

(To be filled out in the EDPS' office)
REGISTER NUMBER: 1187

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 14/11/2013

CASE NUMBER: 2013-1269

INSTITUTION: CLEAN SKY

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

CLEAN SKY JU
TO 56/6
B-1049 BRUSSELS

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

Legal officer: Bruno MASTANTUONO

Internal Auditor: Bettina DITTMANN

3/ NAME OF THE PROCESSING

Collection and processing of data in the context of conflict of interest framework in place at the JU and the declaration of interests to be filled in by JU staff and other JU actors upon start of their assignment at the JU

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

4/ PURPOSE OR PURPOSES OF THE PROCESSING

Personal data are collected and managed by the JU for the purpose of evaluating certain professional and/or private aspects that may result in a conflict or potential conflict of interest of direct or indirect nature with respect to their assignment and functions at the JU. The Coi declaration aims at preventing, mitigating and ensuring proper management of Coi where appropriate.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Executive Director, JU staff and other JU actors such as contractors, Members providing services to the JU, trainees, interim and external experts that will be subject to a written Coi declaration upon start of their assignment

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

Categories of data processed:

- Personal data related to conflict of interest that may derive from professional relationships and/or reasons involving family, political and national affinity, economic/financial or any other shared interest (e.g. shares or other financial investments) with companies/organizations that have or may have an interest in the activities of Clean Sky JU
- Special categories of data processed: none

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

The CSJU ensures that data subjects' personal data are processed as required by Article 11 of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of Individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (Official Journal of the European Communities, L 8 of 12 January 2001).

Information is included in the privacy statement prepared for the processing operation that is enclosed to the Coi declaration. It explains to the data subjects the legal basis, the purpose, the procedure to be followed and the possibilities of appeal.

The Coi declarations will be kept by the HR of the JU as confidential information with limited access granted only to the Legal Officer, Internal Auditor and HR

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

The procedure to grant rights to data subjects is laid down in Article 8 of the Implementing Rules concerning CSJU Data Protection Officer (Decision of the Executive Director n° 34). These include:

- Access to the DPO's register of data processing operations;
- Requests from data subjects to the Data Controller to exercise their rights; as well as
- Detailed procedures to exercise the rights to access, rectify, erase, block, and object (as required by articles 13-16 of Regulation (EC) No 45/2001).

Data subjects have the right of access and to rectify data, to appeal or request to erase inaccurate data.

Exemptions and restrictions as specified in Article 20 of the Regulation apply.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Processing of data:

- Collection: legal officer and internal auditor and HR officer
- Use: management, legal officer and internal auditor in charge of assessing Coi cases at the JU and data subject. Governing Board including the EC only with regard to the data contained in the Coi declaration in the case of Coi of the Executive Director since the Governing Board is responsible for assessing Coi at that level
- Transfer: Hierarchy, Governing Board including the EC only in the case of Coi cases of the Executive Director, Court of Auditors, European Court of Justice, and Internal Audit Service of the EC.
- Storage: HR officer
- Destruction of data: the data are kept for a proportional period necessary for the purposes for which the data were collected: to ensure that the recruited statutory staff and the engaged "other JU actors" (contractors, interim etc) do not have any conflict upon start of their assignment and over the whole duration of their employment or service contracts at the JU. Data need to be kept therefore for the same period of duration of the contract of the data subject and for the necessary concomitant and subsequent period to allow further processing in case of control or audit. CSJU deletes where possible data which is not necessary for budgetary discharge, control and audit purposes.

10/ STORAGE MEDIA OF DATA

Data are stored on paper in closed cupboards under the responsibility of authorised staff members.

Data which are stored in electronic files are protected by a restricted access to the authorised staff members.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

- Article 22 of Council Regulation No 71/2008 setting up CSJU
- CSJU financial rules
- Decision of the Executive Director n° ()
- Article 11a of EU Staff Regulations, Article 11 and 81 of CEOS
- Article 5(a) of Regulation 45/2001

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

Management, Governing Board including the EC, Court of Auditors, European Court of Justice, Internal Audit Service of the EC.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The data is kept for the period necessary for the purposes for which the data was collected (assess the Coi aspects from the start of employment/engagement all over its duration) and for which they may be further processed as for control or audit.

CSJU deletes where possible data which is not necessary for budgetary discharge, control and audit purposes.

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

Requests to erase and rectify data shall be sent to the DPO (CSJU privacy statement) and should be treated within 5 working days upon request with legitimate grounds.

The data should be immediately blocked for verifying purposes.

The data subject will be informed within 5 working days of the approval/rejection of his/her request.

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

Data are not transferred to third countries or international organisations.

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

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,

Article 27.2.(d)

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

Other (general concept in Article 27.1)

17/ COMMENTS

The prior-checking has been submitted in the absence of EDPS guidelines but based on some exchanges of views between the JU and the EDPS based on the draft Decision of the Executive Director laying down the Coi framework for JU staff and other JU actors. Since the JU needs to approve such a Decision rather urgently a quick feedback from the EDP within max 2-3 weeks would be very appreciated in order to be able to handle a final copy of the text to the ECA in the framework of a planned ECA visit on the first week of December 2013.

PLACE AND DATE: BRUSSELS, 10/11/13

DATA PROTECTION OFFICER: BRUNO MASTANTUONO

INSTITUTION OR BODY: CSJU