

(To be filled out in the EDPS' office)

REGISTER NUMBER: 1312

(To be filled out in the EDPS' office)

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 22/06/2015

CASE NUMBER: 2015-0532

INSTITUTION: BEREK

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

NAME: MANAGEMENT COMMITTEE OF BEREK OFFICE

SURNAME : IGNÉCZI

FIRST NAME: LASZLO

E-MAIL: LASZLO.IGNECZI@BEREC.EUROPA.EU

FUNCTION: ADMINISTRATIVE MANAGER

ADMINISTRATIVE ADDRESS: Z.A MEIEROVICA BULV 14, LV-1050, RIGA, LATVIA

DATA CONTROLLER IN PRACTICE

ADMINISTRATIVE MANAGER

INTERNAL INVESTIGATION SERVICE

ADMINISTRATIVE ADDRESS: Z.A. MEIEROVICA BULV 14, LV-1050, RIGA, LATVIA

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

1) ADMINISTRATIVE MANAGER/INTERNAL INVESTIGATIONS SERVICE

PLACE OF WORK: Z.A. MEIEROVICA BULV 14, LV-1050, RIGA, LATVIA

2) IN THE CASE OF THE ADMINISTRATIVE INQUIRY INVOLVING THE

¹ OJ L 8, 12.01.2001.

² DECISION MC/2012/9 of the Management Committee of the Office of the Body of European Regulators for Electronic Communications (BEREC Office) adopting implementing rules concerning the tasks, duties and powers of the Data Protection Officer pursuant to Article 24 (8) of Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the institutions and bodies of the European Union and on the free movement of such data

http://berek.europa.eu/eng/document_register/subject_matter/berek_office/decisions_of_the_management_committee/1025-decision-of-the-berek-office-mc-adopting-implementing-rules-concerning-the-tasks-duties-and-powers-of-the-

ADMINISTRATIVE MANAGER, THE INVESTIGATION OFFICER SHALL BE DESIGNED BY THE CONTRACTING AUTHORITY AND SHALL COME FROM ANOTHER AGENCY OR EUROPEAN INSTITUTION
PLACE OF WORK: Z.A MEIEROVICA BULV 14, LV-1050, RIGA, LATVIA

3/ NAME OF THE PROCESSING

Processing of personal data in administrative and disciplinary procedures carried out by the BEREC Office

4/ PURPOSE OR PURPOSES OF THE PROCESSING

Personal data are managed and stored in the field of administrative inquiries and disciplinary proceedings.

Assessment: name, information (document electronic or hard copy files or telecommunication data) to carry out on-the-spot investigation.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Permanent staff, temporary agents, contractual agents, national experts and trainees who may be subject to an investigation carried out by BEREC Office, but also any other person whose data may be processed in the frame of an administrative investigation or disciplinary proceeding (e.g. victim or witness).

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:

Data controller shall only collect necessary and proportionate data to the purpose of the investigation. The DPO shall be consulted in advance whenever the internal Investigation Officer or the member of Internal Investigation Service responsible for the inquiry intends to access electronic or hard copy files or telecommunications data.

- Identification data: name (first and family name) of the data subjects, other identification data can be required depending on the situation (e.g. address, phone number etc.); contact details (telephone number, e-mail address, postal address).

- Special categories of data processed: personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, and of data concerning health or sex life, are prohibited unless an exception can be found in Article 10 (2)³ of the Regulation.

In the course of conducting administrative inquiries and disciplinary proceedings, information which Article 10(1)⁴ of the Regulation classifies as "*special categories of data*" shall not be, in principle, collected and further reflected in the report of an administrative inquiry or disciplinary proceeding. In some exceptional circumstances these categories of data may be collected.⁵ If this is the case, the general rule of prohibition of the processing of such data applies or otherwise, it shall be evaluated in a restrictive manner whether the processing of such data would be considered as "*necessary for the purposes of complying with the specific*

³ See footnote n.2.

⁴ See footnote n.5.

⁵ It could happen, for example, that whilst conducting investigations, e-mails exchanged by the data subject with trade unions or with the EU Sickness insurance scheme may be found, revealing political opinions or data concerning health respectively.

