

REGISTER NUMBER: 844

NOTIFICATION FOR PRIOR CHECKING

Date of submission: **21/03/2012**

Case number: **2012-0274**

Institution: **OLAF**

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: WASMEIER Martin

3) Title: Official

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

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

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:

3/ Name of the processing

Processing of complaints under Art. 90 a of the Staff Regulations

4/ Purpose or purposes of the processing

The purpose of the processing is to respond to complaints under Article 90 a of the Staff Regulations.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

Complainants: All staff of EU institutions and bodies subject to the EU Staff Regulations of Officials and the Conditions of Employment of Other Servants who file a complaint.

Witnesses: All persons who provide information concerning the complaint.

Responsible OLAF staff: OLAF staff responsible for the matter which is the subject of the complaint and relevant OLAF casehandlers and controllers.

Staff of the Commission Legal Service responsible for the matter.

Other persons whose names may appear in relevant documentation/files related to the matter that is the subject of the complaint.

Where applicable, any persons in relation to a follow up action brought about by the complainant.

16) Category(ies) of Data Subjects:

Complainants: All staff of EU institutions and bodies subject to the EU Staff Regulations of Officials and the Conditions of Employment of Other Servants

Witnesses: All persons who provide information concerning the complaint.

Responsible OLAF staff: OLAF staff responsible for the matter which is the subject of the complaint and relevant OLAF casehandlers and controllers.

Staff of the Commission Legal Service responsible for the matter.

Other persons whose names may appear in relevant documentation/files related to the matter that is the subject of the complaint.

Where applicable, to any persons in relation to a follow up action brought about by the complainant.

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

Identification and contact information of the complainant, (name, address, e-mail, telephone, fax), professional and case involvement data, and information related to the complaint.

In exceptional circumstances this could include data which fall under Article 10 where it is relevant to the complaint.

Identification and contact information of witnesses and any other person relevant to the complaint, (name, address, e-mail, telephone, fax), professional and case involvement data, and information related to the complaint.

Identification and contact information of OLAF and Legal Service staff (name, address, e-mail, telephone, fax), and professional data.

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

Identification and contact data, professional data, case involvement data, data related to the complaint.

In exceptional circumstances this could include data which fall under Article 10 where it is relevant to the complaint.

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'

OLAF provides a personalised privacy statement to each complainant and witness and any other person who provides information concerning the complaint by using standard data protection clauses in communications.

Data subjects are also notified by means of the attached privacy statement, which is published on the OLAF Europa website.

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' :

See the attached privacy statement.

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)"

Upon receipt of a complaint, OLAF creates a paper file, prepares a memorandum analysing the complaint and all relevant documentation which it gathers from the responsible case handler and from the case file, and submits the memorandum and documentation to the Legal service of the Commission for consultation.

Upon receipt of the reply of the Legal Service, OLAF drafts a response to the complainant. All documents related to the complaint are thereafter retained in the complaint file and in the case file of the case concerned.

This processing falls under Article 27 "Prior checking" by the EDPS.

8) Automated Processing operation(s):

none

9) Manual Processing operation(s):

Creation and retention of the paper file, consultation of the Legal Service.

10/ Storage media of data

Hard disk; paper.

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

Article 90 a of the Staff regulations

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 is necessary for compliance with a legal obligation to which the controller is subject, and thus lawful under Article 5 (b) of Regulation 45/2001.

This processing operation is subject to prior checking by the EDPS.
The exemptions and restrictions of Article 20 may apply in certain circumstances.

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

20) Recipient(s) of the Processing:

OLAF staff who are responsible for dealing with the complaints, case handlers, controllers and the Director General; Staff of the European Commission Legal Service and where applicable, any persons in relation to a follow up action brought about by the complainant.

21) Category(ies) of recipients:

OLAF staff who are responsible for dealing with the complaints, case handlers, controllers and the Director General; Staff of the European Commission Legal Service and where applicable, any persons in relation to a follow up action brought about by the complainant.

13/ retention policy of (categories of) personal data

The files related to those complaints are retained for a maximum of 10 years after the response has been sent, in line with DG HR's policy.

Where relevant, data held as part of an investigation file are kept for a maximum of 20 years.

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

One month.

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

Not applicable.

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.

Not applicable

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

not applicable

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

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Article 27.2.(a) Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

yes

Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject,

yes

Article 27.2.(c) Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

no

Article 27.2.(d) Processing operations for the purpose of excluding individuals from a right, benefit or contract,

no

Other (general concept in Article 27.1)

n/a

17/ Comments

1) Date of submission:

10) Comments if applicable:

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.

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

PLACE AND DATE:21/03/2012

DATA PROTECTION OFFICER: LAUDATI Laraine

INSTITUTION OR BODY:OLAF