

REGISTER NUMBER: 744

## NOTIFICATION FOR PRIOR CHECKING

Date of submission: 28/09/2011

Case number: 2011-0882

Institution: EFSA

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

<sup>(1)</sup> OJ L 8, 12.01.2001

## INFORMATION TO BE GIVEN<sup>(2)</sup>

<sup>(2)</sup> Please attach all necessary backup documents

### 1/ Name and adress of the controller

The EFSA Advisory Forum and Scientific Cooperation Unit (AFSCO Unit) (mandate provided in **Annex I**).

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

The possible levels of user access / management (functional groups) of the in-house expertise database are: (1) Administrator of the database – the AFSCO Unit, with full rights to access / manage the information stored in the database; (2) EFSA end-users, with access to the search environment of the in-house expertise database on a secure web portal.

### 3/ Name of the processing

EFSA In-house Scientific Expertise Database

### 4/ Purpose or purposes of the processing

To allow the identification of in-house scientific expertise in clearly identified situations, whenever EFSA has a specific need or when unexpected and/or urgent work of EFSA is required in the area of scientific risk assessments and/or data collection in food and feed safety.

### 5/ Description of the category or categories of data subjects

Scientific staff employed by EFSA (in the area of food and feed safety, nutrition, animal health and welfare, plant protection and plant health)

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

A) Information collected on the on-line application form: (1) general expert information (partially 'prefilled'); (2) institutional information (EFSA default information, 'prefilled' and not editable) ; (3) fields of competence; and (4) additional expert information (for further details on information requested for each of these categories of data, see **Annex II** – screenshots of the online application form). Information considered mandatory is marked on the online application form with an asterisk (\*); the electronic system prevents applications missing such information to be submitted.

B) Information requested / provided via the online search tool: (1) skills (of experts); (2) refine search (parameters); (3) online profile displayed on search tool (for further details on information available for each of these categories of data, see **Annex III** - screenshots of the tabs of the online search tool; and **Annex IV** - example of online profile displayed on search tool).

Additional comments of the DPO: **1)** The information in above (A) and (B) was provided by the data controller on the occasion of the art. 25 DPO notification. While preparing the notification, I made the data controller aware of the fact that the 'general expert information' and 'institutional information' collected in the application form (see **Annex II**) and some parts in the online profile displayed in the search tool (such as 'address for correspondence', 'professional situation', 'organization information' - see **Annex IV**) could be considered in conflict with the data quality requirement laid down in article 4(1c) of Regulation 45/2001. **2)** The data controller opted for waiting the EDPS Opinion deciding on whether the data quality requirement is met or not, before arranging adjustments to the IT tool, for which the proportionality in view of available resources is anyway to be made. In this context it is important to add that the EFSA in-house scientific expertise database and the related online application module are supported by the IT tool supporting the EFSA Database of External Scientific Experts (EDB) previously prior checked by EDPS as case n° 2008-455. **3)** Even though the EFSA in-house scientific expertise database and the Experts Database (EDB) are supported by the same IT tool, the type of personal data processed (in-house scientific staff profiles vs. external experts), the purpose of the data processing and the way this is done (i.e. regarding transfers) are clearly distinct in both. For this reason, the EFSA in-house scientific expertise database and the Experts Database (EDB) are considered to be distinct personal data processing operations.

## **7/ Information to be given to data subjects**

A) Information provided to data subjects before applying into the scientific expertise database:

In compliance with Article 11 of Regulation 45/2001, the information is provided by means of a data protection notice to be sent with an invitation email to applicant experts and is also existent on the on-line application form (see **Annex V** – application form data protection notice). The notice provides the following information:

- The purpose of the data processing operation;
- The identity of the controller;
- Information on the data subjects;
- The categories of personal data processed, namely the need for submission of a valid application and for compliance with eligibility criteria;
- The recipients of personal data, i.e. the users of the in-house database search tool;
- The access right and right of rectification of experts included into the database as concerns their own profile;
- Information on the conservation of personal data and the process of renewal;
- The right to have recourse at any time to the European Data Protection Supervisor.

B) Information provided by data subjects before (re)submission of application forms:

- Data subjects need to confirm that their personal and professional information submitted into the database is true and complete (**Annex VI**).

C) Data protection notice provided to end-users of the database in the search mode (see **Annex VI** – search tool data protection notice).

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

Data subjects can exercise their rights at any time. As mentioned in the data protection notice (**Annex V**), data subjects can access, modify and/or delete their data/profiles in the database at any point in time entering the system with their user name and password.

#### **9/ Automated / Manual processing operation**

The data processing operation is both automated (e.g. submission of application forms, searching for scientific experts) and manual (validity and eligibility checks with the purpose of inclusion / exclusion of in-house experts into / from the database).

#### **10/ Storage media of data**

The data collected is stored electronically in EFSA's scientific expertise database.

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

Processing operation is clearly covered by the mandate of EFSA

The processing operation is covered by an internal EFSA mandate - **Annex I**

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

- The administrator of the database (the AFSCO Unit), with full access to information provided by data subjects for management purposes;
- The IT supporting Unit, with full access to the information submitted by data subjects for provision of technical assistance to the scientific expertise database tools;
- the Expert Database Supervisory Committee, carrying out an assessment of submitted applications and deciding on their inclusion in the database;
- EFSA staff granted access as users to the search environment of the in-house scientific expertise database, on a need basis;
- Bodies competent for carrying out audits or legal review, including the EFSA Internal Auditor, the Internal Audit Service, the European Court of Auditors, the European Ombudsman, the Civil Service Tribunal, the European Data Protection Supervisor.

#### **13/ retention policy of (categories of) personal data**

The process for data renewal and expiry is based on 2 main procedures: (1) experts will be requested to regularly confirm their interest to remain listed in the database, and, if yes, to update their profiles; and (2) in-house scientific experts included in the database will be informed that they are able, at any time, to update/modify inaccurate or incomplete personal data on their individual profiles, or to request the exclusion of their profiles from the database (see internal mandate - **Annex I**).

#### **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)*

Justified requests for blocking and erasure will be handled within 5 working 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,*

Any statistical information on the database will be collected in an aggregated way, not containing personal data.

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

The use of the in-house scientific expertise database is restricted to EFSA.

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

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**

**Annexes to the notification:**

(1) Mandate for setting up an in-house scientific expertise database

(2) Screenshots of the online application form

(3) Screenshots of the tabs of the online search tool

(4) Example of online profile displayed on search tool

(5) Application form data protection notice

(6) Search tool data protection notice

(7) DPO notification of the data controller

☐

PLACE AND DATE: Parma, 28/09/2011

DATA PROTECTION OFFICER: Claus Reunis

INSTITUTION OR BODY: European Food Safety Authority (EFSA)