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BRU BERL 08/180  
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JBD/DH/ktl D(2007)1843 C **2007-0381**

Dear Mr Renaudière,

I am referring to the prior checking notification on the processing operations on personal data concerning "SECPAC" received from the Joint Research Centre (2007-381).

After examining the content of the notification and the annexes, we have come to the conclusion that **it is not subject to prior checking** under Article 27 of Regulation (EC) No 45/2001 ("the Regulation").

Article 27(1) of the Regulation subjects to prior checking by the European Data Protection Supervisor (EDPS), processing operations likely to present specific risks to the rights and freedoms of data subjects by virtue of their nature, their scope or their purposes. Article 27(2) of the Regulation contains a list of processing operations likely to present specific risks in the above sense. The prior checking notification has been submitted under Article 27(2)(b) of the Regulation.

Article 27(2)(b) of the Regulation states that a specific risk is likely to be present in processing operations which intend to evaluate personal aspects related to the data subject, including his or her ability, efficiency and conduct. This is not the case here. The processing aims at establishing the list of persons, vehicles and material admitted to enter the buildings of the ISPRA site. Personal data are processed for the decision of granting or not access to the buildings. This decision does not concern evaluation of personal aspects. The establishment of the list is rather a technical operation depending on formal criteria than an assessment of personal aspects.

The notification mentions the use of the dosimeter number. The processing could therefore fall under the scope of Article 27(2)(a) as the dosimeter contains medical data. The EDPS is currently analysing the Dosimetry Management System at JRC ISPRA (2007-505) - whose purpose is to follow-up and review the personal radiation exposure of external and internal workers and visitors - as well as the processing operation on "Individual medical files at JRC in

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Ispra" (2007-329). The processing of the Dosimeter and its medical consequences will thus be covered by the prior checking opinions 2007-505 and 2007-372. Therefore the medical aspects are not a sufficient ground to subject the processing to prior checking by the EDPS. Nevertheless, the link between the processing operations will be analysed in the context of the above mentioned opinions.

We have also considered **Article 27(1)** of the Regulation in connection with the processing of biometric data. A photograph is a biometric data as it relates to physiological characteristics of a person allowing the precise identification of this person. Nevertheless, as it was already pointed out by the EDPS in a previous case<sup>1</sup>, the sole processing of the photo (not combined with other biometric data) in itself does not present specific risks which would justify prior checking under Article 27(1), save if other circumstances of the processing lead to specific risks.

In conclusion we believe that the processing operation does not qualify for a prior checking and the EDPS decided to close the case, unless you can give us specific grounds to reconsider.

We, of course, remain available for any further consultation on the matter.

Yours sincerely,

Joaquín BAYO DELGADO

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<sup>1</sup> See point 4 of Opinion on "Laissez-passer communautaire" EDPS case number: 2006-111.