

REGISTER NUMBER: 669

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 25/02/2011

Case number: 2011-0209

Institution: European Commission

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

2) Name and First Name of the Controller: LECHNER Stephan

3) Title: Director

4) Directorate, Unit or Service to which the Controller is attached: DG.G

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

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:

JRC.DG.G

3/ Name of the processing

Fingerprint Recognition Study of Children below the Age of 12 Years

4/ Purpose or purposes of the processing

The purpose of the processing is to study in detail the physiological development of the fingertip ridge structure of children (ridge distance, position of minutiae) and the resulting recognition rate of fingerprint matching algorithms adapted to children.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

Citizens of Portugal to which a passport has been previously issued and which were under the age of 12 when the fingerprints were collected.

16) Category(ies) of Data Subjects:

Citizens of Portugal to which a passport has been previously issued and which under the age of 12 when the fingerprints were collected.

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

- Fingerprint raw images (500 dpi) of both index fingers, taken at different times (time distance more than 2 years)
- Age in months (no precise data of birth).

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

- Fingerprint raw images (500 dpi) of both index fingers, taken at different times (time distance more than 2 years)
- Age in months (no precise data of birth).

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'

Art.11 is not applicable. Art.12(1) does not apply because of Art.12(2): the provision of such information would involve an effort disproportionate for processing for the purposes of scientific research.

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' :

Articles 13-16 are not applicable on the grounds of Art.20 (2): no disclosure of the data to third parties and no decisions producing legal effects concerning the data subjects.

See not applicability of the right to access in the Authorization from the Portuguese Data Protection Office to the study on children fingerprints, attached to point 37.

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)"

Processing of fingerprint data for scientific purposes (scientific analysis of the dynamics of dermatoglyphic growth patterns in children through adolescence with the objective to decide on the feasibility of fingerprint verification for children below the age of 12).

Raw fingerprint data (a set of fingerprints from the same person, collected with a difference of at least two years), together with the age in months, will be provided by the Immigration and Borders Service of the Portuguese State (SEF/MAI).

However, the SEF/MAI will not provide any other information on that person or grant access to databases with additional data. The holders of the fingerprints cannot be identified directly or indirectly.

See in attachment the presentation "Recognition performance in the case of juvenile fingerprints".

8) Automated Processing operation(s):

IT supported analysis of the transformation of fingerprint features over time by measuring and processing geometrical information of the fingerprints.

9) Manual Processing operation(s):

Manual inspection and classification of fingerprints to decide on the scientific exploitability.

10/ Storage media of data

CD ROM and electronic storage media.

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

- Framework 7 Research Programme under which the JRC provides technical and scientific support to EC policy development: COUNCIL DECISION of 19 December 2006 concerning the Specific Programme to be carried out by means of direct actions by the Joint Research Centre under the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2006/975/EC) (2007 to 2013)

- Report of the European Parliament on the future processing of visa applications in which a feasibility study was requested (LIBE Committee, Doc. No. A6-0459/2007) - see attachment.

- Administrative Arrangement between DG JLS and DG JRC on the conduct of a feasibility study (see attachment at point 37).

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 of personal data is lawful following Art. 5a.

Art.20 (2) is applicable.

Art.27 is applicable.

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

20) Recipient(s) of the Processing:

The recipients of the results of the scientific analysis:

- DG HOME (scientific report)
- European Parliament (public report).

21) Category(ies) of recipients:

- DG HOME (scientific report)
- European Parliament (public report).

13/ retention policy of (categories of) personal data

The data will be kept for the lifetime of the study (envisaged duration of 2 years).

See delay of retention as expressed in the Authorization from the Portuguese Data Protection Office to the study on children fingerprints, attached to point 37.

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

Not applicable due to Art.20 (2).

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

n/a

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.

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

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

7) Description of Processing:

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12) Lawfulness of Processing:

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The processing of personal data is lawful following Art. 5a.

Art.20 (2) is applicable.

Art.27 is applicable.

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 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,

n/a

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:

The careful analysis of the modifications over time requires a half-automated approach in which the manual classification selects the following automated analysis procedure.

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

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

The additional files attached hereunder are:

- EC document on "CREATION, HANDLING AND STORAGE OF RESTREINT UE INFORMATION" (Security Notice 2-V.7-03.12.2009).
- JRC Corporate Notification DPO-1946 on "ICT Infrastructure at the JRC" (including security measures).
- Administrative Arrangement between DG JLS and DG JRC on the conduct of a feasibility study.
- Specifications for a Technical Feasibility Study (Annex1 - JRC Contract n. 31216-2008).
- Inception Report "Fingerprint Recognition Study of Children below the Age of 12 Years" (vers.7 - 07.05.2010).
- Interim Report "Fingerprint Recognition Study of Children below the Age of 12 Years" (vers.3 - 30.11.2010).
- Authorization from the Portuguese Data Protection Office to the study on children fingerprints (PT).
- Draft translation of the authorization from the Portuguese Data Protection Office to the study on children fingerprints (EN).

PLACE AND DATE:25/02/2011

DATA PROTECTION OFFICER: RENAUDIÈRE Philippe

INSTITUTION OR BODY:European Commission