*rights and obligations of the controller in the field of employment law insofar as it is authorised by the Treaties establishing the European Communities or other legal instruments adopted on the basis thereof*⁶. In certain exceptional cases, the processing of such sensitive data could also be based on reasons of substantial public interest and a decision of the EDPS in accordance with Article 10(4)⁷. Processing of data relating to offences, criminal convictions or security measures shall be subject to authorisation in accordance with Article 10 (5).⁸

If the processing data revealing racial or ethnic origin, religious or philosophical beliefs or trade-union membership or the processing data concerning health or sex life are necessary for the purpose of the inquiry, the Internal Investigation Officer or the member of the Internal Investigation Service responsible for the inquiry shall also consult the DPO in advance.⁹

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Information to data subjects

The privacy statement on BEREC Office, as of the day of its approval by the Administrative Manager, shall have to be published internally.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

(Rights of access, to rectify, to block, to erase, to object)

Rights of Access and rectification

Your right of access may be restricted within the limits of the possible exemptions set out in Article 20 (1)¹⁰ of the Regulation. These exceptions shall be strictly applied in light of necessity and they shall be balanced in relation to the right of defence.

In the case of whistle-blowers, informants or witnesses, any restriction to the right of access of these persons shall be in line with the Article 20 of the Regulation. The identity of whistle-blowers shall be kept confidential in as much as this would not contravene national rules regarding judicial proceedings. However, data subject shall be informed that they shall have his/her complete personal disciplinary file and shall take copies of all documents relevant to the proceedings, including exonerating evidence. A disciplinary procedure in progress does not affect the data subject's right of access to his or her personal file.

The right of rectification shall be to allow data subjects to add their comments and to include a recourse or appeal decision in their files in order to ensure completeness of their disciplinary files.

Rights to recourse

You have the right to have recourse to the BEREC Office Data Protection Officer (dpo@bereg.europa.eu) if you consider that your rights under the Regulation have been infringed as a result of the processing of your personal data, and, to the EDPS at:

<https://secure.edps.europa.eu/EDPSWEB/edps/lang/en/EDPS>

⁶ Article 10(2) (b) Regulation 45/2001.

⁷ Article 10 The processing of special categories of data 4. *Subject to the provision of appropriate safeguards, and for reasons of substantial public interest, exemptions in addition to those laid down in paragraph 2 may be laid down by the Treaties establishing the European Communities or other legal instruments adopted on the basis thereof or, if necessary, by decision of the European Data Protection Supervisor*

⁸ See footnote 7.

⁹ Article 3 para. 3 of the Decision MC/2012/03 laying down general implementing provisions on the conduct of administrative inquiries and disciplinary procedures.

¹⁰ See footnote no 13.

Processing of data:

Collection: initiating operational agent appointed by Authorising Officer.

Transfer: European Court of Auditors, European Court of Justice, Lawyers (internal & external with a Service Contract in place), Internal Audit Service of the EC, European Anti-Fraud Office (OLAF). In case data are transmitted to the competent national authorities (i.e. national court) the necessity test shall be established under Article 8 of Regulation 45/2001.¹¹ In case where countries have not implemented a comprehensive data protection framework for juridical activities, the application of Article 9 of Regulation 45/2001¹² shall be considered. In such cases, the Council of Europe

¹¹ Transfer of personal data to recipients, other than Union institutions and bodies, subject to Directive 95/46/EC

Without prejudice to Articles 4, 5, 6 and 10, personal data shall only be transferred to recipients subject to the national law adopted for the implementation of Directive 95/46/EC,

(a) if the recipient establishes that the data are necessary for the performance of a task carried out in the public interest or subject to the exercise of public authority, or

(b) if the recipient establishes the necessity of having the data transferred and if there is no reason to assume that the data subject's legitimate interests might be prejudiced.

¹² Article 9 Transfer of personal data to recipients, other than Union institutions and bodies, which are not subject to Directive 95/46/EC

1. Personal data shall only be transferred to recipients, other than Union institutions and bodies, which are not subject to national law adopted pursuant to Directive 95/46/EC, if an adequate level of protection is ensured in the country of the recipient or within the recipient international organisation and the data are transferred solely to allow tasks covered by the competence of the controller to be carried out.

