

Opinion on a notification for prior checking received from the Data Protection Officer of the Commission on the Management of Central and Local Training SYSLOG Formation

Brussels, 16 January 2009 (Case 2008-481)

1. Proceedings

On 19 August 2008, the European Data Protection Supervisor (**EDPS**) received from the Data Protection Officer of the Commission (**DPO**) a notification for prior checking (**Notification**) regarding the Management of the Central and Local Training SYSLOG Formation (**SYSLOG**) which falls under the direct responsibility of DG ADMIN, Unit A.03. On 12 October 2008 the EDPS requested complementary information from DG ADMIN. On 29 October 2008 a meeting took place between EDPS and DG ADMIN staff to discuss the requested information and clarify certain factual aspects. The EDPS received the written answers to his questions on 9 December 2008. On 19 December the EDPS sent the draft Opinion to the DPO for comments which were received on 16 January 2009.

2.1. The facts

SYSLOG is the administrative management tool for training at the European Commission in three fields: informatics, language and general.

The *purpose of the processing* is twofold: on the one hand to ensure the overall coherence of training policy and to identify training needs which lie in the interest of the Commission as whole; on the other hand, to control and manage the training action in the Commission, including designating, organising and managing all training actions.

Sub-set purposes of the data processing include the following: (i) to plan and organize training activities for the whole of the Commission staff, as well as staff of other EU Institutions and Agencies; (ii) to manage all the procedures of training actions (create and publish courses, create training applications, validate training requests, register and enrol, follow-up of participation and evaluation); (iii) to facilitate internal communication towards different target groups according to their functions or interests; (iv) to create annually a "Training Map" for all staff; (v) to monitor and evaluate the quality of the training actions and trainers in order to adapt and improve the efficiency and (vi) to evaluate participants learning status in view of career steps according to staff regulations.

The primary *responsibility for the data processing* lies within the DG ADMIN, Unit A.03 "Learning and Development Unit" (**DG ADMIN**). However, some data processing also occurs within each Directorate-General by its training manager (COFO) and informatics

training manager (REFOI) as further described below. Furthermore, DG DIGIT provides technical assistance, among others, by hosting and maintaining the SYSLOG database.

Most of the data processing operations take place electronically as summarized below:

- i Identification and work related information is periodically and automatically fed into SYSLOG from CUD and COMREF which are respectively DG DIGIT and DG ADMIN databases.
- ii Course managers either within DG ADMIN central service or in other Directorate Generals (referred above as COFO and REFOI) register and inscribe participants for training events for which they applied. Course managers within DG ADMIN and COFOS/REFOIs will either confirm or reject these requests. In the case of confirmation, invitations will be sent by e-mail or by calendar meeting requests to staff members to inform them about the start date of the course and locations.
- iii During and/or after the training event, course managers will enter the information regarding the attendance at the course. In the case of language courses this information as well as the final mark will be entered by trainers.
- iv At the end of the course, trainees will be asked to enter information in SYSLOG evaluating the course and the teacher (see below under categories of personal data).
- v In addition to the above, staff members can also enter courses in which they may be interested in the future in the so-called training map. This information may be used by DG ADMIN for forward planning of courses.

Course managers within DG ADMIN's central service will be able to access all information related to training actions about staff members of the Commission. COFOs/REFOIs will be able to access the information about staff members of their respective Directorate Generals. Line managers will be able to access the information of those who report to them.

In the case of staff of agencies and bodies with limited access to SYSLOG the data processing is slightly different. The information supplied by the individual (request for training courses) is sent by email to a contact person within the agency/body (COFO of the agency) who will be competent for entering the information into SYSLOG. Alternatively, if technically possible, all staff of an agency may have full access to SYSLOG Web Training in which case staff members will submit their requests and evaluate their training actions via SYSLOG. In some cases with no limited access to SYSLOG, the information supplied by the individual (request for training courses) is sent by email to a contact person within the agency/body (COFO of the agency) who will be competent for sending the information to a designated person in DG ADMIN 's central service who will input it in SYSLOG.

