

**REGISTER NUMBER: 702**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 29/06/2011

Case number: 2011-0636

Institution: CFCA

Legal basis: article 27-5 of the regulation CE 45/2001(1)

(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 North Atlantic

3/ Name of the processing

Transmission of inspection reports (NAFO/NEAFC)

4/ Purpose or purposes of the processing

In the course of the implementation of ED Decision No 2010/029 establishing a Joint Deployment Plan for 2011 and 2012 to give effect to the obligations of the European Union under the Joint Inspection and Surveillance Scheme set out in Article XI (5) of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (NAFO) and under the Joint Inspection and Surveillance Scheme set out in Article 8 (1) of the Convention on Future Multilateral Cooperation in the North-East Atlantic fisheries (NEAFC) inspection reports provided by Member States' authorities and Member States' inspectors concerning inspections of fishing vessels carried out in the NAFO and NEAFC Regulatory Areas as well as other documentation related to the fishing activity as provided in applicable EU, NAFO and NEAFC legislation are transmitted by the CFCA to Flag States, DG MARE (European Commission) and NAFO and NEAFC Secretariats 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, crew members (possibly and only in NAFO), Inspectors

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

Only NEAFC: Name and signature of the master of the fishing vessel subject to inspection; Only NAFO: master's name and signature, name and address of the owner of the fishing vessel subject to inspection and possibly name and signature of crew members as master's witnesses; Both NAFO and NEAFC: names and signatures of the inspectors 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 national fisheries inspectors of the Inspecting Member States. 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.

#### 9/ Automated / Manual processing operation

Original inspection reports and additional documents related to fishing activities are taken to the CFCA by CFCA Coordinators on duty in the NAFO/NEAFC Regulatory Areas or transmitted by the Member States to the CFCA by regular mail. All originals of inspection reports are being transmitted by the CFCA to flag states by regular mail.

Scanned copies of inspection reports with apparent infringements of applicable EU and NAFO or NEAFC legislation are being transmitted to NAFO and NEAFC Secretariat by regular mail.

Scanned copies of inspection reports without infringements are being transmitted to NAFO and NEAFC Secretariat by e-mail.

Scanned copies of all inspection reports are being transmitted to DG MARE (European Commission) by e-mail.

Electronic versions (pdf) of these documents are filed in a secure part of the P drive. The copies of inspection reports are filed and kept in a locked cupboard.

#### 10/ Storage media of data

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

Electronic copies (pdf) of NAFO/NEAFC inspection reports saved in restricted area on p-drive to which only staff of North Atlantic 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 and submission of inspection reports by the CFCA is provided for by Annex IV to ED Decision No 2010/029 establishing a Joint Deployment Plan for 2011 and 2012 to give effect to the obligations of the European Union under the Joint Inspection and Surveillance Scheme set out in Article XI (5) of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries and under the Joint Inspection and Surveillance Scheme set out in Article 8 (1) of the Convention on Future Multilateral Cooperation in the North-East Atlantic fisheries.

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

DG MARE (European Commission): Unit B3 and Unit C2: Annex IV to ED Decision No 2010/029

Flag States of inspected vessels:

- Original NAFO inspection report: Annex IV to ED Decision No 2010/029 (Article 35 paragraph 1 of NAFO Control and Enforcement Measures)
- Original NEAFC inspection report: Annex IV to ED Decision No 2010/029 (Article 18 paragraph 11 of NEAFC Scheme of Control and Enforcement)

NAFO Secretariat:

Copy of the inspection report: Annex IV to ED Decision No 2010/029 (Article 35 paragraph 1 of NAFO Control and Enforcement Measures)

NEAFC Secretariat:

Copy of the inspection report: Annex IV to ED Decision No 2010/029 (Article 18 paragraph 11 of NEAFC Scheme of Control and Enforcement)

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) of applicable EU and NAFO/NEAFC legislation. The inspection reports serve as evidence in the courts of 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 2010/029. The NAFO/NEAFC 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, 29 June 2011

DATA PROTECTION OFFICER: Rieke Arndt

INSTITUTION OR BODY: Community Fisheries Control Agency

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