2. The adequacy of the level of protection afforded by the third country or international organisation in question shall be assessed in the light of all the circumstances surrounding a data transfer operation or set of data transfer operations; particular consideration shall be given to the nature of the data, the purpose and duration of the proposed processing operation or operations, the recipient third country or recipient international organisation, the rules of law, both general and sectorial, in force in the third country or international organisation in question and the professional rules and security measures which are complied with in that third country or international organisation.

3. The Union institutions and bodies shall inform the Commission and the European Data Protection Supervisor of cases where they consider the third country or international organisation in question does not ensure an adequate level of protection within the meaning of paragraph 2.

4. The Commission shall inform the Member States of any cases as referred to in paragraph 3.

5. The Union institutions and bodies shall take the necessary measures to comply with decisions taken by the Commission when it establishes, pursuant to Article 25(4) and (6) of Directive 95/46/EC, that a third country or an international organisation ensures or does not ensure an adequate level of protection.

6. By way of derogation from paragraphs 1 and 2, the Union institution or body may transfer personal data if:

(a) the data subject has given his or her consent unambiguously to the proposed transfer; or

(b) the transfer is necessary for the performance of a contract between the data subject and the controller or the implementation of pre-contractual measures taken in response to the data subject's request; or

(c) the transfer is necessary for the conclusion or performance of a contract entered into in the interest of the data subject between the controller and a third party; or

(d) the transfer is necessary or legally required on important public interest grounds, or for the establishment, exercise or defence of legal claims; or

(e) the transfer is necessary in order to protect the vital interests of the data subject; or

(f) the transfer is made from a register which, according to Union law, is intended to provide information to the public and which is open to consultation either by the public in general or by any person who can demonstrate a legitimate interest, to the extent that the conditions laid down in Union law for consultation are fulfilled in the particular case.

7. Without prejudice to paragraph 6, the European Data Protection Supervisor may authorise a transfer or a set of transfers of personal data to a third country or international organisation which does not ensure an adequate level of protection within the meaning of paragraphs 1 and 2, where the controller adduces adequate safeguards with respect to the protection of the privacy and fundamental rights and freedoms of individuals and as regards the exercise of the corresponding rights; such safeguards may in particular result from appropriate contractual clauses.

Convention 108¹³ is applicable to judicial authorities, which is to be considered as adequate legal instrument for the very specific intra UE transfers under analysis.

Storage: Administration and Finance /Executive Support.¹⁴

Conservation of data: Administration and Finance /Executive Support.¹⁵

Destruction of data: Following the relevant retention periods, the data will be eliminated following a documented process. In some cases disciplinary files are kept for ever, even after the deletion of the reference to the sanction from the personal file.¹⁶

10/ STORAGE MEDIA OF DATA

Data are stored on paper in a closed cupboard in the Administration and Finance Unit/ Executive Support.¹⁷ Data which are stored in electronic files are protected by a restricted access.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Legal basis and lawfulness of the processing operations

The processing is lawful under Article 5(a)¹⁸ of the Regulation: the data subject has unambiguously given his or her consent. Legal basis for the processing operations in question is provided by Article 86¹⁹ and Annex IX²⁰ to the Staff Regulations as well as by article 49,²¹ 50²² and 119²³ of the

8. *The Union institutions and bodies shall inform the European Data Protection Supervisor of categories of cases where they have applied paragraphs 6 and 7.*

¹³ Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.

¹⁴ In the case of the Administrative manager involving the Administrative Manager.

¹⁵ In the case of the Administrative manager involving the Administrative Manager.

¹⁶ If the Appointing Authority decides to close the case without imposing any disciplinary penalty, it shall so inform the official concerned in writing without delay. The official concerned may request that this decision be inserted in his personal file (Article 22 (2) of Annex IX to the Staff Regulations.

¹⁷ In the case of the Administrative manager involving the Administrative Manager.