Data subjects include the following: (i) all staff members¹ and external participants such as spouses entitled to training courses ('**trainees**') and, (ii) trainers who may be internal to the EU institutions (staff members) or external trainers provided by contractors (training schools/agencies) (**altogether 'trainers'**).

The **categories of personal data** processed include the following:

Regarding trainees: (i) identification information, which includes the name, the work address, telephone number and user-id. This information is input from CUD and COMREF which are respectively DG DIGIT and DG ADMIN databases. The name of the partner is

¹ Permanent or temporary staff of the Commission and other institutions (such as Agencies, bodies) which are entitled to the Commission's training courses and programs. Service level agreements with Agencies and bodies.

included insofar as partners are eligible for training courses; (ii) work related information which includes the grade, the line manager, the end of contract date and the function; (iii) information related to the training course, which includes information that relates to the trainee and to the trainer. Regarding the trainee, the information processed includes the results of the course as far as language courses are concerned, his attendance and his/her overall assessment of the course (were your objectives met? "what is your overall rating for this course?"). **Regarding trainers:** (i) identity information and training provider; (ii) the dates and courses that have been planned/given by trainers and, (iii) assessment of the work of the trainer. In particular this includes information such as whether he/she knew the subject ("knowledge of the subject"), if the information provided was adequate ("handouts and course documentation"), whether he/she had good communication skills; about his/her willingness to support participants, etc. This information is provided by participants upon request through standardised forms.

Data are *stored on-line* in the data center of the Commission. As far as **conservation time of data** is concerned, the retention periods vary depending on the type of information: *First*, data related to trainees are kept for the duration of the staff member's career. The need for retaining data for such period of time is justified on the need for trainees to exercise certain rights and obligations derived from their staff member status. This is particularly important for training activities that have an impact on the career path of the staff member, i.e. for language training connected to Article 45(2) (proficiency in a third language before promotion) and for training of a compulsory or pre-requisite nature. *Second*, presence lists of the training actions that are completed are kept in paper version for the periods determined under the Financial Regulations as justification document for the payment of the external contractor's invoices. *Third*, evaluations of the training actions are kept according to the duration of the contract with the external contractors, i.e. the schools that provide the trainers.

SYSLOG automatically **transfers personal data** to the following types of recipients: (i) line managers and training managers (COFOS/REFOIS) in each DG are provided with access to information regarding the staff for which they are responsible; (ii) training contractors are sent the evaluation of their respective training actions.

As far as the **right to information to trainees**, according to the Notification, individuals are informed through a privacy statement directly accessible from the home page of SYSLOG also on the Learning and Development Website. The privacy statement informs trainees about the identity of the data controller, the legal basis for the collection of personal data, the rights of access and rectification as well as the data storage policy. All staff members working for the Commission have access to SYSLOG and hence to this privacy statement. Staff working for agencies/bodies that may not have access to SYSLOG may not visualize this information in the same way. According to the Notification, a separate privacy statement **for trainers** is directly accessible from the home page of SYSLOG. In addition, to carry out the information obligation, DG ADMIN has decided that future contracts with contractors (training schools/agencies) will require the contractors to forward on behalf of the Commission the information about the data processing and their rights to each of their staff working on the contract. For internal trainers, the policy is given to trainers by the course managers.

Regarding the right of access and rectification, according to the Notification, staff working for the Commission has access through SYSLOG to all data concerning their training. Some data can be modified directly by individuals using their own interface to SYSLOG, which is password protected through ECAS. For example, this can apply to the, line manager etc. Individuals can also notify errors in their personal profile via SYSLOG Web Training.

In addition, they can access and modify information via the local training coordinators for general training (COFO) or IT training (REFOI). Access and rectification may also be exercised through ADMIN A3 or the SYSLOG Helpdesk. Staff working for agencies or institutions that have no access to SYSLOG are not able to access their data in this way. For them, access is provided through a central contact in the agency, who will then contact DG ADMIN A3 or SYSLOG Helpdesk.

