



JOAQUIN BAYO DELGADO
ASSISTANT SUPERVISOR

Mr Jonathan STEELE
Data Protection Officer
European Parliament
LUX - KAD 02D021

Brussels, 14 December 2006
JBD/DH/ktl/D(2006) 1375 C 2006-0302

Dear Mr Steele,

Having examined Case 2006-302 thoroughly, we have concluded that personal data processing by the European Parliament in relation to consultation of the ASSMAL application does not have to undergo prior checking by the European Data Protection Supervisor (EDPS).

Consultation of personal data does indeed amount to data processing within the meaning of Article 2, point (b) of Regulation (EC) No 45/2001. The data consulted relate to the administration of reimbursements of sickness expenses and to health. Applying the Regulation to the letter would therefore result in the processing operation involving consultation of the ASSMAL application having to undergo prior checking by the EDPS, as laid down in Article 27(2)(a) of Regulation (EC) No 45/2001.

That said, the actual processing operation relating to the administration of reimbursements via the ASSMAL database, which houses the data consulted in this case, is an interinstitutional operation which itself will undergo prior checking. Such checking will make it possible to assess the risks to the rights and freedoms of the persons concerned of ASSMAL processing operations and of parallel processing operations involving consultation of the ASSMAL application. In conclusion, there is no need for Case 2006-302 to undergo prior checking by the EDPS.

Case 2006-302 has also brought to the fore another personal data processing operation relating to health. It involves the SPASM database, which processes the data of persons at the European Parliament who are suffering from a serious illness. Since it is a European Parliament database, sole responsibility for its processing operations lies with the European Parliament. Consequently, the EDPS will be carrying out prior checking of the processing of SPASM data. Might we ask you, therefore, for a notification of this processing operation, pursuant to Article 27(3) of Regulation (EC) No 45/2001?

Yours sincerely,

Joaquín BAYO DELGADO

Copy to: Mr Laurent COLLEE, Deputy Data Protection Officer