT ELECTRONICALLY TO THE USERS AND TO THE UNIT HEADS.

Automated processing operations:
- Fixed telephone communications data processing, using the PABX data
- Mobile telephone communications (GSM) data processing, using the traffic data obtained from the Provider
- Calculation of the service communication data for each Unit
- Calculation of the service communication data for each telephone, fixed and mobile, for the Unit
- Calculation of the service communication data for each user
9) Manual Processing operation(s):

ELECTRONIC INVOICES COULD BE CORRECTED BY DATA SUBJECTS IN CASE OF MISTAKES.
Each data subject has access via web application only to his service and private communications.
In case the data subject discovers communications erroneuosly recorded as private or service, he can directly correct them from the list.
The corrected list will be resent to the eTelma database to update the invoices.

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10/ Storage media of data

The traffic and billing data containing personal data are stored on the hard-disks of the server of e-Telma located in the Telephone Plant offices and on the server of the JRC Ispra data centre.
The traffic data without any personal data are also stored by the 2 Providers (Telecom and Vodafone) in their own data centres according to National laws.

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11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

TREATY OF EURATOM CHAPTER I, ART. 8.:
THE COMMISSION ESTABLISHES A JOINT CENTRE FOR NUCLEAR RESEARCH (CCR = JRC ).

The treatment is necessary to respect a lawful obligation to which the responsible of the treatment is subject:

- data treatment of the telephone system of the Commission is necessary to execute missions and the numerous tasks of the institution carried out for public interest on the basis of the treaties, in particular articles 5, 7, 211 - 219 and 255 of the Treaty of Amsterdam.

- the putting into effect of the Treaty of e-Europe Action Plan, comprehensive of the measures and actions concerning the e-Gouvernance and the realization of the e-Commission based on the actions 7, 8 and 9 of the White Book on the Reforme for a modern and efficient infrastructure .

- Taking into account the "communications" aspects of the numerous tasks of the institution and considering its multinational environment , the necessity to dispose of the most performant and modern

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)"

These processing fall under article 37, 27.1 and 27.2 (b).

For what concern these services, the treatment is necessary and lawful as per article 5(a) of the Regulation (EC) 45/2001.

For what concern the invoicing of e-Telma, the treatment is necessary and lawful as per article 5(b) of the Regulation (EC) 45/2001.

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

20) Recipient(s) of the Processing:

HEADS OF UNIT.

Each Head of Unit will receive the following lists that will not contain anymore personal data:
- list 1: codified internal telephone number, country/city called, total cost.
- list 2: for each codified number: a detailed list of the calls with the number called with the last 5 digits hidden, the cost of each call, the total cost.
- list 3: summary of the costs of each codified number.
- list 4: a proforma invoice with the total costs.

21) Category(ies) of recipients:

Hierarchical Responsibles (HoU)

13/ retention policy of (categories of) personal data

The data will be erased or made anonymous as soon as possible and no later than SIX months after collection, unless they need to be kept for a longer period to estabish, exercise or defend a right in a legal claim pending before a court.

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

UPON A JUSTIFIED DELETE REQUEST THE CONTROLLER WILL HAVE THE USER?S PERSONAL DATA BLOCKED/ERASED OR MODIFIED  WITHIN 15 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)*):

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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For what concern the invoicing of e-Telma, the treatment is necessary and lawful as per article 5(b) of the Regulation (EC) 45/2001.

   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)

General concept of Article 27.1

 17/ Comments

1) Date of submission:

10) Comments if applicable:

Not 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 :

Attached extracts of the Contracts of the 3 external processors: Vodafone, Telecom and Trasys Cronos Consortium regarding the data protection clause .
Also attached the clause on the protection of personal data signed by the System Administrator of the Trasys Cronos Consortium.

PLACE AND DATE:04/06/2007

DATA PROTECTION OFFICER: RENAUDIERE Philippe

INSTITUTION OR BODY:European Commission