

*(To be filled out in the EDPS' office)*

**NOTIFICATION FOR PRIOR CHECKING**

**DATE OF SUBMISSION: 21/09/2012**

**CASE NUMBER: 2012-0822**

**INSTITUTION: EUROPEAN COURT OF AUDITORS**

**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

PRESIDENT EUROPEAN COURT OF AUDITORS  
12, RUE ALCIDE DE GASPERI  
L-1615 LUXEMBOURG

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

President and its Private Office;  
Committee for Members outside activities;  
College of Members

3/ NAME OF THE PROCESSING

Declaration of outside activities by ECA Members.

4/ PURPOSE OR PURPOSES OF THE PROCESSING

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

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

Compliance assurance with the Code of Conduct for Members and more in particular assure that any outside activity of Members doesn't undermine the Court's impartiality, exclude conflict of interest with the Courts activities and does not take up an excessive amount of time and is not remunerated.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Members of the ECA

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

Name, First name, outside activities

NO Article 10 special categories of data.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

When taking office, the Member, is requested to declare any outside activities and obliged to declare any changes to these activities during its mandate. The Member is informed about its rights, purpose of processing, recipients and processors by receiving the annexe sheet of Decision 77/2006 containing the Article 11 information to be given to data subjects as specified in Regulation 45/2001.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

See articles 5 & 6 from the Code of Conduct for Members (annexe 3).  
Blocking and object are not possible.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Manuel processing

The Member declares within 30 working days after taking office her/his outside activities to the President. Any modification to the list of outside activities must also be declared in advance to the President.

The President forwards the declaration to the Committee for Members outside activities (President of the Committee).

The Committee examines the outside activities and issues a positive or negative recommendation and sends it to the Court within 30 working days.

When a Member receives a negative recommendation she/he must comply with the recommendation within 30 working days.

The President is responsible for ensuring that the negative recommendation is implemented.

If the concerned Member does not agree with the negative recommendation she/he can within 15 working days write to the President.

The President submits the matter without delay to the Court which shall take a decision within 15 working days.

When a Member has not complied with a negative recommendation within the deadline and without having informed the President of its disagreement the President will submit the matter to the Court.

The Court shall take a decision within 15 working days.

When the Court comes to a decision that the negative recommendation is maintained the President shall be responsible for ensuring the decision is implemented.

To this end the concerned Member shall have 30 working days to comply with the decision.

When the Member does not comply after that deadline the President (or the Member replacing him) shall submit the matter to the Court which shall decide if the Court of Justice will be asked to deprive the Member concerned of his office.

#### 10/ STORAGE MEDIA OF DATA

The declarations are stored at the office of the Member that acts as president of the Committee for Members outside activities.

The reminders on non compliance and the dossier to submit to the Court of Justice are also stored at the President's office.

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

Treaty EU articles 285 & 286

Rules of Procedures of the ECA adopted on 11 March 2010 (DEC/26/10 as annexe 1)

Ethical Guidelines applicable at the ECA adopted on 20 October 2011 (DEC 107/11 as annexe 2)

Code of conduct for Members of the Court adopted on 008 February 2012 (DEC 06/12 as annexe 3)

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

President, Committee of Members for outside activities, Court (=all ECA Members).

Court of Justice in case of non compliance and the launch of a request to deprive the Concerned Member of his office (Article 6 (7) of Rules of procedures at ECA Decision 92/2004).

Internal auditor, for audit purposes.

OLAF for investigation purposes (ECA Decision 98 + 99/2004 and Regulations (EC) nos 1073 + 1074/1999).

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

THE MEMBERS DECLARATION AND ASSOCIATED DOSSIER (IF EXISTS) WILL BE DESTROYED THREE YEARS AFTER HAVING LEFT THE ECA (= AT THE END OF THE TRANSITION PERIOD).

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS

ERASURE AT ANY TIME DURING THE MEMBERS MANDATE.

*(Please, specify the time limits for every category, if applicable)*

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.*

N/A

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

N/A

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

THE EVALUATION OF THE OUTSIDE ACTIVITIES OF A MEMBER WHEN JUDGED NOT ACCEPTABLE BY THE COMMITTEE OF MEMBERS FOR OUTSIDE ACTIVITIES AND THE COURT CAN LEAD TO THE END OF THE MANDATE WHEN THE MEMBER CONTINUES TO EXERCISE THIS OUTSIDE ACTIVITY.

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,*

1X Article 27.2.(d)

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

1 Other (general concept in Article 27.1)

17/ COMMENTS

PLACE AND DATE: LUXEMBOURG 21 SEPTEMBER 2012

DATA PROTECTION OFFICER: JOHAN VAN DAMME

INSTITUTION OR BODY: EUROPEAN COURT OF AUDITORS