

REGISTER NUMBER: 1386

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 17/08/2016

Case number: 2016-0731

Institution: EP

Legal basis: article 27-5 of the regulation CE 45/2001⁽¹⁾⁽¹⁾ OJ L 8, 12.01.2001**INFORMATION TO BE GIVEN⁽²⁾**⁽²⁾ Please attach all necessary backup documents

1/ Name and address of the controller

Mr Robert BRAY
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 office: Brussels - SQM 08Y025
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2/ Organisational parts of the institution or body entrusted with the processing of personal data

Parliament's Secretariat, Directorate-General for Internal Policies of the Union, Directorate for Citizens' Rights and Constitutional Affairs, Secretariat of the Committee on Legal Affairs

3/ Name of the processing

European Parliament International Child Abduction Mediator (EPICAM) Activity

4/ Purpose or purposes of the processing

The European Parliament Mediator for International Parental Child Abduction offers a mediation service to parents who find themselves involved in a cross border parental child abduction or retention. Generally one parent contacts the office to request assistance. As EPICAM requires the consent of both parents before a mediation process can take place, she requests the contact details of the second parent (indirect collection of data). EPICAM asks the first parent to provide a set of very limited information strictly necessary to contact the second parent to the Office (see the form to be filled by the first parent). If both parents consent to mediation, EPICAM begins the mediation process. This involves email and telephone conversations. It also involves analysis of existing legal documentation, i.e. divorce, custody, access agreements. This information is requested from the parents.

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| 5/ Description of the category or categories of data subjects |
| <p>Usually -</p> <p>Parents involved in a cross border parental child abduction.</p> <p>Parents involved in a cross border parental retention.</p> <p>Parents involved in a cross border custody or access dispute.</p> <p>Occasionally -</p> <p>Grandparents</p> <p>Lawyers working on behalf of parents</p> <p>Private mediators</p> |
| 6/ Description of the data or categories of data(<i>including, if applicable, special categories of data (article 10) and/or origin of data</i>) |
| <p>Following a request for mediation from a parent, EPICAM seeks the following information initially.</p> <p>For the child/children involved - Name, Date of birth, Habitual address, current location.</p> <p>For the requesting parent - Relationship to child, Name, Address, Email, Telephone number & lawyer or legal advisor name & contact details. EPICAM also requires a copy of the requesting parents Identity Card or Passport, to verify the authenticity of the request.</p> <p>For the other parent - Relationship to child, Name, Address, Email, Telephone Number, lawyer or legal advisor name & contact details.</p> <p>To analysis the case, EPICAM may request the parents or their lawyer to provide the history of the case i.e. divorce & custody agreement(s) court decision(s), ongoing proceedings under the 1980 Hague Convention on international child abduction or Regulation 2201/2003. In some cases, religious beliefs may be important, e.g. if the case involves Islamic legal systems. In very rare cases, information relating to health may be requested, for example if the child has special needs requirements or if there is a claim of mental health issues with one or other of the parents. NB, information under point "Special categories of data such as defined in Article 10 of Regulation EC n°45/2001", concerning health or revealing religious or philosophical beliefs is rarely requested.</p> |
| 7/ Information to be given to data subjects |
| <p>Two levels of information will be provided.</p> <p>1. General information on the webpage of the European Parliament Mediator for International Parental Child Abduction (Privacy Statement).</p> <p>2. Specific and detailed information on data protection will be provided to parents when they contact the office.</p> |
| 8/ Procedures to grant rights of data subjects (<i>rights of access, to rectify, to block, to erase, to object</i>) |
| <p>Via the functional email box MediationChildAbduct@europarl.europa.eu the rights will be granted. Dedicated staff guaranties that each request is studied and answered in the process of the file. DPO is also at the EPICAM disposal for any particular evaluation.</p> |
| 9/ Automated / Manual processing operation |
| <p>Collection of data directly via email and telephone conversations.</p> <p>Collection of data indirectly via email and telephone conversations with Central Authorities, Legal Advisors and mediators directly involved in the proceedings. The process is in any case manual. No decisions are taken on the basis of an automatic process.</p> |
| 10/ Storage media of data |

The storage of data is on paper and electronic documents. For the security measures, check point 18.

