(To be filled out in the EDPS' office)

REGISTER NUMBER: 1333

(To be filled out in the EDPS' office)

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 29/09/2015

CASE NUMBER: 2015-0808

INSTITUTION: EUROPEAN INVESTMENT FUND

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

INFORMATION TO BE GIVEN[2]

1/ NAME AND ADDRESS OF THE CONTROLLER

European Investment Fund
37B, Avenue J. F. Kennedy
L - 2968 Luxembourg

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

EIF Human Resources (EIF HR)
EIB ICC/IT under the request of EIF HR

3/ NAME OF THE PROCESSING

Access to the professional or personal data, physical or electronic, of staff members in the event of an absence, departure from EIF service or death

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The purpose of the processing is to ensure that the privacy of personal data is respected whilst accessing professional data (either electronic or physical) stored on the EIF's equipment or premises (such as offices, cupboards, PCs, servers, electronic mail, disks, other electronic media, letter boxes, etc.) to retrieve work documents in the event of an absence, departure from EIF service or death of a staff member

[1] OJ L 8, 12.01.2001.

[2] **Please attach all necessary backup documents**

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

All EIF staff members including participants in the Graduate Programme (Graduates), trainees and temporary employees

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

All data stored on the EIF's equipment or premises (PCs, electronic mails, disks, servers or other electronic media, office cupboards, letter boxes, etc.) will be considered as professional data, unless the files, ring binders or media in question are clearly marked 'personal'

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

EIF HR will, wherever possible, endeavour to contact the staff member concerned before accessing his/her office facilities or equipment. The person concerned will be informed of the action taken in this regard.

The EIF will inform its staff members of this procedure, highlighting the possibility that their professional/personal data may be accessed and made available to their respective Directorate and/or Division.

Furthermore, staff members will be advised to store any personal data (though the storage of personal data on the EIF facilities should be limited) in folders clearly marked 'personal'. Similarly, any private messages should be clearly flagged as 'private' in the subject field

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

(a) In the event of absence or departure from EIF service
- As to the access rights:
Data subjects have access in general terms to documents having been accessed in their absence.
- As to the rectification/objection rights: Staff members can refuse their consent to access their personal/professional data. In this case, their respective Directorate and/or Division will refer the matter to EIF HR, which will consult the EIF DPO.

b) In the event of death:
- The rightful claimants will be contacted and be able to access and retrieve the deceased's personal documents and belongings at the earliest convenience following his/her death (before the 3-month deadline)

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The process is manual, but varies depending on the nature of the documentation concerned (namely its support: paper hard-copy; digital support)

10/ STORAGE MEDIA OF DATA

Professional electronic and physical data will be made available to the staff member's Directorate to enable it to continue its work. The privacy of personal data shall be ensured. Both the professional and personal data will remain stored on the EIF's equipment or premises (PCs, electronic mails, disks, servers or other electronic media, office cupboards, letter boxes, etc.) for the retention periods outlined in section 13

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Article 3.7 of the EIF Staff Code of Conduct governing the use of the EIF's services and facilities for private purposes stipulates that the EIF is prepared to allow members of staff to make use of these services or facilities for private purposes on an occasional basis and within reasonable limits. The principle is therefore that electronic and physical professional data stored on the Fund's equipment or premises are considered to be EIF property

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

Respective Directorate or Division of staff member concerned.
EIF HR
EIB IT-Sec

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

a) Retention policy related to personal data in the event of a departure from EIF service
- Personal electronic data is kept 3 months before being permanently deleted by EIB IT-Sec.
- Personal physical data can be retrieved by the former staff member within 1 month; subsequently, the EIF accepts no responsibility for the storage of the data.

b) Retention policy related to personal data in the event of death:
- The rightful claimants of the deceased will be contacted and be able to retrieve the deceased's personal documents and belongings within at the earliest convenience following his/her death (within 3 months). After such time the personal documents and belongings will be destroyed

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)*

15 days/15 days

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,)

Unwillingness access to data relating to health

☒ Article 27.2.(b)
(Processing operations intended to evaluate personal aspects relating to the data subject,)

Access to documents allowing to assess staff member's conduct and personality

☐ 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)

The procedure allows one staff member to access to the personal, sensitive and confidential documents of staff member who is absent, without his knowledge or consent. By its nature and scope present specific risks to the right to privacy of data subject. Documents relating his health, personal appraisal, personal mails with his family, comments about persons, or and religion or politics, etc. shall be available and possible copied or exported.
Despite guidelines to mark personal files as private or confidential, it could happen that documents have no such classification or classification at all and nevertheless being totally private and confidential

17/ COMMENTS

To flag private messages or documents

To prevent the EIF from accidentally accessing personal documents, staff members are advised to store these in personal folders and indicate in the subject field of messages that they are private.

Procedure in the event of absence or departure from service:

The staff member concerned will be informed by their Directorate or Division of the need to access his/her office facilities (the reasons and purpose of the request being clearly explained) and asked for his/her consent. Written consent must be given and copied to EIF HR who will inform EIB IT-Sec and the EIF DPO

If it is not possible to contact the staff member or if the staff member refuses his/her consent, his/her Directorate will refer the matter to EIF HR, who will consult the DPO

PLACE AND DATE: LUXEMBOURG 28/09/2015

DATA PROTECTION OFFICER: JOBST NEUSS

INSTITUTION OR BODY: EUROPEAN INVESTMENT FUND