

REGISTER NUMBER: 238

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 4 June 2007

Case number: 2007-238

Institution: European Central Bank

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
Erich Niederdorfer, Head of Security Division
Kaiserstrasse 29, 60311 Frankfurt am Main, Germany

2/ Organisational parts of the institution or body entrusted with the processing of personal data
Directorate General Administration – Security Division

3/ Name of the processing
Security Clearance rules

4/ Purpose or purposes of the processing
Processing of the documents provided by the data subject to determine whether or not a person is eligible for a security clearance, which is required to work at the ECB. Security clearance shall also be mandatory for non-staff members and unescorted visitors to move within the premises of the ECB.

5/ Description of the category or categories of data subjects
Candidates who are selected for employment at the ECB, non-staff members for whom a personalised security badge has been requested enabling them continuous access to the ECB, visitors who request an unescorted status at the ECB.

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

Personal details of the data subject and if applicable, the legal/criminal history related to that person. Such data will be stemming from a self-declaration submitted by the data subject or will derive from a certificate of good conduct, issued by a competent national security authority of an EU-Member State.

7/ Information to be given to data subjects

Data subjects are informed by a consent form that their personal data will be processed according to Regulation (EC) No 45/2001. This consent form will also contain a reference to the ECB Administrative Circular on Security Clearance Rules (still to be adopted). Data subjects (including visitors) will be able to access the Administrative Circular via the Internet site of the ECB.

The Security Division will store a signed copy of this consent form in the security clearance file.

8/ Procedures to grant rights of data subjects (*rights of access, to rectify, to block, to erase, to object*)

See the concerned draft Administrative Circular which has been attached to this notification.

9/ Automated / Manual processing operation

A security self-declaration will be inserted in the "Working for Europe" e-recruitment tool. The applicant has only to indicate whether or not one of the questions applies to him/her without providing details within the e-recruitment tool. The applicant will be requested to send his detailed answers to a dedicated e-mail address to which only appointed staff members of the ECB Security Division have access.

10/ Storage media of data

Hard copy and ECB computer system

11/ Legal basis and lawfulness of the processing operation

1. ECB/1998/4 Official Journal L 125, 19/05/1999, p. 0032, Decision of the European Central Bank on the adoption of the Conditions of Employment for staff of the European Central Bank
2. The (to be) adopted Administrative Circular on Security Clearances.

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

Personal data might be disclosed within the ECB, if necessary for the legitimate performance of tasks covered by the competence of the recipient, i.e. administrative enquiry. The personal data shall not be transferred to EU-Institutions or bodies or EU-Member States or third countries.

13/ retention policy of (categories of) personal data

Article 12 of the draft Administrative Circular: 1 The security clearance file shall be retained for the period of time that the data subject has an employment contract, or is otherwise engaged with the ECB until one year after expiry or termination of the employment contract or other engagement with the ECB, but for a minimum of 3 years. For unescorted visitors, the security clearance file shall be stored for a period of one year after the data subject's last date of access to the ECB.

2 After the retention period, the security clearance file shall be destroyed in an appropriate manner under the responsibility of the data controller.

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)

For blocking: n.a.

and/or

for erasing: rectifying or deletion of data shall be done at the latest within 4 weeks after having received the respective request.

of the different categories of data (Please, specify the time limits for every category, if applicable)

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,

n.a.

15/ Proposed transfers of data to third countries or international organisations

Not applicable

16/ The processing operation presents specific risk which justifies prior checking (*please describe*):

AS FORESEEN IN:

X Article 27.2.(a)

Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

X 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,

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)

17/ Comments

The European Central Bank is safeguarding important monetary policy, financial, economic and interests within the Community. In order to ensure a smooth fulfilment of these tasks and to safeguard the related security requirements, the ECB is enhancing its recruitment procedure and its personnel security by introducing rules for security clearance. The rules for security clearance have been drafted taking into regard the British Standard BS:7858/2004 and in line with best practises among peer organisation such as the BIS, Bank of Canada, Swiss National Bank, International Criminal Court, European Commission and Europol. Applicants are asked to answer questions in the security self-declaration concerning their criminal history and their ability to meet their financial obligations. Regarding non-staff members (e.g. consultant or unescorted visitors) this is limited to the questions concerning their criminal history. Candidates who are offered a contract for employment and/or non-staff members who require a higher security clearance level are asked to submit a certificate of good conduct (e.g. bewijs omtrent het gedrag, Führungszeugnis, Certificato Generale del Casella de Penados y Rebeldes), i.e. a certificate issued by a national or local competent authority of the State of residence of the data subject, that states whether or not he or she is of good conduct i.e. a certificate that lists - in accordance with the relevant national or local laws- the criminal offences for which the data subject has been convicted.

PLACE AND DATE: 4 June 2007

DATA PROTECTION OFFICER: Martin BENISCH

INSTITUTION OR BODY: European Central Bank (ECB)