11/ Legal basis and lawfulness of the processing operation

Communication by the President to the Bureau on the allocation of portfolios among Vice-Presidents of 15 September 2014 (see minutes of the Bureau meeting on 15 September 2014, item 3, and Annex thereto - PE538.252/BUR: http://www.sib.ep.parl.union.eu/SIB/download.do?file=/Documents/01_Bureau/06_PV-Minutes/2014/2014-09-15/pv%202014-09-15-net_en.pdf - these minutes were adopted at the Bureau meeting on 20 October 2014). A modification of the Rules of procedures of the European Parliament is foreseen for the end of this year.

Decision of the EP President of 1987 on the creation of the Mediator in order to help children from bi-national marriages/relationships who are victims of parental child abduction. The processing operation is based on the free, explicit and informed consent of both parents (Article 5, d), Regulation (EC) 45/2201).

12/ The recipients or categories of recipient to whom the data might be disclosed

The data held is confidential, however in order to perform our duties, EPICAM may need to share information with external colleagues. In the framework of a Petition procedure, EPICAM may discuss a case with the European Commission. EPICAM may also contact the ministries for Justice Central Authorities, and may also contact the Private lawyers or mediators for the parents. In some cases EPICAM may contact colleagues in Embassies. Decisions on whether external bodies are involved is made on a case by case basis and only done so if necessary to perform our duty. In any case, the parents are informed and agree on the transfer of the data to the recipients.

13/ retention policy of (categories of) personal data

When the file is closed, the file will be stored for the duration of the Legislative Term (5 years) If the file remains open at the end of this term, it will be stored until the end of the next Legislative Term (as above). Justification for the storage period is based on (a) parents may request further assistance during this period. (b) a report is presented to the Bureau at the end of the Mediators mandate outlining the work done by the office during this period. This report will not contain the data subject's personal details. (c) Continuity of service. After the retention period all personal data are destroyed and only aggregate and anonymous data

13 a/ time limits for blocking and erasure of the different categories of data

(on justified legitimate request from the data subject)

(Please, specify the time limits for every category, if applicable)

The time limits are:

Blocking

The data controller shall take a decision 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.

Erasure

The data controller shall reply within 15 working days of receiving a request for erasure. 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,

The Mediator prepares a report in September of each year of her mandate, which includes statistical data & legal analysis of the issues dealt with. This report does not include the personal details.

15/ Proposed transfers of data to third countries or international organisations

Transfer within or between EU institutions or bodies:

European Commission - DG Justice - Civil Justice Policy is the legitimate and competent unit in the Commission. The transfer is based on a common interest to share between the Commission and the Parliament. This is rare and limited to where the requesting parent also has a Petition procedure open in the Parliament.

Transfer to recipients other than the EU institutions and bodies subject to directive No 95/46/EC:

Member State Central Authorities

Member State Ministry for Justice

Lawyers for the parents

Mediators for the parents

In case of transfer to recipients outside the EU:

Under Regulation 45/2001 articles (a) (b) & (e), the data subject has given his/her consent or 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. The office works only with official bodies and ensures the data subject is not compromised by this exchange.

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,

17/ Comments

The Mediator has been always a Vice-President of the European Parliament with a political mandate of 2 years and half generally renewed. The Controller is the highest administrative level in the organigram (Head of Unit) linked to the activity of the Mediator; he/she manages the staff, provides all supports for the activity and takes necessary and appropriate measures for the security and protection of personal data. The major risks for the processing of personal data are: a) the indirect collection of data from the requester parent of data relating to the second parent; but the fact that the process does not start without the full agreement of both parents limits the risk of unlawful process of personal information. The data collected indirectly concerns just the identification and are strictly necessary for the first contact. b) Retention period to be respected. The staff is aware and well prepared to process this type of personal data; it followed a training course on data protection. The documents included in the file demonstrate that the Controller has put in place all measures for assuring the free consent of the data subjects and the security of the data.

PLACE AND DATE: Luxembourg, 11 August 2016

DATA PROTECTION OFFICER: Secondo Sabbioni

INSTITUTION OR BODY: European Parliament
