

REGISTER NUMBER: 290

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 04/09/2007

Case number: 2007-544

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 address 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.

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:

Pediatrician attached to the crèche

PMO. Not Applicable. 06

JRC.C.02

3/ Name of the processing

Administration of JRC Ispra Childcare facilities - Crèche/Garderie

4/ Purpose or purposes of the processing

The purpose of the processing of personal data is to admit children to the childcare structures of the JRC Ispra Crèche/Garderie.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

Children who attend the Crèche/Garderie, their parents and any other person authorised by the parents to collect the child.

16) Category(ies) of Data Subjects:

- Children.
- Officials or other servants of the Communities and external staff (seconded national expert, grant holder, trainee, ENEA employee) having a child in the structure
- External parents of the children.
- Other person authorised by the parents to collect the child.

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

- For the children : name, first name, date of birth, nationality, entry date for the crèche, medical certificate (list of vaccinations and other information on the child's health and diet), attendance arrangement, daily presences and absences.
- For the parents : name, first name, personal number, employment status, family status, contract, nationality, telephone numbers, office and personal addresses, salary statement/wage slip.
- For other authorising person: name, first name, telephone numbers, office and personal addresses, type and period of authorisation.

Medical data are collected only to protect the vital interests of the children.

Art. 10 is applicable

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

Financial data.

Medical data.

Personal data.

Art 10 is applicable.

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'

The Privacy Statement (in attachment) is given to parents of children frequenting the childcare facilities and to parents who have requested the enrolment of the childcare facilities of their children.

The Privacy Statement is to be attached to the request for the enrolment form.

When dispatching the enrolment form in paper version the Privacy Statement will be appended thereto.

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' :

Parents have the possibility to consult their files upon request to the secretariat of the JRC Ispra Childcare facilities using the functional mail box and ask for eventual rectification.

see also 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)"

The processing is foreseen to apply for the enrolment of children to the JRC Ispra Creche/Garderie, including all information necessary for the priority classification of the application. Children are admitted to the childcare structures taking into account of eventual medical constraints and of the level of parental financial contribution. The processing includes the verification of the presence of the child and of the persons authorised to collect the child.

Application forms are collected by the secretariat of the crèche/garderie for enrolment, admissions, children frequenting the structures and parental contribution. The processing of data includes medical certificate attesting the pregnancy of the mother and the health of children.

The processing falls under Art. 27

8) Automated Processing operation(s):

Accès to the Web Application Browser dealing with the applicaiton "Trattenute - Asili" (concerning the level of the parental contribution).

9) Manual Processing operation(s):

Printing of presence register.

Physical storage of individual files for children inscribed or requested to enrol.

Waiting list inscription.

10/ Storage media of data

all data are stored on paper in individual files.

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

- Staff Regulations of officials of the European Communities ? Title I: General provisions ? Article 1e
- Decision C/2003/4807 of 10/12/2003
- Decision SEC/2006/500 of 10/04/2006

In attachment:

- JRC-Ispra childcare rules (EN)
- JRC-Ispra Vademecum Halte-Garderie

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)"

Art. 5a (Lawfulness of processing ..task carried out in the public interest on the basis of the Treaties ?.);

Art. 5b (?processing is necessary for compliance with a legal obligation?..)

The processing falls under Art. 27

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

20) Recipient(s) of the Processing:

- the paediatrician attached to the crèche;
- JRC/Medical Service (if specific requested);
- PMO-Ispra.

Transfer of data under Art. 7

21) Category(ies) of recipients:

- the paediatrician attached to the crèche;
- JRC/Medical Service (if specific requested);
- PMO-Ispra.

13/ retention policy of (categories of) personal data

- Application forms are kept as long as the child is in the JRC-Ispra Childcare
- 5 years storage for financial files (invoices) and for the individual files after the child has left the school.

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 request by the data subject the personal data will be modified within 1 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

N.A.

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.

28) Category(ies) of Personal Data or Personal Data to be transferred:

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

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

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

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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:

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:04/09/2007

DATA PROTECTION OFFICER: RENAUDIERE Philippe

INSTITUTION OR BODY:European Commission