

**REGISTER NUMBER: 698**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 24/06/2011

Case number: 2011-0615

Institution: CFCA

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 adress of the controller

Pedro Galache, Head of Unit Operational Coordination, Community Fisheries Control Agency, Avda. Garcia Barbon, 4, E-36201 Vigo

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

Unit Operational Coordination, Desk Mediterranean and Black Sea

3/ Name of the processing

Transmission of inspection reports related to the bluefin tuna Joint Deployment Plan (BFT JDP)

4/ Purpose or purposes of the processing

Inspection reports provided by Member States' authorities, Member States' inspectors and EU ICCA I inspectors concerning inspections of fishing vessels carried out in the Convention Area of the International Commission for the Conservation of Atlantic Tunas (ICCAT) as well as other documentation related to the fishing activity as provided in applicable EU and ICCAT legislation are transmitted by the Technical Joint Deployment Group under the bluefin tuna Joint Deployment Plan (in which CFCA officials are represented) to Flag Member States (MS which flag the inspected fishing vessel is flying), Inspecting Member States (MS of the inspector carrying out the inspection) and DG MARE (European Commission) for information in accordance with the applicable legislation.

5/ Description of the category or categories of data subjects

Master of the fishing vessel subject to inspection, owner of the vessel, and, possibly, crew members; Inspectors, observers

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

Name and address of the master of the fishing vessel subject to inspection; name and address of the owner of the fishing vessel subject to inspection; name and signatures of the observers; names of crew members; Name and signature of the inspector carrying out the inspection.

7/ Information to be given to data subjects

The masters of fishing vessels are provided with a copy of the inspection report.

The CFCA does not collect the data and has no influence on the content of the report which is drawn up by a national fisheries inspector of the Inspecting Member State. The CFCA merely functions as a mailbox with regard to the receipt and transmission of the reports.

Apart from that, the CFCA has published a Data Protection Clause on its website ([http://www.cfca.europa.eu/pages/home/legal\\_notice.htm](http://www.cfca.europa.eu/pages/home/legal_notice.htm)):

*“Any personal data collected by the CFCA within the performance of its activities, 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 CFCA activities in the framework of which it was collected. The Data Subjects shall have the right of access to their personal data and the right to rectify any such data that is inaccurate or incomplete. Should the Data Subjects have any queries concerning the processing of their personal data, they shall address them to the relevant Data Controller (Head of Unit responsible for the activity in question). The Data Subjects shall have right of recourse at any time to the European Data Protection Supervisor.”*

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

The CFCA does not collect the data and has no influence on the content of the report which is drawn up by an inspector of the Inspecting Member State. The CFCA merely functions as a mailbox with regard to the receipt and transmission of the reports.

Apart from that, the CFCA does not have the competence for any follow up of the possible infringements made by fishing vessels and laid down in an inspection report. This is the responsibility of Inspecting Member States and Flag Member States (Title VII, Chapters III and IV of R. 1224/2009). The inspection report serves as evidence in court and can therefore not be modified (Articles 76 and 77 R. 1224/2009).

Thus the rights mentioned in Articles 13 to 18 of R. 45/2001 are restricted for the present data processing operation (Art. 20 (1)(b) and Art. 5(b) R. 45/2001) with regard to inspection reports containing possible infringements. In all cases, the right of access is already given by providing the master of the fishing vessel who signs the report with a copy of the inspection report. The report is also signed by the inspectors and the observer.

#### 9/ Automated / Manual processing operation

Inspection reports and additional documents related to fishing activities are transmitted by the inspection teams to the Technical Joint Deployment Group by encrypted e-mail (pdf/jpg/tif files). Those reports related to possible non compliances with applicable EU and ICCAT legislation are submitted by encrypted e-mail by the Technical Joint Deployment Group (in which CFCA officials are represented) to Flag Member States, Inspecting Member States and DG MARE (European Commission).

#### 10/ Storage media of data

Paper files are locked up in a cupboard to which only staff of Unit C, Mediterranean Desk has access.

PDF electronic copies of bluefin tuna inspection reports are saved in a restricted area on the p-drive to which only staff of the Mediterranean Desk has access.

#### 11/ Legal basis and lawfulness of the processing operation

Art. 5.2 of R. 45/2001, Processing is necessary for compliance with the following legal obligation of CFCA:

The reception of inspection reports by the Technical Joint Deployment Group (in which CFCA officials are represented) is provided for by Articles 9 and 26 of ED Decision No 2011/007 establishing a Joint Deployment Plan for 2011, 2012 and 2013 concerning the organisation of the use of pooled national means of control and inspection in European Union and outside waters under national jurisdiction covered by the Convention Area of the International Commission for the Conservation of the Atlantic Tunas.

The submission of inspection reports related to possible non compliances with applicable EU and ICCAT legislation of EU fishing vessels to MS and DG MARE is provided for by Section 8 of Annex III to ED Decision 2011/007.

The submission of all inspection reports of non EU fishing vessels to DG MARE is provided for by Section 8 of Annex III to ED Decision 2011/007 and by Annex 8 of ICCAT Recommendation 10-04.

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

DG MARE, European Commission, UNIT D-2: ED Decision 2011/007: Articles 9, 26 and Point 8 of Annex III.

Members of the Steering Group of the Joint Deployment Plan (Member States to which the JDP is addressed), MS National Coordinators: Articles 9, 26 and Point 8 of Annex III

13/ retention policy of (categories of) personal data

The inspection reports shall be kept 5 years for the purposes of training and risk analysis (see also Art. 118(3) Regulation (EU) No 404/2011).

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)

15 days

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

n/a

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

In some cases, the inspection reports mention possible infringements by the fishing vessel (master/ owner) of applicable EU and ICCAT legislation. The inspection reports serve as evidence in the courts of the inspecting Member State and the Flag Member State.

AS FORESEEN IN:

x Article 27.2.(a)

Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

17/ Comments

In the notification, reference is made to several articles of ED Decision 2011/007. The bluefin tuna Joint Deployment Plan is a document which is classified "RESTREINT UE". That is why it is not attached to this notification.

PLACE AND DATE: Vigo, 24 June 2011

DATA PROTECTION OFFICER: Rieke Arndt

INSTITUTION OR BODY: Community Fisheries Control Agency

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