Evaluations of the courses given by external teachers will normally be made available to them by their employer, although it will always be possible to request access to the anonymous evaluation report by asking the course manager or the data controller.

As far as *security measures* are concerned, the data controller acknowledges that it has put technical measures in place to ensure the level of security appropriate to the risks, and to prevent any unauthorized disclosure or access, accidental or unlawful destruction or accidental loss or alteration, and to prevent all other unlawful forms of processing. (...)

2.2. Legal aspects

2.2.1. Prior checking

This Prior check Opinion relates to the data processing operations that take place in the context of controlling and managing the training at the European Commission, including the use of the management tool (SYSLOG formation) dedicated to this goal. Accordingly, the Opinion will assess the extent to which the data processing operations described above are in line with Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ("Regulation (EC) No 45/2001" or "Regulation").

Applicability of the Regulation. Regulation (EC) No 45/2001 applies to the "*processing of personal data wholly or partly by automatic means, and to the processing otherwise than by automatic means of personal data which form part of a filing system*" and to the processing "*by all Community institutions and bodies insofar as such processing is carried out in the exercise of activities all or part of which fall within the scope of Community law*"². For the reasons described below, all elements that trigger the application of the Regulation are present:

First, the management of SYSLOG entails the collection and further processing of *personal data* as defined under Article 2(a) of Regulation (EC) No 45/2001. Indeed, as described in the Notification, personal data of staff members as well as trainers are collected and further processed. Second, as described in the Notification, the personal data collected undergo "*automatic processing*" operations, as defined under Article 2(b) of the Regulation (EC) No 45/2001. The data are directly uploaded in SYSLOG from where it can be visualized. Finally, the processing is carried out by a Community institution, in this case by DG ADMIN which is part of the European Commission, in the framework of Community law (Article 3(1) of the Regulation (EC) No 45/2001). Therefore, all the elements that trigger the application of the Regulation are present in the processing of data through SYSLOG

Grounds for Prior Checking. Article 27(1) of Regulation (EC) No 45/2001 subjects to prior checking by the EDPS "*processing operations likely to present specific risks to the rights and freedoms of data subject by virtue of their nature, their scope or their purposes*". Article 27(2)

² See Article 3 of Regulation (EC) No 45/2001.

of the Regulation contains a list of processing operations that are likely to present such risks. This list includes, under paragraph (b), the processing operations intended to evaluate personal aspects related to the data subject, including his or her ability, efficiency and conduct. The processing operations that occur in the context of controlling and managing the training at the European Commission, including the use of SYSLOG formation aim at evaluating individuals. Indeed, on the one hand, trainers will be evaluating the performance of the participants to training and language courses, in other words, the performance of trainees. Evaluation information will be uploaded in SYSLOG formation. On the other hand, trainees are also asked to evaluate the courses that they have attended including evaluating information regarding the trainers. Taking the above into account, clearly the data processing operations fall within Article 27(2) (b) and must therefore be prior checked by the EDPS.

Ex-post prior checking. Since prior checking is designed to address situations that are likely to present certain risks, the Opinion of the EDPS should be given prior to the start of the processing operation. In this case, however, the processing operations have already been established. This is not an insurmountable problem provided that all recommendations made by the EDPS will be fully taken into account and the processing operations will be adjusted accordingly.

Notification and Due Date for the EDPS Opinion. The Notification was received on 19 August 2008. The period within which the EDPS must deliver an opinion was suspended for a total of 87 days to request information from the data controller and to allow for comments on the draft EDPS Opinion. In addition, the two months period deadline was also suspended during the month of August. The Opinion must therefore be adopted no later than 26 January 2009.

2.2.2. Lawfulness of the processing

Personal data may only be processed if legal grounds can be found in Article 5 of Regulation (EC) No 45/2001. As pointed out in the Notification, the grounds that justify the processing operation are based on Article 5(a), pursuant to which data may be processed if the processing is "*necessary for 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*".

