

**REGISTER NUMBER: 847**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: **23/03/2012**

Case number: **2012-0279**

Institution: **OLAF**

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 address of the controller

2) Name and First Name of the Controller: PECORARO Marco

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

Search facility

4/ Purpose or purposes of the processing

To enable data consultation, cross matching and searches by technical means by authorised OLAF staff in charge of selection of new cases, in order to avoid opening duplicative case files.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

1. Natural persons who are the subject of the OLAF external or internal investigation or to a coordination case.
2. Natural persons who have provided information to OLAF including informants, whistleblowers, witnesses and persons who have provided statements.
3. Staff of OLAF, operational partners working on OLAF matters whose name appears in documents stored by OLAF.
4. Other persons whose name appears in the case file but have no relevance to the case.

16) Category(ies) of Data Subjects:

1. Natural persons who are the subject of the OLAF external or internal investigation or a coordination case.
2. Natural persons who have provided information to OLAF including informants, whistleblowers, witnesses and persons who have provided statements.
3. Staff of OLAF operational partners working on OLAF matters whose name appears in documents stored by OLAF.
4. Other persons whose name appears in the case file but have no relevance to the case.

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

The search facility will research for cross check the following data fields:

Name, Involvement comment, organisation comment, address (es), contact(s), job(s), type of data subject, alias, birthday, birth place, person comment, country, programme.

The search results will point to documents where the searched data appears. When accessing the documents in the I-base, the user can have access to additional data related to the data subject (e.g. recorded in Final Report)

Identification data: surname, forename, nickname, birthday, birthplace, street, postcode, city, country, telephone number, fax number, e-mail address.

Professional data: profession, organisation, function.

Case involvement data: case involvement, activities and information related to matters which are the subject of investigation, coordination or implementation, comments of the person

No electronic search will be performed on data fields which fall under Article 10. Data which fall under Article 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 data, professional data, case involvement data.

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'

The data processed in the i-base search facility ( for CMS data) are data already recorded in the CMS in the framework of ongoing internal investigations (DPO- 176), external investigations (DPO-177), dismissed cases (DPO- 178), coordination cases (DPO-179) or cases where monitoring of the implementation of the OLAF recommendations is ongoing (DPO- 180).

This processing operation is a part of OLAF's selection of cases. Therefore, the data subjects are informed of this processing operation by means of the privacy statement which they receive in the context of those processing operations.

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' :

The relevant procedures are described in the notifications listed at point 15 a.

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)"

See attachment.

8) Automated Processing operation(s):

The CMS search facility extracts new electronic data from the CMS every 4 weeks to update the i-base database. (The CMS contains all documentation in OLAF case files.)

9) Manual Processing operation(s):

The initial historical extract of data necessary to create the i-base database will be done manually.

The authorised staff in charge of selection of cases performs electronic searches on the search facility by giving a data input in one single entry. The aim of the search is to cross check if the data provided in the new incoming information relate to an existing OLAF case.

10/ Storage media of data

Electronic data extracted from CMS are stored in an i-base database within OLAF's independent secured network (CBIS). For further details see notifications for IT infrastructure (DPO-97).

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

Regulation 1073/1999 (Art.3 and art 4)

- In accordance with Article 4.2 of the "OLAF Instructions for staff on Investigative procedures", the Investigation Selection and Review Unit shall assess whether the information relates to an identifiable investigation or coordination case, or a case in the selection process and allocates the information to the appropriate case.

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)"

Processing is necessary for the performance of tasks carried out in the public interest on the basis of the Treaties and the legal instrument specified in response to Question 11. It is thus lawful under Article 5(a) of Regulation 45/2001.

The exemptions and restrictions laid down in Article 20 (1) (a) and (b) may be applicable.

This processing operation is subject to prior checking under Article 27 (2) (a) or (b) of Regulation 45/2001.

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

20) Recipient(s) of the Processing:

The search facility for CMS data is an OLAF internal search facility and the recipients are the authorised staff in the Investigation Selection and Review Unit. No transfers of this data outside of the unit are foreseen.

21) Category(ies) of recipients:

Authorised staff in OLAF.

13/ retention policy of (categories of) personal data

The data will be stored for 10 years. Data are subject to annual reviews using automated and manual checks once data have been held for three years in order to ensure that data are held in accordance with the agreed retention period.

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

The time limit for blocking and erasure of the different categories of data is 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):

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)"

See attachment.

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)"

Processing is necessary for the performance of tasks carried out in the public interest on the basis of the Treaties and the legal instrument specified in response to Question 11. It is thus lawful under Article 5(a) of Regulation 45/2001.

The exemptions and restrictions laid down in Article 20 (1) (a) and (b) may be applicable.

This processing operation is subject to prior checking under Article 27 (2) (a) or (b) of Regulation 45/2001.

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,

no

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

yes

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:18/04/2012

DATA PROTECTION OFFICER: LAUDATI Laraine

INSTITUTION OR BODY:OLAF

*To be filled out in the EDPS' office*