

REGISTER NUMBER: 990

## NOTIFICATION FOR PRIOR CHECKING

Date of submission: 18/04/2013

Case number: 2013-0429

Institution: EFSA – European Food Safety Authority, Parma

Legal basis: article 27-1 of the regulation CE 45/2001<sup>(1)</sup>

<sup>(1)</sup> OJ L 8, 12.01.2001

## INFORMATION TO BE GIVEN<sup>(2)</sup>

<sup>(2)</sup> Please attach all necessary backup documents

1/ Name and address of the controller

Head of the EFSA Corporate Services Unit (CORSER)

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

- Two staff members of the Corporate Services Unit of EFSA (CORSER), including the EFSA Security Officer (SO).
- Guards with 24/7 permanence at EFSA premises to whom video-surveillance activities are outsourced based on a procurement contract which EFSA concluded with a security services company.

3/ Name of the processing

**Video-surveillance at EFSA**

4/ Purpose or purposes of the processing

EFSA operates a video-surveillance system (*hereafter referred to as 'VSS'*) for controlling the access to its premises and for ensuring the security and safety of premises, individuals and things (e.g. documents, assets). The Video-surveillance Policy of EFSA, along with its attachments, describes the VSS and the safeguards taken to comply with data protection and privacy requirements. (see **Annex 1**).

5/ Description of the category or categories of data subjects

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Any person recognisable directly or indirectly from images of the VSS of EFSA captured in indoor and outdoor spaces of the EFSA premises.

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

- Images of persons and objects captured in live monitoring or stored in video-footage records of the VSS of EFSA, from which individuals are recognisable in a direct or indirect way (e.g. identification from images in combination with other information).
- On the occasion of the privacy impact assessment, adjustments were made concerning the coverage of public areas adjacent to EFSA premises and the coverage of areas with increased privacy expectation, namely the EFSA canteen, cafeteria and smokers corner. For these areas, the VSS system was adjusted to focus on the security purpose and to limit as possible the privacy impact. This aspect is further detailed in the Privacy and Data Protection Impact Assessment (see **Annex 2**).

7/ Information to be given to data subjects

- The public version of the EFSA Video Surveillance Policy is available on the EFSA Intranet portal. Data subjects also can obtain a paper copy of the Policy from the Security Officer of EFSA.
- On-the-spot bilingual notices (English and Italian) have been placed at indoor spaces captured by the VSS and in Italian only at outdoor spaces. EFSA plans to add where that is necessary notices in Italian language informing that recognisable images are produced also in situations of scarce luminosity by high-tech cameras with infra-red devices. The text of these notices is provided in **Annex 6.1** and **6.2**.
- A specific Privacy Statement on Video-Surveillance at EFSA is available at the EFSA reception. It can also be provided on demand by the Security Officer and CORSER Unit (**Annex 7**).

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

Data subjects can exercise their rights by contacting the Security Officer or by addressing EFSA receptionists or guards, who refer to the SO on this matter. The specific Privacy Statement on Video-Surveillance at EFSA is available at the EFSA reception.

9/ Automated / Manual processing operation

- Access to footage on EFSA seat is available to the SO and entitled CORSER Unit staff members directly from the VSS storage system ;
- Access to footage on off-site DUS building is available to the SO and entitled CORSER Unit staff members over the Internet ;
- Access to footage on off-site Palazzo Ducale is available by physical download from the camera storage memory.

Footage stored on the servers is automatically overwritten in accordance with the retention period of data detailed in below point 13.

10/ Storage media of data

Video-footage of the EFSA VSS system is stored on dedicated servers.

#### 11/ Legal basis and lawfulness of the processing operation

The processing operation is necessary for the management and functioning of EFSA as an EU agency in the sense of Article 5(a) of Regulation 45/2001. The EFSA Video Surveillance Policy (see **Annex 1**) constitutes the legal basis for the data processing.

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

Access to video-footage (live & records) is limited to the VSS users indicated in above point 2, i.e.:

- Two staff members of CORSER Unit, including the SO;
- The security guards team leader and security guards with 24/7 permanence at EFSA premises.

The access rights to the VSS system have been revised as detailed in the Audit Report (**Annex 2**). On the occasion of a VSS data protection refreshment training conducted by the DPO during February 2013, all VSS users have signed a Confidentiality Declaration according to the model provided in **Annex 4**.

Standard access to the VSS footage is without prejudice to possible transfers and disclosures to other persons. Access may be given to:

- Local law enforcement authorities (e.g. *Polizia, Carabinieri*) when needed, to investigate or prosecute criminal offences ;
- The European Anti-fraud Office (OLAF) in the framework of an investigation carried out by OLAF itself, by the Investigation Panel or the Disciplinary Board in the framework of an administrative inquiry or disciplinary proceeding, under the rules set forth in Annex IX of the Staff Regulations and in the EFSA Implementing Rules on Administrative Inquiries and Disciplinary Proceedings, provided that it can be reasonably expected that the transfers may help the investigation or prosecution of a sufficiently serious disciplinary or criminal offence.

All transfers and disclosures to other persons than CORSER Unit staff and guards in charge of security issues are documented and subject to a rigorous assessment of the necessity of such transfer and the compatibility of the purposes of the transfer with the initial security and access control purpose of the processing. All transfers and disclosures are registered in the Register of retention and transfers (see **Annex 5**).

#### 13/ retention policy of (categories of) personal data

The general retention period of recorded video-footage is maximum 7 calendar days. After this period, the records are automatically overwritten on the servers. As a result of the Audit and Privacy Impact Assessment, the retention period of footage covering public spaces outside the EFSA perimeter has been reduced to 5 working days.

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)

Data subjects can exercise their rights at any time by contacting the Security Officer. Justified requests for blocking and erasure will be handled within 5 working days.

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*):

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,

**X Other (general concept in Article 27.1)**

*Explanation:* As highlighted in the thematic guidelines on Video Surveillance of EDPS (part 4.3 and part 6.9 of the Guidelines) and following a letter of EDPS dated 05 March 2012 (EDPS case ref. 2010-0966) and subsequent exchange between the DPO and the EDPS officer in charge, the fact that some cameras of the EFSA CCTV system are equipped with infra-red illumination, qualifies the EFSA system as high-tech. Consequently EFSA has been asked to carry out a privacy and data protection impact assessment (**Annex 2**) as well as to notify VSS to EDPS for prior checking ('ex post').

17/ Comments

N/A

**Annexes:**

1. EFSA Video-surveillance Policy, confidential and public versions
2. Data Protection Audit of EFSA video-surveillance system and Privacy impact analysis
3. Video-surveillance System technical description
4. Model for Confidentiality Declarations
5. Register of retention and transfers
6. On-the-spot CCTV data protection notices of EFSA
  - 6.1. English and Italian Notice text
  - 6.2. Italian Notice text
7. Specific Privacy Statement for data subjects
8. DPO notification by the controller