In order to determine whether the processing operations comply with Article 5(a) of Regulation (EC) No 45/2001 two elements must be taken into account: First, whether either the Treaty or other legal instruments foresee a public interest task, and second, whether the processing operations carried out by DG ADMIN are indeed necessary for the performance of that task.

In ascertaining the legal grounds in the Treaty or in other legal instruments that legitimise the processing operations, the EDPS takes note of the following: First, Article 24 of the Staff Regulations which establishes that "*The Communities shall facilitate such further training and instruction for officials as is compatible with the proper functioning of the service and is in accordance with its own interests*". Second, the Detailed rules for the application of the general provisions for giving effect to the third paragraph of Article 24 of the Staff Regulations as regards training of Commission staff of 18 March 1994. For example, Article 2 of the Detailed rules set forth the obligation to keep a record of training activities carried out by each individual. Article 18 includes a reference to the fact that individuals need to submit an evaluation after completing a training course. Third, the Commission Decision of 7 May 2002 on staff training. In particular, Article 11(b) refers to the need to record training

activities: "The outcome of each and every training dialogue between staff members and line managers shall be recorded in two parts: a retrospective section, recording all training activities undertaken by the staff member, known as the Training Passport, and a section, known as the Training Map, noting the staff member's current training needs including, if available, initial ideas on activities, such as attendance at courses or seminar, to meet the identified needs."

Upon analysis of the above legal framework, the EDPS is satisfied that the data processing that takes place in the context of controlling and managing the training at the European Commission has a legal basis.

Necessity test. According to Article 5(a) of Regulation (EC) No 45/2001, the data processing must be "*necessary for performance of a task*" as referred to above. It is therefore relevant to assess whether the data processing that occurs in the context of the controlling and managing the training at the European Commission is "*necessary*" for the performance of this task.

As outlined above, under the Staff Regulations and secondary legislation the European Commission is entitled (and obliged) to adopt procedures to train its staff members. To put this obligation into practice, it is necessary for DG ADMIN to collect and further process personal information of staff members. In this context, DG ADMIN needs to collect identification information, list of attendees to courses, results of tests evaluating the staff competences in order to limit those who can pass to a higher level of course (for example, language courses). At the same time, to ensure a high level of trainers it is necessary for DG ADMIN to collect evaluation information about trainers' performance during the courses. In conclusion, it is the EDPS's view that the data processing at stake is necessary to ensure the proper managing and control of the training at the European Commission.

2.2.4. Data quality

Adequacy, relevance and proportionality. Pursuant to Article 4(1)(c) of Regulation (EC) No 45/2001, personal data must be adequate, relevant and non excessive in relation to the purposes for which they are collected and/or further processed. This is referred to as the data quality principle.

In ascertaining the relevance of the personal data processed in the case in point, the EDPS has the following comments: First, identification and work related information is periodically and automatically fed into SYSLOG from the databases CUD and COMREEF. All the information that is imported from these databases seems relevant in relation to the purposes for which it is used. Indeed, DG ADMIN needs to have the list of people who are eligible for training courses including grades. Second, some of the information requested from trainees must be provided through standardized forms to be filled in. For example, this applies when trainees are asked to enter information in SYSLOG evaluating the course and the teacher. The EDPS has not identified any request for information that would be *prima facie* irrelevant or excessive. Finally, the information entered regarding the training courses attended by each staff members and possible grades of the course also seem relevant to ensure the quality control of the training activities and enable individuals to exercise their rights and obligation derived from their role of staff members (for example, to demonstrate proficiency in a third language before promotion ex Article 45(2) of the Staff Regulation). In the light of the above, the EDPS is satisfied that the data processing complies with the adequacy principle.

Fairness and lawfulness. Article 4(1)(a) of the Regulation requires that data be processed fairly and lawfully. The issue of lawfulness was analyzed above (see Section 2.2.2). The

issue of fairness is closely related to what information is provided to data subjects which is further addressed in Section 2.2.8.