¹⁸ Article 5 Lawfulness of processing

1. *Personal data may be processed only if:*

(a) *processing is necessary for the performance of a task carried out in the public interest on the basis of the Treaties establishing the European Communities or other legal instruments adopted on the basis thereof or in the legitimate exercise of official authority vested in the Union institution or body or in a third party to whom the data are disclosed, or*

¹⁹ Article 86 Disciplinary measures

1. *Any failure by an official or former official to comply with his obligations under these Staff Regulations, whether intentionally or through negligence on his part, shall make him liable to disciplinary action.*

2. *Where the Appointing Authority or OLAF becomes aware of evidence of failure within the meaning of paragraph 1, they may launch administrative investigations to verify whether such failure has occurred.*

3. *Disciplinary rules, procedures and measures and the rules and procedures covering administrative investigations are laid down in Annex IX.*

²⁰ Annex IX Disciplinary proceedings

²¹ Art. 49 *After the disciplinary procedure provided for in Annex IX to the Staff Regulations, which shall apply by analogy, has been followed, employment may be terminated without notice on disciplinary grounds in serious cases of intentional or negligent failure of temporary staff to comply with their obligations. A reasoned decision shall be taken by the authority referred to in the first paragraph of Article 6, after the servant concerned has been given an opportunity of submitting his defence. Before his employment is terminated, a member of temporary staff may be suspended, in accordance with Articles 23 and 24 of Annex IX to the Staff Regulations, which shall apply by analogy.*

2. *the authority referred to in the first paragraph of Article 6 may decide:*

(a) *to limit the severance grant provided for in Article 39 to repayment of the contribution provided for in Article 83 of the Staff Regulations, plus compound interest at the rate of 3.5 % per annum;*

(b) *to withhold in whole or in part the resettlement allowance provided for in Article 24 (2).*

²² Art. 50 *The employment of a member of the temporary staff shall be terminated by the institution without notice if the authority referred to in the first paragraph of Article 6 finds:*

CEOS. Moreover, as it is foreseen under Article 2 (3) of Annex IX to the Staff Regulations, the institutions are to adopt implementing arrangements for that Article, in accordance with Article 110 of the Staff Regulations. Furthermore, Article 30²⁴ of Annex IX to the Staff Regulations provides that each institution will, if it sees fit, adopt implementing arrangements. The processing of personal data in the frame of administrative inquiries and disciplinary proceedings is therefore based on a task to be performed in the public interest as provided for in the Staff Regulations and they can be considered as necessary for compliance purpose with the Staff Regulations.

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

European Court of Auditors, European Court of Justice, Lawyers (internal & external with a Service Contract in place), Internal Audit Service of the EC, European Anti-Fraud Office (OLAF). In case data are transmitted to the competent national authorities (i.e. national court) the necessity test shall be established under Article 8 of Regulation 45/2001.²⁵

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Personal files shall include only copies of the final decisions taken in the disciplinary proceedings, taking into account the provision of Article 27 of Annex IX²⁶ to the Staff Regulations. In case of denial of deletion, the Administrative Manager shall justify the reasons for which the data are being kept and any refusal to erase data where data subject so request. When the Internal Investigation

(a) that at the time of his engagement he deliberately furnished false information as to either his professional ability or the requirements of Article 12 (2); and

(b) that the false information furnished was a determining factor in his being engaged.

2. In such cases the authority referred to in the first paragraph of Article 6 shall, after hearing the servant concerned, and after the disciplinary procedure provided for in Annex IX to the Staff Regulations, which shall apply by analogy, has been followed, declare that his employment is terminated.

Before his employment is terminated, a member of temporary staff may be suspended in accordance with Articles 23 and 24 of Annex IX to the Staff Regulations, which shall apply by analogy.

The provisions of Article 49 (2) shall apply.

²³ Art. 119 Termination of employment

Articles 47 to 50a shall apply by analogy to contract staff. In the event of disciplinary proceedings against a contract staff member, the Disciplinary Board referred to in Annex IX to the Staff Regulations and in Article 49 of these Conditions of Employment shall meet with two additional members from the same function group and grade as the contract staff member concerned. These two additional members shall be appointed according to an ad hoc procedure agreed upon by the authority referred to in the first paragraph of Article 6 of these Conditions of Employment and the Staff Committee.

