

**REGISTER NUMBER: 403**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 01/09/2008

Case number: 2008-484

Institution: European Commission

Legal basis: article 27-5 of the regulation CE 45/2001<sup>(1)</sup>

*(1) OJ L 8, 12.01.2001*

**INFORMATION TO BE GIVEN<sup>(2)</sup>**

*(2) Please attach all necessary backup documents*

1/ Name and address of the controller

2) Name and First Name of the Controller: LEJEUNE Pascal

3) Title: Head of Unit

4) Directorate, Unit or Service to which the Controller is attached: D.02

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

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:

Internal staff of bodies delegated by the Commission for the management of the Programme

3/ Name of the processing

YOUTHLINK 2

4/ Purpose or purposes of the processing

The purpose of the data collection is:

- ? to identify all applicants requesting an EC grant for a project under the Youth in Action Programme
- ? to manage all the selection procedures of project applications under the Youth in Action Programme;
- ? whereas relevant, to identify participants in granted projects with the aim of fulfilling some obligations related to the implementation of the Programme (invitation to compulsory training and evaluation sessions)
- ? to establish anonymous statistics about applicants, partner promoters, participants and projects ;
- ? to fulfil the obligations and responsibilities relating to monitoring, evaluation and reporting established in the Decision of the European Parliament and of the Council establishing the Programme ;
- ? to fulfil the obligations relating to the monitoring and steering of the YouthPass implementation (recognition of non-formal learning skills gained by participants during the project)
- ,to fulfil the obligations and responsibilities relating to monitoring, evaluation and reporting established in the Decision of the European Parliament and of the Council establishing the Programme ;

? The Commission will not process the collected data for any other purpose than those described above.

#### 5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

Data subject for all Actions of the Programme

- . person authorised to sign the contract on behalf of the applicant
- . person in charge of the project in the applicant organisation
- . person in charge of the project in each partner organisation, whereas relevant

Additional Data Subjects

- . volunteers participating in the project (only under Action 2)
- . young people and coach actively participating in the project (only under Action 1.2)

16) Category(ies) of Data Subjects:

Individuals applying/participating to European Commission's Youth in Action Programme

#### 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

See attached document

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

See attachment under point 17

#### 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 are informed of their rights relating to protection of their personal data through the following means:

- 1) a privacy statement (see attached document) to be displayed on the websites of the bodies checking the data (European Commission, Executive and National Agencies).
- 2) an informative text included in the Programme Guide of the Youth in Action Programme (valid as permanent Call for proposals for the period 2007-2013)
- 3) an informative text included in each additional Call for proposals published under the Youth in Action Programme
- 4) an informative text included in the Guide for the National Agencies
- 5) an informative text included in the application forms related to each project/action supported through the Programme;
- 6) a legal provision on "data protection" included in the grant agreement between the beneficiary of a selected project and the National or Executive agency (body checking the data)

Extracts of the informative texts mentioned above appear in the attachment 2.

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' :

Concerning application forms, data subjects have the right to input themselves all the requested data. It is their responsibility to make sure that all information provided is accurate.

After the deadline for submission of applications, data subjects can, if need be:

- ? request a copy of the data input in their application form;
- ? send to the checking body any change related to the data submitted
- ? request cancellation or blocking of data. In this case the request will be accepted only if it is justified under the terms of article 5 of the (EC) N° 45/2001
- ? Any request must be sent by mail at the postal address of the Agency responsible for the management of the application.

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)"

For the description of the processing see the attachment.

==> the attached document is identical to the previous one despite our last comment :

" the description of the processing operation is unclear; beyond the general architecture of the programme it must be clearly explained what personal data (i.e. concerning identified individuals) the Commission is actually processing; the respective role of NA, Commission and also the (briefly evoked) EA must be clarified; the attached description is difficult to reconcile with other sections of this notifications"  
Could you please review this description as requested.

8) Automated Processing operation(s):

The information collected by each NA on its own server is on an hourly basis transferred to a central database hosted in the Commission for further replication to all other NAs.

9) Manual Processing operation(s):

- . Input of data in YouthLink2.
- . Production of merged letters (from the report module).
- . Production of reports on the grant request submitted, on the youth organisations (or informal groups of young people) having submitted a grant request, or on the individuals concerned by these grant requests (from the report module).

10/ Storage media of data

In an SQL database hosted in each NA, in the EA and in the Commission.

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

The processing operations are necessary for the fulfilment of the Commission obligations and responsibilities of monitoring and reporting established in the Decisions of the European Parliament and of the Council establishing the Programmes in favour of young people:

- . Decision n°1031/2000/EC of 13.04.2000 establishing the "Youth" Programme [2000-2006];
- . Decision n°1719/2006/EC of 15.11.2006 establishing the "Youth in Action" Programme for the period 2007 to 2013.

Both Decisions contain obligation to make special efforts to provide access to the Programme to youngsters with less opportunities.

This processing takes also into consideration art. 5 of Regulation (EC) 45/2001.

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 operations on personal data is justified by the mission of public interest of the Commission art 5 lett.a) and b) of the Regulation EC45/2001, according to the decisions establishing the EU programmes in favour of young people (point 11 above)

A prior checking by the EDPS is deemed necessary as some of the data collected may reveal health conditions of individuals participating in certain Actions of the YiA Programme (Action 2 and 1.2).

Article 20 does not apply to the categories of data processed through YouthLink.

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

20) Recipient(s) of the Processing:

- . Staff of the NAs.
- . Staff of the Unit in charge of the management of the Programme (EAC/E 2).
- . Staff of the IT Unit (EAC/E 4).
- . Staff of the Executive Agency.

21) Category(ies) of recipients:

- . Commission staff.
- . Internal staff of bodies (National Agencies or Executive Agency) delegated by the Commission for the management of the Programme.

13/ retention policy of (categories of) personal data

The personal data will be made anonymous ten years after the selection of the last round of projects (Round 5 - 1st November 2013) in consideration of the following legal obligations/constraints:

- the time limit for potential appeal from applicants or beneficiaires not selected to receive a grant;
- the time limit for potential audits to selected projects
- the obligation to evaluate the impact of the Programmes, as provided in the Decisions establishing the Programme in favour of youth.

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

30 working days after the receipt of the request.

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.

Data are not only transferred to NAs established in the Member States, but may also be transferred to NAs established in other countries:

- . the EFTA/EEA countries
- . the candidate countries with a status of Programme Countries: Turkey.
- . the Western Balkan Countries ;
- . Switzerland

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

See replies to questions 17 and 18.

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

7) Description of Processing:

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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)"

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A prior checking by the EDPS is deemed necessary as some of the data collected may reveal health conditions of individuals participating in certain Actions of the YiA Programme (Action 2 and 1.2).

Article 20 does not apply to the categories of data processed through YouthLink.

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 health

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)

n/a

17/ Comments

1) Date of submission:

10) Comments if applicable:

No further comments

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

not applicable

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

PLACE AND DATE:20/08/2008

DATA PROTECTION OFFICER: GEORGES Louis

INSTITUTION OR BODY:European Commission