

REGISTER NUMBER: 0637

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 23/11/2010

Case number: 2010-914

Institution: ECDC

Legal basis: article 25-26 of Regulation (EC) No 45/2001⁽¹⁾

(1) OJ L 8, 12.01.2001

Notification no.: 2010-DPO-06_____

Data received: ____ - ____ - ____

INFORMATION TO BE GIVEN⁽²⁾

(2) Please attach all necessary backup documents

1/ Name and adress of the controller

Director of ECDC (see para. 70 of the ECDC decision, 'Policy on Declarations of Interest and Handling of Potential Conflicts of Interest', as adopted by the Management Board on 9.11.2010, hereinafter "the Policy")

European Centre for Disease Prevention and Control

SE-171 83 Stockholm

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

Director's Office

3/ Name of the processing

Declarations of Interest and Handling of Potential Conflicts of Interest

4/ Purpose or purposes of the processing

To safeguard the independence of ECDC and its constituent bodies (see para. 68 of the Policy)

5/ Description of the category or categories of data subjects

"all ECDC staff, members of the Management Board, Advisory Forum, Seconded National Experts (SNEs) and Experts participating in Scientific Panels" (see para. 3 of the Policy); "SNEs and [...] all AD grade, AST5 or higher and FGIV staff" (see para. 38 of the Policy); "Interims, trainees and consultants when taking on duty [...] Staff engaging in new activity after leaving the Centre" (see para. 65 of the Policy)

The declarations are submitted by the data subjects themselves; any assessment thereof, and decision thereon, will be generated by ECDC.

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

(See paras 11 to 18 of the Policy)

Declarations of Interest have been submitted and processed since 2005. While the Policy has been adopted, the underlying actual personal data processing operation will start only after the EDPS has given a positive opinion following a prior-check.

Categories of personal data whose processing is prohibited, with exceptions, by Regulation 45/2001 may include data: none

Data likely to present specific risks may include: processing operations intended to a) evaluate personal aspects relating to the data subject, and b) exclude individuals from a right or benefit

Other categories of personal data may include data > concerning pay, allowances and bank accounts > concerning recruitment and contracts > concerning the data subject's family > concerning the data subject's career

7/ Information to be given to data subjects

(See the Data Protection Notice, as

- placed on ECDC's relevant Internet webpage

(<http://ecdc.europa.eu/en/aboutus/transparency/Pages/Transparency.aspx>), and

- annexed to the Declaration of Interest forms, as annexed to the Policy)

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

ACCESS (in accordance with Article 13 of Regulation (EC) 45/2001): data subjects may request access from the controller directly, to be granted, depending on the wish of the data subject, by allowing on-the-spot inspection or by giving / sending the data subject electronic or paper copies, or by referring the data subject to the published declaration on ECDC's website; requests are granted within three months of receipt of the request by the controller and free of charge.

RECTIFICATION (in accordance with Article 14 of Regulation (EC) 45/2001): data subjects may request rectification from the controller directly. The request is granted without delay.

BLOCKING (in accordance with Article 15 of Regulation (EC) 45/2001), ERASURE (in accordance with Article 16 of Regulation (EC) 45/2001), OBJECTION (in accordance with Article 18 of Regulation (EC) 45/2001): data subjects may request the blocking or the erasure, or may object the processing, with the controller directly.

9/ Automated / Manual processing operation

Processing of data is automated (in electronic databases) and manual as part of a paper-based filing system.

10/ Storage media of data

Computer hard discs and paper files/folders.

11/ Legal basis and lawfulness of the processing operation

ECDC Policy on Declarations of Interest and Handling of Potential Conflicts of Interest (adopted by the Management Board on 9.11.2010 on condition of a positive opinion from the EDPS following a prior-check)

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

1. The Compliance Officer (see para. 17 of the Policy)
2. The Chairs of a Scientific Panel (if necessary - see para. 21 of the Policy)
3. The Head of Unit supporting a working group (if necessary - see para. 21 of the Policy)
4. The Corporate Governance Section (see para. 32 of the Policy)
5. The members of the Management Board and the Advisory Forum (see paras 26 and 33 of the Policy)
6. The Director (see para. 35 of the Policy)
7. The Human Resources Section of the Resource Management Unit (see para. 39 of the Policy)
8. The immediate superiors of staff (see para. 40 of the Policy)
9. The Experts participating in Scientific Panels (see para. 45 of the Policy)
10. The Secretariat of Scientific Panels (see para. 46 of the Policy)
11. The wider public (see para. 63 of the Policy) (although the wider public is no 'recipient' in the sense of Article 9 of Regulation (EC) No 45/2001, see a letter of the EDPS to the European Commission of 13 February 2007 (EDPS reference C 2006-04034))
12. The Declarations of Interest Review Committee (if necessary - see para. 20 of the Policy), which is composed of:
 - "- the Compliance Officer
 - a member of the Legal Office
 - a Chair that will be:
 - for MB, AF, SMT, Staff and SNEs DoI: the Director;
 - for Scientific Panels: the Chief Scientist (or relevant HoU in case of non scientific panel or expert work
 - for Director's DoI: the Chair of the MB" (see para. 25 of the Policy)

13/ retention policy of (categories of) personal data

- "- Members of Management Board, Advisory Forum, experts in Scientific Panels: Dols are kept for 5 years after the discharge for the budgetary year to which the DoI relates;
- Director: All Dols since the start of the ECDC mandate of the Director are kept until 5 years after the discharge for the budgetary year in which the Director terminates the mandate at ECDC;
- ECDC staff: ADols of ECDC staff are kept for a maximum period of 5 years." (see para. 73 of the Policy)

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)

As soon as possible, at the latest three months following a request by a data subject.

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,

Not applicable.

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*):

This processing operation presents the specific risk of being intended to evaluate personal aspects relating to the data subject, namely to assess any conflict of interest, and intended to possibly exclude data subjects from rights or benefits.

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

The Controller instructs ECDC internal recipients to process data only for the purposes for which data are disclosed to them.

This notification replaces notification of 15 July 2009 (EDPS Case No 2009/475).

PLACE AND DATE: Stockholm (Sweden), 17/11/2010

DATA PROTECTION OFFICER: Elisabeth Robino

SIGNATURE:

INSTITUTION OR BODY: European Centre for Disease Prevention and Control (ECDC)