

(To be filled out in the EDPS' office)

REGISTER NUMBER: 1240

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 23/05/2014

CASE NUMBER: 2014-0556

INSTITUTION: EASO

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

EASO
MTC BLOCK A, WINEMAKERS WHARF, GRAND HARBOUR, VALLETTA
MRS 1917, MALTA

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

The Head of General Affairs and Administration Unit (GAAU) is responsible for collecting and storing declarations of interest from staff members. This includes declarations of interest from staff members appointed to opening/evaluation boards during procurement procedure, and to selection committees. The Head of GAAU is also responsible for the declarations of interest from beneficiaries of EASO contracts and grants.

The Management Board secretariat is responsible for Management board members' declarations of interest.

EASO Heads of Centre/Unit are responsible for the declarations of interest collected from experts/EASO working parties/networks. EASO working parties/network members must declare their interests if the concerned Head of Centre/Unit, in agreement with the Executive Director, considers it necessary, depending on the subject of the working party/network.

3/ NAME OF THE PROCESSING

Avoiding potential conflicts of interest

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The purpose of the processing is to enable EASO to avoid conflicts of interest, ensuring the impartiality of the agency's decision-making.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

The data subjects are the following:

- All EASO staff (officials, temporary agents, contract agents, SNEs, trainees and interims working at EASO)
- Members of the Management Board including alternate members, observers and national experts
- EASO working parties or networks members and experts
- Tenderers and beneficiaries of EASO contracts and grants

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA

(including, if applicable, special categories of data (Article 10) and/or origin of data)

For EASO staff members (including Seconded National Experts, trainees and interims) and Management Board members (including alternates, observers and experts) an obligatory declaration of interests. EASO working party members or expert network members (including alternates, observers and experts) may also need to submit a declaration of interests (Depending on the subject matter of the working group/expert network, the Head of Unit within EASO responsible for the group and/or network, in agreement with the Executive Director, shall decide if experts/participants should declare their interests and duly fill in the EASO declaration of interests. If a positive decision is taken, the declaration of interests form has to be completed upon nomination to the group/network by each individual member or expert).

Information collected in the declaration of interests:

- Name and position;
- Nationality (for Management Board and EASO working parties/expert networks only);
- Private interests held, name of entity, holder of interests (person making the declaration, family or friend), current or ceased interest (Y/N);
- Description of work previously carried out related to the remit of the agency;
- Other interests which staff members consider should be made known to the agency and the public, including matters related to household members; and
- Name, date and signature on a declaration of honour regarding absence of potential conflicts of interest.

For staff appointed to opening/evaluation committees in procurement procedure: an obligatory declaration of absence of conflict of interest and of confidentiality, name and signature. This is mentioned in our prior check for Procurement procedure case 2013-1017.

For staff appointed to selection committees: an obligatory declaration of absence of conflict of interest and of confidentiality, name, surname, signature and date.

For beneficiaries of contracts or grants: an obligatory declaration of honour with respect to the exclusion criteria and absence of conflict of interest, name and signature.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

A privacy statement has been made available on the EASO internet site.

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

The data subjects are informed of their rights and of the procedure to exercise them (through contact with the controller) via the specific privacy statement available on the intranet site.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

All new staff members are required to sign a declaration of interest in the first few days following their recruitment. This initial declaration must be updated every 2 years. Declarations are kept in a paper file, filed by year, and scanned copies are kept in a folder with restricted access.

Staff involved in opening/evaluation boards and selection committees sign a specific declaration of absence of conflict of interest upon nomination.

Tenderers sign a declaration of honour that is submitted with their tender.

Members of the Management Board sign a declaration of interest that is kept in paper form/electronic form by the secretariat of the Management Board.

EASO working parties/network experts sign a declaration of interest that is kept in paper form/electronic form by the Head of Centre/Head of Unit responsible for organising the respective working party/network.

10/ STORAGE MEDIA OF DATA

Paper storage for signed declarations from staff members. Scanned copies of staff declarations are also maintained on a folder accessible to HR, Head of GAAU and Executive Director only.

Electronic copies for Management Board members declarations, which are maintained on a folder in the shared drive accessible to the secretariat of the MB only.

Scanned copies of declarations of EASO working parties/networks experts shall be maintained for on a folder in the shared drive accessible to the respective Head of Centre/Head of Unit organising the working party/network.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

The legal basis for the processing is the "EASO Policy on the Prevention and Management of Conflict of Interest" (29 November 2013).

The processing of personal data is necessary for the performance of tasks carried out in the public

interest (see Article 5(a) of Regulation (EC) No 45/2001)

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

For declarations of staff members, including those appointed to selection committees or to opening/evaluation committees, the recipients are Human Resources, the Head of GAAU and the Executive Director.

For declarations of beneficiaries of contracts or grants the recipients are Procurement and the Head of GAAU, and as required, the Executive Director.

For declarations of Management Board members the recipients are the Management Board secretariat and the Executive Director.

For declarations of experts participating in EASO working parties or expert networks the recipients are the Head of Centre/Head of Unit organising the working party or expert network and the Executive Director.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The retention period for declarations of interest which have been superceded by newer declarations is 7 years to allow for the auditing of financial processes.

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)

Data subjects can exercise their rights by contacting the data controller. Justified requests for blocking and erasure shall be handled without delay.

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)*

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

PLACE AND DATE: MALTA, 15/05/2014

DATA PROTECTION OFFICER: PAULA MCCLURE

INSTITUTION OR BODY: EASO