

**NOTIFICATION FOR PRIOR CHECKING**

**DATE OF SUBMISSION: 03/09/2012**

**CASE NUMBER: 2012-0726**

**INSTITUTION: COUNCIL**

**LEGAL BASIS: ARTICLE 27-5 OF THE REGULATION CE N° 45/2001<sup>(1)</sup>**

**INFORMATION TO BE GIVEN<sup>2</sup>**

1/ NAME AND ADDRESS OF THE CONTROLLER

Director General of DG C

DG C - Foreign affairs, Enlargement and Civil protection  
Council of the European Union Wetstraat 175 - 1048 Brussels  
Phone : +32 2 285 61 11 - Fax +32 2 285 73 97

2/ ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA

DG C - Coordination Unit - Phone (+32(0)2 281 51 27)

3/ NAME OF THE PROCESSING

Processing of personal data in the context of implementation of UN restrictive measures by EU.

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The purpose of processing is establishment and updating an EU list of persons subject to an asset freeze, including identifying information related to them and of Statements of Reasons for their designation that corresponds exactly to the list and Statements of Reasons as adopted and published by the UN.

<sup>1</sup> OJ L 8, 12.01.2001.

<sup>2</sup> **Please attach all necessary backup documents**

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Natural persons who are subject to asset freeze by UNSCR or UN Sanctions Committee.

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA (*including, if applicable, special categories of data (Article 10) and/or origin of data*).

Personal data collected includes a broad range of data necessary for the correct identification of the person concerned, in particular names (including aliases), date and place of birth, nationality, passport and ID card numbers, gender, address, if known, and function or profession. The data processed and published in the Official Journal corresponds to data published by the UN.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Legal acts containing the same personal data as documents published by the UN are published in the Official Journal. If an address of the listed person concerned is available, a letter informing the person concerned of his/her designation is sent. In case the data subject's address is not known, the only means of information is a notice published in the "C" series of Official Journal at the time of listing by the EU.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

(Rights of access, to rectify, to block, to erase, to object)

Section 5 of Council Decision 2004/644/EC of 13.9.2004 (OJ L n° 296, 21.9.2004, p.20).

Requests for access or for rectification of data collected can be made by the data subject or her/his lawyers. These requests will be answered in accordance with Section 5 of Council Decision 2004/644/EC, with an indication that the Council holds no information in addition to information published in the Official Journal, as well as that this information is based on information as published by UN.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

This notification covers the processing of personal data by the Council of the EU in relation to the establishment of EU restrictive measures adopted in the implementation of UN Security Council Resolutions (UNSCR) and relevant Sanctions Committee decisions. Please note that "mixed regimes" are notified by virtue of notification for EU autonomous restrictive measures (Notification 224N00). The relevant measure in relation to personal data protection is the asset freeze. The sanctions regimes concerned by this notification, with the appropriate Council Regulations imposing the restrictive measures, are as follows:

1. AFGHANISTAN (TALIBAN) Council Regulation (EU) No 753/2011
2. DEMOCRATIC REPUBLIC OF CONGO Council Regulation (EC) No 1377/2007
3. LEBANON Council Regulation (EC) No 1412/2006
4. LIBERIA Council Regulation (EC) No 872/2004
5. SOMALIA Council Regulation (EU) No 356/2010.

Pursuant to Article 215 TFEU, the Council of the European Union establishes reviews and amends lists of persons and entities whose assets are to be frozen. The lists and accompanying identifying information and Statements of Reasons are exclusively based on published UN lists of persons subject to asset freeze. Processing mainly consists of the following: - transfer of personal data, as published by the UN and forwarded by EEAS to the Council, to Member States' delegations, the Commission and EEAS; - publication of the list of designated persons and of accompanying identifying information and Statements of Reasons in the Official Journal; - storage of received data; - maintaining correspondence with listed natural persons or their lawyers, including granting access by the data subject or its lawyers to the file; - processing of personal data of listed natural persons for the purpose of court proceedings.

Transfer is done through electronic means (e-mail). Storage of collected data is also fully automated. Maintaining correspondence with listed natural persons implies drafting of reply letters to data subjects/their lawyers, therefore data processing in this context is only partly automated.

#### 10/ STORAGE MEDIA OF DATA

All personal data concerned by this notification has already been published by the UN. Electronic data is kept in the servers of DGC, accessible only to members of the directorate.

#### 11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Article 215 TFEU. New designations within an existing sanctions regime are done through implementing legal acts that are based on the relevant Regulation establishing the regime.

Processing of personal data is necessary for the performance of a task carried out in the public interest on the basis of the TFEU - Article 5(a) of Regulation (EC) 45/2001.

#### 12/ THE RECIPIENTS OR CATEGORIES OF RECIPIENT TO WHOM THE DATA MIGHT BE DISCLOSED

- In the making of listing decisions all data published by the UN is shared with Member States' delegations, the Commission and EEAS, and published in the Official Journal; - in the framework of requests for access to the file or where an address is available, personal data collected is forwarded to data subjects or their lawyers; - in the context of court proceedings, elements of personal data might be relied upon by the Council in the proceedings.

#### 13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

According to Article 46 of the Statute of the Court of Justice, proceedings against the Union in matters arising from non-contractual liability shall be barred after a period of five years from the occurrence of the event giving rise thereto. Therefore all personal data is stored during 5 years from the moment the data subject has been removed from the list of persons subject to the asset freeze or the validity of the measure has expired, or for the duration of court proceedings in the event they had been started.

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS  
(Please, specify the time limits for every category, if applicable)

See point 8 above.

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.*

Personal data is not stored for historical, statistical or scientific use.

15/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

Personal data is not transferred to third countries or international organisations.

16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING (*Please describe*):

↑ Article 27.2.(d)

*Processing operations for the purpose of excluding individuals from a right, benefit or contract,*

The purpose of the processing is the imposition by the Council of an asset freeze, therefore processing should be considered as likely to present specific risks within the meaning of Article 27 (2) (d) of Regulation (EC) No 45/2001.

17/ COMMENTS

None.

18/ MEASURES TO ENSURE SECURITY OF PROCESSING<sup>3</sup> :

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

PLACE AND DATE: Brussels, 3 September 2012

DATA PROTECTION OFFICER: Carmen López Ruiz

INSTITUTION OR BODY: General Secretariat of the Council of the European Union

<sup>3</sup> Not to be published in the EDPS' Register (Art. 27(5) of Regulation (EC) N°: 45/2001)