

REGISTER NUMBER: 529

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 28/9/2009

Case number: 2009-620

Institution: Court of Auditors

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

Magdalena Cordero 12, rue Alcide de Gasperi L-1615 Luxembourg

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

Directorate IT and Telecommunication + Information Security Officer

3/ Name of the processing

Procedure to access private drive - e-mail

4/ Purpose or purposes of the processing

A) Protect the Court's interests when information is stored on the U: drive (private drive) or e-mail account, of an absent user, and that information is necessary in the interest of the service and the information can't be obtained from another source before the users' return. B) In cases where users pass away and the surviving family, requests to obtain information and documents which are necessary to deal with official instances, school, invoices, etc. and stored on the U:drive or e-mail account. C) Upon requests of the user when (s)he has left the Institution but needs to have access to information and documents which are still stored (within 4 weeks after having left the Court) on the U: drive or in the e-mail account of the user.

5/ Description of the category or categories of data subjects

All users which have a private drive (U: drive) and e-mail account at the Court.

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

User data and e-mail messages.

7/ Information to be given to data subjects

The users will be officially informed of the access procedure with an official paper announcement and the publication of the procedure on the Intranet of the Court. If possible the consent of the user will be requested and in any case when the procedure has been applied the user will obtain a copy of the official request and a list of documents and messages which have been accessed by and/or transferred to the requestor.

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

Users can contact the Security Officer (independent to the requestor and serves as observer) to ask which files and or messages have been accessed.

9/ Automated / Manual processing operation

Manual

10/ Storage media of data

Fileserver and e-mail server

11/ Legal basis and lawfulness of the processing operation

Article 5a of Regulation 45/2001 "processing is necessary for the performance of a task carried out in the public interest on the basis of the Treaties establishing the European Communities or other legal instruments adopted on the basis thereof or in the legitimate exercise of official authority vested in the Community institution or body or in a third party to whom the data are disclosed," or article 5e "processing is necessary in order to protect the vital interests of the data subject"

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

Owner of the data; surviving family; unit to whom belongs the requested information

13/ retention policy of (categories of) personal data

NA

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)

None

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,

N/A

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

None

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

The risk of breach of confidentiality of communications at the moment the procedure is applied because a person other than the owner of the e-mail account can have access to communications stored in the e-mail account.

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:03/09/2009

DATA PROTECTION OFFICER: Jan KILB

INSTITUTION OR BODY: European Court of Auditors