

REGISTER NUMBER: 396

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 17/07/2008

Case number: 2008-455

Institution: EFSA

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

EFSA's Scientific Cooperation Unit

2/ Organisational parts of the institution or body entrusted with the processing of personal data

The possible levels of user access / management (functional groups) of the expert database are: (1) Administrator of the database – the Scientific Cooperation Unit within EFSA, with full rights to access / manage the information stored in the database; (2) Internal end-user – EFSA internal user with access to the search environment of the expert database on the secure web portal; (3) External end-user – external user with access to the search environment of the expert database through the secure web portal (see page 8 of Annex 1 – Expert Database Project Plan). (4) In addition, the IT supporting Unit will have full access to the information submitted by data subjects for provision of technical assistance to the expert database tools.

3/ Name of the processing

EFSA's Database of External Scientific Experts.

4/ Purpose or purposes of the processing

The main objective of this project is to establish a database of external scientific experts that can be queried, in order to support the activities carried out by the EFSA Scientific Committee, EFSA Scientific Panels and EFSA's networks, via their respective working groups. In addition, Member States (via their Members of the EFSA Advisory Forum) will also be able to query the database. This will allow them to approach selected experts for their own scientific projects (see page 3 of Annex 1 – Expert Database Project Plan).

5/ Description of the category or categories of data subjects

External scientific experts with expertise in areas that fall within EFSA's remit (food and feed safety, nutrition, animal health and welfare, plant protection and plant health).

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

Food and feed safety, nutrition, animal health and welfare, plant protection and plant health (for a more detailed list of the categories of data , see page 15-19 of Annex 1 – Expert Database Project Plan)

7/ Information to be given to data subjects

A. Information to be provided to data subjects before registering into the database: (1) The purpose of the expert database; (2) The desired profile of experts to be included into the database; (3) A description of the data processing operation leading to the inclusion / exclusion of experts into / from the database (including the need to submit an Annual Declaration of Interest) and corresponding feedback; (4) The nature of the commitment associated with the inclusion of experts into the database; (5) The access rights of experts included into the database as concerns their own profile; (6) The nature of the tasks that might be requested by EFSA to a selected expert, including the need to regularly update the Annual Declaration of Interest, submit a Specific Declaration of Interest and sign the EFSA agreements on confidentiality and commitment; (7) The policy for renewal and expiry of data;

(8) Who are the internal and external end-users of the database; (9) External end-users may share expert data with third parties at national level; (10) The fact that EFSA adheres to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 and that experts have the right to have recourse at any time to the European Data Protection Supervisor.

B. Information to be provided to data subjects before submission of the application form: (1) Individual data in the expert database may be shared with organisations at national level once applications are accepted. Applicant experts can opt for the possibility not to share his / her profile with these organisations; (2) Data provided in the Annual Declaration of Interest will only be accessible to EFSA. The information is provided to data subjects by means of disclaimers in the on-line application form see Annex 3 – print-out of Disclaimers.

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

Data subjects are informed about rights granted to them via the disclaimers associated with the application form, namely their rights to access, modify and/or delete their data/profiles in /from the database at any point in time – see pages 20 and 21 of Annex 1.

9/ Automated / Manual processing operation

The data processing operation is both automated (e.g. submission of application forms, searching for scientific experts) and manual (validity and eligibility checks with the purpose of inclusion/exclusion of experts into/from the database).

10/ Storage media of data

The data collected is stored electronically in a contacts database named Customer Relationship Management System (CRM).

11/ Legal basis and lawfulness of the processing operation

11.1 Processing operation is clearly covered by the mandate of EFSA

The processing operation is clearly covered by the mandate of EFSA, in particular by (1) Regulation (EC) No 178/2002, laying down the general principles and requirements of food law, establishing the European Food Safety Authority (EFSA) and laying down procedures in matters of food safety, in particular to Article 28, paragraph 9 (e) thereof, regarding the role of the Scientific Committee and the Scientific Panels (for further details, see Annex 2 - Decision of the Executive Director concerning the selection of Members of the Scientific Committee, Scientific Panels and External Experts to assist EFSA with its scientific work).

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

The administrator of the database (the Scientific Cooperation Unit) will have full access to information provided by data subjects for management purposes. The IT supporting Unit will have full access to the information submitted by data subjects for provision of technical assistance to the expert database tools. Access to the expert data will be disclosed to (1) internal end-users (EFSA staff with access to the search environment of the expert database located on a secure web portal) and (2) external end-users (identified Member State representatives (Advisory Forum Members) with access to the search environment of the expert database located on a secure web portal).

13. Retention policy of (categories of) personal data

The policy for data renewal and expiry is based on 3 main procedures: (1) experts will be requested to annually confirm their interest to remain listed in the database, and, if yes, to update it; (2) the status of the expert database project will be reassessed by EFSA after a 5 year period, counting from the official day of its launching (5th of June 2008); and (3) external scientific experts included in the database will be informed that they are able, at any time, to update / modify inaccurate or incomplete personal data on their individual profiles, or even to request the exclusion of their profile from the database (see page 4 of Annex 1).

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)

Immediately upon receipt of a legitimate request. See also the information under point 13 above.

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,

The personal data stored in the expert database will not be used for any purposes other than scientific ones, as stated under Point 4 of this notification (Purpose of the personal data processing).

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

As indicated above, the use of the database is not intended to be restricted to EFSA. Member States (via the Members of the EFSA Advisory Forum) will also be able to query the database. This will allow them to approach selected experts for their own scientific projects (see page 3 of Annex1).

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

AS FORESEEN IN:

Article 27.2.(a)

Processing of data relating to health and 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,

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

(1) The EDPS has been consulted on the "prior checkability" of the data processing operation. By means of an e.mail dd. 13/11/2007, EDPS has confirmed the data processing operation is subject to prior checking. The EDPS reference number assigned to the case is **2007-659**. (2) The Expert Database was launched on the 5th of June 2008: http://www.efsa.europa.eu/EFSA/AboutEfsa/WhoWeAre/efsa_locale-1178620753812_1178712806106.htm

PLACE AND DATE: Parma, 17/07/2008

DATA PROTECTION OFFICER: Claus Reunis

INSTITUTION OR BODY: EFSA