

REGISTER NUMBER: 460

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 15/01/2009

Case number: 2009-039

Institution: ETF

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

Olivier Ramsayer, Head of Administration Department.

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

Head of FINCOP; Procurement Officers from FINCOP Unit; Financial Verifying Agent from FINCOP Unit; Authorising Officers.

3/ Name of the processing

Contract Preparation

4/ Purpose or purposes of the processing

Data are collected and managed by the FINCOP Unit together with the Department Procurement Officers with the purpose to set up a legal relationship between the ETF and the contractor.

5/ Description of the category or categories of data subjects

Contractors. These can be economic operators or individuals.

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

The data is collected in supporting forms (legal entity and financial forms) necessary to prepare the contract. The processing may involve the following data: name, address, phone number, fax number, e-mail address; bank account number and bank details; curriculum vitae forming part of the contractor's proposal.

7/ Information to be given to data subjects

The purpose of the processing, the recipient of the data, the existence of the right of access to, and the right to rectify, the data concerning him or her, the legal basis of the processing operation for which the data are intended, the right to have recourse at any time to the EDPS

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

A standard clause on data protection is included in the ETF contracts as follows: "Any personal data included in or relating to the Contract, including its execution, shall be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. It shall be processed solely for the purposes of the performance, management and follow up of the Contract. The Contractor shall have the right of access to his personal data and the right to rectify any such data that is inaccurate or incomplete. The Contractor shall have right of recourse at any time to the European Data Protection Supervisor."

9/ Automated / Manual processing operation

Contracts are prepared by the FINCOP Unit with the support of the Department Procurement Officers. Contracts are signed by the Authorising Officer.

Access to signed contracts may also be granted to European Anti-Fraud Office, the European Court of Auditors and internal auditors.

10/ Storage media of data

Supporting documents (legal entity and financial forms) necessary to prepare the contract are in paper format. They are stored in a locked archive (cupboards and locked archive room) accessible by the FINCOP Procurement Officers and the ETF site manager.

Signed contracts are in paper format. One copy of the signed contract is stored in a locked archive (cupboards and locked archive room) accessible by the FINCOP Procurement Officers and the ETF site manager. The other copy of the signed contract is stored in a locked archive (cupboards) accessible by the Department Procurement Officer and the ETF site manager.

Some data is also stored electronically within the OSCAR database. Rules are set on the right to access this database or elements of it on the basis of the confidentiality of the documents.

11/ Legal basis and lawfulness of the processing operation

The legal basis for the processing of data resulting from the contract preparation process is Article 64 of the "Rules for the Implementation of the Financial Regulation".

Data are necessary in order to prepare a contract with the contractor and, subsequently, to manage the contract and execute payments.

Moreover, processing operation is clearly covered by the mandate of ETF - to acquire goods and services needed to meet ETF's objectives, contracts are agreed between ETF and contractors; processing operation is necessary for compliance with a legal obligation of ETF -

in order to purchase goods and services, ETF has to comply with the financial rules; processing operation is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering a contract -

Data are necessary in order to prepare the contract with the contractor and, subsequently, to manage the contract and execute payments; processing operation for which the data subject has unambiguously given his/her consent - by signing a contract the contractor gives the consent to process his data.

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

Authorising Officers; Procurement Officers from FINCOP Unit; Department Procurement Officers; Project Managers; Financial Verifying Agents from FINCOP Unit.

13/ retention policy of (categories of) personal data

According to Article 49 of "Rules for the Implementation of the Financial Regulation" contracts are kept for five years from when the budget has been discharged.

Notwithstanding this, the FINCOP Unit and/ or the Department in charge of the contract management may decide to keep documents related to certain contracts for a longer period in order to maintain a historical record of stipulated contracts.

**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)

One month from receipt of a 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,

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

No.

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

PLACE AND DATE: Turin, 17 December 2008

DATA PROTECTION OFFICER: Dr Liia KAARLÖP

INSTITUTION OR BODY: EUROPEAN TRAINING FOUNDATION