²⁴ Article 30 Disciplinary proceedings

Without prejudice to Article 2(3), the appointing authority of each institution shall, if it sees fit, adopt implementing arrangements for this Annex after consulting the Staff Committee.

²⁵ Transfer of personal data to recipients, other than Union institutions and bodies, subject to Directive 95/46/EC

Without prejudice to Articles 4, 5, 6 and 10, personal data shall only be transferred to recipients subject to the national law adopted for the implementation of Directive 95/46/EC,

(a) if the recipient establishes that the data are necessary for the performance of a task carried out in the public interest or subject to the exercise of public authority, or

(b) if the recipient establishes the necessity of having the data transferred and if there is no reason to assume that the data subject's legitimate interests might be prejudiced.

²⁶ Art. 27 *An official against whom a disciplinary penalty other than removal from post has been ordered may, after three years in the case of a written warning or reprimand or after six years in the case of any other penalty, submit a request for the deletion from his personal file of all reference to such measure. The Appointing Authority shall decide whether to grant this request.*

Service shall decide to close the case without imposing any disciplinary penalty and informs data subjects, the official may request that this decision be inserted in his personal file.²⁷

Disciplinary files: the retention period shall be 20 (twenty) years taking into account the time limit for appeal and the principle evoked in Article 4 (e)²⁸ of the Regulation and the provisions of section 12.1 to 12.4 including Common position level retention list for European Commission files.²⁹

Traffic data: such data shall be erased or made anonymous upon termination of the call or connection under Article 37 (1) of Regulation 45/2001.³⁰ However there can be two exceptions:
-traffic data can be stored if necessary during a specific administrative investigation or specific disciplinary proceedings under a strict interpretation of Article 20(1) (a)³¹ and
-where traffic data are processed for telecommunications budget and traffic management purpose (Article 37 (2)³²), they can be kept for a maximum conservation period of 6 months or even a longer period, in the context of an administrative inquiry or disciplinary investigation.

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)

Requests to erase and rectify data should be treated within 10 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)

Data are not kept for historical, statistical or scientific purposes.

²⁷ Art. 22 of Annex IX Staff regulation.

²⁸ See footnote no 8.

²⁹ SEC (2007) 970 of 04.07.2007.

³⁰ Article 37 Traffic and billing data

1. Without prejudice to the provisions of paragraphs 2, 3 and 4, traffic data relating to users which are processed and stored to establish calls and other connections over the telecommunications network shall be erased or made anonymous upon termination of the call or other connection.

2. If necessary, traffic data as indicated in a list agreed by the European Data Protection Supervisor may be processed for the purpose of telecommunications budget and traffic management, including the verification of authorised use of the telecommunications systems. These data shall be erased or made anonymous as soon as possible and no later than six months after collection, unless they need to be kept for a longer period to establish, exercise or defend a right in a legal claim pending before a court.

3. Processing of traffic and billing data shall only be carried out by persons handling billing, traffic or budget management.

4. Users of the telecommunication networks shall have the right to receive non-itemised bills or other records of calls made.

³¹ Article 20 Exemptions and restrictions

1. The Union institutions and bodies may restrict the application of Article 4(1), Article 11, Article 12(1), Articles 13 to 17 and Article 37(1) where such restriction constitutes a necessary measure to safeguard:

(a) the prevention, investigation, detection and prosecution of criminal offences;

³² Article 37 Traffic and billing data

2. If necessary, traffic data as indicated in a list agreed by the European Data Protection Supervisor may be processed for the purpose of telecommunications budget and traffic management, including the verification of authorised use of the telecommunications systems. These data shall be erased or made anonymous as soon as possible and no later than six months after collection, unless they need to be kept for a longer period to establish, exercise or defend a right in a legal claim pending before a court.

Internal transfers of data³³ within the institution or body may only take place as long as they are necessary for the performance of the recipients' tasks and competences in the context of an administrative inquiry or disciplinary investigation. Data received are not used for other purposes than the one of which they were transmitted as it is explicitly stated in Article 7(3)³⁴ of the Regulation 45/2001.

