

(To be filled out in the EDPS' office)

REGISTER NUMBER: 1084

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 28/06/2013

CASE NUMBER: 2013-0776

INSTITUTION: EDA

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

INTERNAL AUDITOR, MR. GEORGE GEORGIU

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

EUROPEAN DEFENCE AGENCY

INTERNAL AUDITOR-DIRECTLY ATTACHED AND REPORTING TO THE CHIEF EXECUTIVE

3/ NAME OF THE PROCESSING

INTERNAL AUDIT PROCESS

4/ PURPOSE OR PURPOSES OF THE PROCESSING

Internal Auditor (IA) is responsible for the Internal Audit process within EDA. IA advises the Agency on dealing with risks, by issuing independent opinions on the quality of management and control systems and by issuing recommendations for improving the conditions of implementation of operations and promoting sound financial management.

IA carries out systems-based reviews and operates in accordance with professional internal auditing standards.

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

IA enjoys, according to the financial rules applied (Article 40) and the Charter for the EDA Internal Audit, unrestricted access to all functions, records, property and personnel, and obtain the necessary assistance of personnel of the Agency, when performing audits, as well as other specialised services from within or outside the Agency. The necessary assistance is provided via various services, such as Top Management secretariat, IT Unit and HR Unit. In principle are related with various audit arrangement, presentation of reports and technical assistance.

In the course of work, IA process personal data (mostly by consultation, retrieval and, in audit reports, potential disclosure of personal data). Whenever possible the audit reports present these data in an anonymous way (What do you do with the formal information on which your work is based?) . Access to necessary information includes the possibility of crossing data collected by various sources through different databases provided that it serves the purpose of the specific audit. The formal information on which the internal audit work is based is kept by the IA in the archives.

The internal audit process aims to evaluate internal management and control systems, not the behaviour or performance of individuals. Therefore the processing operations do not fall under the scope of art. 27 and do not require prior checking by EPDS.

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

N/A

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

N/A

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

N/A

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The internal audit process of IA is supported by an Audit Software, where parts of the data related to the internal controls and risks are stored. The information is processed through standard tools of office automation, such as MS Word and Excel. In order to protect confidentiality of the information, however audit report, working papers reports and any other potentially sensitive document are always kept confidential and so people external to the Unit cannot have access to such documents.

The documents received in an electronic format (e.g. e-mails) are also archived by IA, as appropriate, and they are only accessible to IA and EDA's IT. Data are stored as well in paper files in the archives of IA, in a safe located to IA office.

10/ STORAGE MEDIA OF DATA

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

The Financial Rules of the European Defence Agency (Articles 39-40) of the Council Decision 2007/643/CSFP of 18/9/2007, provide the detailed specifications on the role and responsibilities of the internal auditor.

Second legal source of Internal Audit process is the Charter for EDA Internal Audit which provides detailed information on the mission and scope of work, accountability, responsibility and standards of audit practices

Both Financial Rules and Chapter grant unrestricted access to people, systems, documents and property within EDA, as it considers necessary for the proper fulfilment of its responsibilities.

(see enclosed copies of relevant legal basis)

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

The processing is used to produce the IA annual report which is delivered to Chief Executive and presented to Agency's Management Board (AMB).

According to Article 40 of the Financial Rules applicable to EDA the IA reports to the Agency on his/her findings and recommendations. The IA submits to the Agency an annual internal audit report indicating the number and type of internal audits carried out, the recommendations made and the action taken on those recommendations.

Each year the Chief Executive forwards a report to the Steering Board summarising the number and type of internal audits carried out, the recommendations made and the action taken on those recommendations.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The audit report will be kept indefinitely. This type of document is considered to be a "document of administrative value" as defined in Article 1 of Council Regulation 1700/2003 setting out the categories of documents which would be placed in the historical archives of the European Union. Article 39 of the Financial Rules requires that IA function should be performed in compliance with the relevant international standards. According to the Institute of Internal Auditors (IIA), which is the relevant international body, and the practice advisories, in the case of time limits for retention of supporting documentation the IIA does not suggest a particular time period but supports that they should be maintained long enough for the issues raised to be resolved and that the records should then be destroyed. The Internal Audit of the Commission has decided to work on a three year audit cycle. However it is preferable the maximum period of retention to be extended to 6 years, unless an issue remained unresolved and therefore documentation may be decided to retained for a longer period.

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

N/A

(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):*

Prior checking realised ; EDA-PCN-11- internal audit

17/ COMMENTS

APPENDIX 1 : EDA FINANCIAL RULES

PLACE AND DATE: BRUSSELS, 19 JUNE 2013

DATA PROTECTION OFFICER: ALAIN-PIERRE LOUIS

INSTITUTION OR BODY: