

REGISTER NUMBER: 319

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 03/01/2008

Case number: 2008-013

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: DE HAAS Johannes

3) Title: Head of Sector

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

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:

3/ Name of the processing

INVESTIGATIONS BY STAFF OF SAFETY ENVIRONMENT SECURITY SECTOR (SES) AT JRC-IE IN PETTEN

4/ Purpose or purposes of the processing

Investigations of matters and occurrences directly relating to the tasks of the staff of SES and which come to their notice and report to the Director of the Institute.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

All civil servant, other servants and contractual staff in activity, former civil servants, other servants and contractual staff, service providers, contractors, visitors, external persons who address spontaneously to the Commission and her personnel, in particular by mail, electronic mail, telephone, telefax, or other means or which are victims, witness or authors of an infringement, a failure or an event prejudicial at the Institution or with its personnel.

16) Category(ies) of Data Subjects:

All civil servant, other servants and contractual staff in activity, former civil servants, other servants and contractual staff, service providers, contractors, visitors, external persons who address spontaneously to the Commission and her personnel, in particular by mail, electronic mail, telephone, telefax, or other means or which are victims, witness or authors of an infringement, a failure or an event prejudicial at the Institution or with its personnel.

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

Names, first names, date/place/country of birth, address, telephone co-ordinates, e-mail of the people concerned. Additionally all data fields from data-base such as Sysper, Sysper2, telephone, access cards, CCTV, photos, inventories, requests to JRC internal IT-services (e-mail traffic and log-files, phone numbers dialled from Commission lines).

The nature of the fact, the place and all necessary elements leading to establish a report.

This processing falls under Art 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

names, first names, date/place/country of birth, address, telephone co-ordinates, e-mail of the people concerned.

The nature of the fact, the place and all necessary elements leading to establish a report.

This processing falls under Art 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'

Data subjects will be informed by privacy statement (see attachment) and intranet site of JRC-IE

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' :

The data subject can use a functional mailbox: jrc-ie-ses@ec.europa.eu
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)"

In case of incidents related to Safety, Environment and Security, investigations are carried out by staff of the SES sector in order to establish a report. Incidents can be collected through witness, complaints, declarations of suspects or proves. To conduct the investigations data-base such as Sysper, Sysper2, telephone, access cards, CCTV, photos, inventories, and all other technical means in force can be consulted, requests to JRC internal IT-services (e-mail traffic and log-files, phone numbers dialled from Commission lines).

This processing falls under Art. 27

8) Automated Processing operation(s):

consultation of the different means such as data-bases

9) Manual Processing operation(s):

consultation of reports, records after the incident

10/ Storage media of data

electronic and paper

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

Decision 844 of 29/11/2001

Euratom n°3 from 31/07/1958

Administrative information N° 45/2006 FROM 15/09/2006

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 is lawfull and mandatory under: Art 5A; 5B; 5D; 5E

Exceptions and limitations: Art 20.1; 20.3; 20.4; 20.5

Data processing falling under Art 27

<p>12/ The recipients or categories of recipient to whom the data might be disclosed</p> <p>20) Recipient(s) of the Processing:</p> <p>JRC-IE Director JRC-IE Local Security Officer JRC-IE Plant Security Manager and / or deputy The authorized Commission staff or JRC nominated responsible</p> <p>Dutch national authorities in case of incidents DG Admin/DS</p> <p>The drawn up report, declarations collected, as well as the convincing elements discovered are transmitted for follow-up to the competent authority</p> <p>Data transfer follows Article 7 and Art. 8 of the Regulation (EC) 45/2001.</p> <p>21) Category(ies) of recipients:</p> <p>JRC-IE Director JRC-IE Local Security Officer JRC-IE Plant Security Manager and / or deputy The authorized Commission staff or JRC nominated responsible</p> <p>Dutch national authorities in case of incidents DG Admin/DS</p> <p>The drawn up report, declarations collected, as well as the convincing elements discovered are transmitted for follow-up to the competent authority</p> <p>Data transfer follows Article 7 and Art. 8 of the Regulation (EC) 45/2001.</p>
<p>13/ retention policy of (categories of) personal data</p> <p>Recorded files are kept for 10 years, and after that period they are removed after settlement of the incident.</p> <p>In case of incident the data will be kept for analyzing for a longer period to establish exercise or defend a right in a legal claim pending before a court.</p>
<p>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)</p> <p>22 b) Time limit to block/erase data on justified legitimate request from the data subjects</p> <p>Following a justified and legitimate request by the Data Subject, the personal data will be analyzed. The recorded data cannot be modified; comments can be added within 15 working days.</p>
<p>14/ Historical, statistical or scientific purposes</p> <p><i>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,</i></p>

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

For statistical use data will be kept for a longer period. All data fields leading to the identification of the data subject will be removed. Only the categories of the incidents, year and month of the event will be retained.

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)*:

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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This processing falls under Art. 27

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 is lawfull and mandatory under: Art 5A; 5B; 5D; 5E

Exceptions and limitations: Art 20.1; 20.3; 20.4; 20.5

Data processing falling under Art 27

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

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

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

n/a

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)

Art. 27.1 to harm confidentiality of communications in the framework of investigations

17/ Comments

1) Date of submission:

10) Comments if applicable:

Incidents defined as:

Violations of public order and safety

Criminal and Terroristic incidents

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.

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

PLACE AND DATE:21/12/2007

DATA PROTECTION OFFICER: RENAUDIERE Philippe

INSTITUTION OR BODY:European Commission