

REGISTER NUMBER: 838

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 10/02/2012

Case number:2012-0135

Institution: ERA

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 adress of the controller

European Railway Agency, 120 rue Marc Lefrancq, 59300 Valenciennes -France

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

Administration unit, Mikkel Emborg, Head of Unit

3/ Name of the processing

E-mail system of the European Railway Agency

4/ Purpose or purposes of the processing

Processing of the e-mail traffic from and to the mailboxes of ERA staff.Each e-mail system user has the responsibility for the messages and attachments she/he is processing and sending out.Front-End Components:- Microsoft Outlook- Any standard HTTP browser- PDAs (i.e. i-Phone).Back-End Components:- Microsoft Exchange- Internal processes to cover address book data exchanges and management

5/ Description of the category or categories of data subjects

Anybody whose e-mail address appears in the "To", "From", "CC" and / or "BCC" traffic fields of an e-mail message, as soon as these messages have been processed by the e-mail servers of the ERA.Regarding the management of the e-mail address book, all staff of European institutions with whom a convention comprising the article 7 of Regulation 45/2001 clause ("Transfer of Data") has been established and signed.ERA statutory staff members, Officials and statutory staff members from other European Institutions/Agencies/ Bodies, "Seconded National Experts", trainees and subcontractors, European and third countries citizens.

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

As per information provided with the policies:For the e-mail messages: - message header (traffic information), - subject,- body and - attachments.For the address book: - first name, - last name, - Alias (informatics login),- office phone, - Unit or Sector, - e-mail address

7/ Information to be given to data subjects

Note to the Staff "Use of the ERA's ICT owned resources (end-user computing equipment, e-mail and internet access systems, telephone, fax and mobile phones),Policy 2.0 Use of the ERA ICT owned resources, Policy 2.1 Identity and Access Management",, Policy 2.3 Electronic Communication Policy, Policy 2.4 E-mail Acceptable Use

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

When a staff member takes up duty he/she is informed of Regulation (EC) 45/2001 safeguarding the right to access data and to require the Controller to rectify without delay any inaccurate or incomplete personal data. The data subject also has the right to require the Controller to erase data if the processing is unlawful. For this, the data subject needs to contact the Controller by email (put in copy the designated ITFM staff). The Controller shall deal with the request for rectification of data within one month from the introduction of the request. As far as requests for blocking and erasure, the Controller disposes of three calendar months to give follow up to the request from the moment of its reception. Furthermore, the data subject is also free to address to the ERA Data Protection Officer at any time, using the following contact address: DataProtectionOfficer@era.europa.eu

9/ Automated / Manual processing operation

Automated

10/ Storage media of data

Hard disks and tapes

11/ Legal basis and lawfulness of the processing operation

The processing is necessary and lawful under art. 5(a) of Regulation (EC)45/2001

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

Message recipients: Potentially anybody in the world having an e-mail address. Internal E-mail system users: ERA staff.Address book (data fields as indicated in this notification):- staff of the ERA, E-mail services of other European institutions, Staff of other European institutions with whom bilateral agreements exist (see point 10 "Data Subjects concerned").Log-files: Administrators of the E-mail System (daily operations), OLAF (on request in the context of investigations), Other competent authorities, Data Subject concerned (on request).

13/ retention policy of (categories of) personal data

As long as the Data Subject has an active mail account,- 90 days after the de-activation of the e-mail account, before its deletion,- 13 months after the deletion of the mail account, in logs and back-up media,- As long as the Data Subject is present in the address book of the respective other Institution

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)

In case of incident the data will be kept for analyzing for a longer period to establish evidence or to defend a right in a legal claim pending before a court.Upon a justified request by the data subject the personal data will be modified within 14 days, if not altering the content of the log and not impacting on the regular business operations.

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,

NA

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

NA

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)

Monitoring

17/ Comments

Ex-post prior check notification.

Annexes : 1. Policy 2.0 Use of the ERA ICT owned resources

2. Policy 2.1 Identity and Access Management"

3. Policy 2.3 Electronic Communication Policy

4. Policy 2.4 E-mail Acceptable Use

18/ Measures to ensure security of processing (3)

Please check all points of Article 22 of Regulation (EC) 45/2001.

(3) Not to be published in the EDPS' Register (article 27.5 of Regulation (EC) 45/2001)

PLACE AND DATE: Valenciennes,

DATA PROTECTION OFFICER: Zografia PYLORIDOU

INSTITUTION OR BODY: European Railway Agency