External transfers of data outside EU institutions and bodies, Article 8³⁵ of Regulation 45/2001 applies to recipients other than Union institutions and bodies but who are subject to the national law adopted for the implementation of Directive 95/46/EC and Article 9³⁶ applies to recipients other than Union institutions and bodies which are not subject to Directive 95/46/EC. If data are

³³ Article 7 Transfer of personal data within or between Union institutions or bodies

Without prejudice to Articles 4, 5, 6 and 10:

1. Personal data shall only be transferred within or to other Union institutions or bodies if the data are necessary for the legitimate performance of tasks covered by the competence of the recipient.

³⁴ Article 7 Transfer of personal data within or between Union institutions or bodies

3. The recipient shall process the personal data only for the purposes for which they were transmitted.

³⁵ Article 8 Transfer of personal data to recipients, other than Union institutions and bodies, subject to Directive 95/46/EC

Without prejudice to Articles 4, 5, 6 and 10, personal data shall only be transferred to recipients subject to the national law adopted for the implementation of Directive 95/46/EC,

(a) if the recipient establishes that the data are necessary for the performance of a task carried out in the public interest or subject to the exercise of public authority, or

(b) if the recipient establishes the necessity of having the data transferred and if there is no reason to assume that the data subject's legitimate interests might be prejudiced.

³⁶ Article 9 Transfer of personal data to recipients, other than Union institutions and bodies, which are not subject to Directive 95/46/EC

1. Personal data shall only be transferred to recipients, other than Union institutions and bodies, which are not subject to national law adopted pursuant to Directive 95/46/EC, if an adequate level of protection is ensured in the country of the recipient or within the recipient international organisation and the data are transferred solely to allow tasks covered by the competence of the controller to be carried out.

2. The adequacy of the level of protection afforded by the third country or international organisation in question shall be assessed in the light of all the circumstances surrounding a data transfer operation or set of data transfer operations; particular consideration shall be given to the nature of the data, the purpose and duration of the proposed processing operation or operations, the recipient third country or recipient international organisation, the rules of law, both general and sectoral, in force in the third country or international organisation in question and the professional rules and security measures which are complied with in that third country or international organisation.

3. The Union institutions and bodies shall inform the Commission and the European Data Protection Supervisor of cases where they consider the third country or international organisation in question does not ensure an adequate level of protection within the meaning of paragraph 2.

4. The Commission shall inform the Member States of any cases as referred to in paragraph 3.

5. The Union institutions and bodies shall take the necessary measures to comply with decisions taken by the Commission when it establishes, pursuant to Article 25(4) and (6) of Directive 95/46/EC, that a third country or an international organisation ensures or does not ensure an adequate level of protection.

6. By way of derogation from paragraphs 1 and 2, the Union institution or body may transfer personal data if:

(a) the data subject has given his or her consent unambiguously to the proposed transfer; or

(b) the transfer is necessary for the performance of a contract between the data subject and the controller or the implementation of pre-contractual measures taken in response to the data subject's request; or

(c) the transfer is necessary for the conclusion or performance of a contract entered into in the interest of the data subject between the controller and a third party; or

(d) the transfer is necessary or legally required on important public interest grounds, or for the establishment, exercise or defence of legal claims; or

(e) the transfer is necessary in order to protect the vital interests of the data subject; or

(f) the transfer is made from a register which, according to Union law, is intended to provide information to the public and which is open to consultation either by the public in general or by any person who can demonstrate a legitimate interest, to the extent that the conditions laid down in Union law for consultation are fulfilled in the particular case.

transferred to the competent national authorities such as a national Court where there is an infringement of national law, Article 8 of the Regulation shall be applicable and shall provide that personal data may be transferred to recipients subject to the national law adopted for the implementation of Directive 95/46/EC only if the recipient establishes that the data are necessary for the performance of a task carried out in the public interest or subject to the exercise of public authority.

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: RIGA, LATVIA

DATA PROTECTION OFFICER: MICHELE CHIODI

INSTITUTION OR BODY: BEREC