

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

**REGISTER NUMBER: 1213**

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**NOTIFICATION FOR PRIOR CHECKING**

**DATE OF SUBMISSION: 20/12/2013**

**CASE NUMBER: 2013-1416**

**INSTITUTION: EIOPA**

**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

Carlos Montalvo, Executive Director,  
EIOPA - European Insurance and Occupational Pensions Authority  
Westhafenplatz 1  
Westhafen Tower 14 floor  
D - 60327 Frankfurt am Main

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

Ethics Officer

3/ NAME OF THE PROCESSING

Management of conflict of interest of staff members and members of the Boards

4/ PURPOSE OR PURPOSES OF THE PROCESSING

Managing conflict of interest situations of staff members and members of the Boards;  
collecting, screening and, in specific cases, publishing individual declarations on conflict of interests.

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<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**

Staff members;  
Members of EIOPA's Board of Supervisors and Management Board;  
Staff members of contractual parties.

**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, signature;  
Financial assets, economic interests, membership of a managing body, employment, intellectual property rights;  
Name and first name of spouse/ partner/ persons dependent of staff members, where relevant.

**7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS**

Article 18 of the Management Rules includes the provisions regarding the rights and obligations of the data subject.

**8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS  
(Rights of access, to rectify, to block, to erase, to object)**

EIOPA's Implementing Rules on Data Protection lay down the detailed rules pursuant to which a data subject may exercise his or her rights, the procedure for notifying a processing operation and the procedure for obtaining access to the register of processing operations kept by the Data Protection Officer.

**9/ AUTOMATED / MANUAL PROCESSING OPERATION**

Full manual operation:  
Declarations will be submitted either by email (special dedicated email address), by post or personally.  
Declarations are saved manually on the main EIOPA server and in Outlook in folders with restricted access rights.  
In addition, declarations of the staff members are saved in their personal file.

**10/ STORAGE MEDIA OF DATA**

Declarations and documents received are saved on the main EIOPA server and Outlook-folders with access rights limited to the relevant staff members and, where relevant, members of the Management Board.

No hard copies are kept, except for the declaration of conflict of interests in the personal file of the staff members locked in a special cabinet with restricted access rights.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

European Parliament and Council Regulation no. 1094/2010 of 24 November 2010 establishing the European Insurance and Occupational Authority (EIOPA)

Staff/ CEOS Regulations

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

Relevant staff members (Ethics Officer, reporting officer, Appointing Authority, HR, Procurement, Legal)  
Management Board members  
Public in case of the yearly declarations of EIOPA's Chairperson and Executive Director.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

All documents/data received are kept as follows:

- a) For the Chairperson and Executive Director, 5 years after the discharge for the budgetary year in which the Chairperson and Executive Director terminate their mandate at EIOPA;
- b) For EIOPA staff, 5 years after the discharge for the last budgetary year in which they worked for EIOPA;
- c) For DoIs submitted in the context of procurement, 5 years after the discharge for the budgetary year in which the contract was terminated. a) For Members of EIOPA's Board of Supervisors, Management Board, two years after the discharge for the budgetary year to which the DoI relates;
- d) For all others, two years after the date of the Declarations.

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)*

According to EIOPA's Implementing Rules, Article 12: If the ground for the request of blocking data is the inaccuracy of the data, as referred in paragraph 41, a), the Data Controller shall immediately block the data for the period necessary for verifying the accuracy and completeness of the data. A data subject who has requested and obtained the blocking of data shall be informed thereof by the Data Controller. He or she shall also be informed of the fact that data are to be unblocked at least 15 working days before they are unblocked. The Data Controller shall take a decision as soon as possible and at the latest within 15 working days of receiving a request for data to be blocked. If the request is accepted, it shall be acted upon within 30 working days and the data subject notified thereof. Should the request for blocking be rejected, the Data Controller shall have 15 working days within which to inform the data subject by means of a letter stating the grounds for the rejection. In automated filing systems, blocking shall be ensured by technical means. The fact that personal data are blocked shall be indicated in the system in such a way as to make it clear that the data may not be used. Personal data blocked pursuant to this Article shall, with the exception of their storage, only be

processed for purposes of proof, or with the consent of the data subject or for the purpose of protecting the rights of third parties.

According to EIOPA's Implementing Rules, Article 13: The data subject shall have the right to obtain from the Data Controller the erasure of data if the processing thereof is unlawful. If the request is accepted, it shall be acted upon immediately. If the Data Controller deems the request unjustified, he or she shall have 15 working days within which to inform the data subject by means of a letter stating the grounds for the decision.

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.*

Not applicable

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

Not applicable

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

The selection procedure is a processing operation that:

- intends to evaluate personal aspects relating to the data subject, and, therefore falls under Article 27.2.(b) of the Regulation;

17/ COMMENTS

**PLACE AND DATE:**

Frankfurt, 18 December 2013

**DATA PROTECTION OFFICER:**

Catherine Coucke

**INSTITUTION OR BODY:**

EIOPA