Accuracy. According to Article 4(1)(d) of the Regulation, personal data must be "*accurate and, where necessary, kept up to date*", and "*every reasonable step must be taken to ensure that data which are inaccurate or incomplete, having regard to the purposes for which they were collected or for which they are further processed, are erased or rectified*". DG ADMIN must take all the reasonable steps to ensure that the data is up to date and relevant. In this context, the EDPS considers that some elements of SYSLOG help to ensure the accuracy of the data. For example, the information regarding staff members comes from CUD and COMREF. The intrinsic nature and function of these databases provide in itself a guarantee towards ensuring the accuracy of the information imported from them. Another important element to ensure accuracy, further developed below, is the ability of trainees and trainers to exercise the right of access and rectification insofar as it enables them to control whether the data hold about him/her is accurate. In this respect, see also Section 2.2.7.

2.2.5. Conservation of data

Pursuant to Article 4(1)(e) of Regulation (EC) No 45/2001 personal data may be kept in a form which permits identification of data subjects for no longer than necessary for the purposes for which the data are collected and/or further processed.

The conservation periods vary depending on the type of data and in this context the EDPS has the following comments: First, data related to trainees are kept for the duration of the staff member's career. This includes identification data and results of training courses. The EDPS agrees with the conservation policy insofar as at any time during the career of a staff member it may be necessary (for him/her or for the Administration) to produce evidence showing the staff participation in training courses in the context of the exercise ongoing rights and obligations. For example, such data may be necessary in the context of Article 45(2) of the Staff Regulations. Second, Presence lists of the training actions that are completed are kept in paper version for the periods determined under the Financial Regulations as justification document for the payment of the external contractor's invoices. The EDPS considers this practice appropriate. Third, Evaluations of the training actions are kept for the duration of the contract with the external contractors. This conservation period seems appropriate insofar it enables the Commission to ensure the quality of the training, for example by rejecting trainers who have not been up to the expected standards.

2.2.6. Compatible use / Change of purpose

Data from various databases, namely, CUD and COMREF which are respectively DG DIGIT and DG ADMIN databases are fed into SYSLOG. CUF data contains among others userids. COMMREF is a common reference data base of the Commission for human resources data.

The type of data imported from CUD and COMREF is identification data and work related data. This data is used for identification purposes, which are the same purposes for which the same data was used in CUD and COMREF. Because the purposes are the same, the EDPS considers that use of identification data in SYSLOG is fully compatible with the use made of the same data in CUD and COMREF.

2.2.7. Transfers of data, including processing on behalf of the controller

Articles 7, 8 and 9 of Regulation (EC) No 45/2001 set forth certain obligations that apply when data controllers transfer personal data to third parties. The rules differ depending on whether the transfer is made to (i) Community institutions or bodies (based on Article 7), (ii) recipients subject to Directive 95/46 (based on Article 8), (iii) or other types of recipients (based on Article 9).

According to the Notification the transfer of the information is limited to (i) line managers and training managers in each DG (COFOS) who process (in different ways) all information regarding staff members under their responsibility; (ii) training schools/agencies which receive evaluation of the training actions.

Transfers under (i) are made within or to Community institutions or bodies, thus, Article 7 of the Regulation applies. Data transfers under (ii) are made to recipients subject to Directive 95/46.

Article 7 of Regulation (EC) No 45/2001 requires personal data to be transferred "*for the legitimate performance of tasks covered by the competence of the recipient*". In order to comply with this provision, in sending personal data, DG ADMIN must ensure that (i) the recipient has the appropriate competences and (ii) the transfer is necessary.

The EDPS considers that the transfers of information to line managers and to COFOS for the purposes stated above comply with these requirements. Both recipients have the competence to perform the task assignment for which the data is transferred. In particular, line managers have the capacity to manage the training activities of their staff, including the identification and recording of their training needs. COFOs have the capacity to manage the application for courses organised at the level of their DG. Also, in both cases, the data transfers are necessary for the addressees to perform their tasks (they must have access to such information in order to manage training activities of their staff and to manage the applications for courses)..

The transfer described under (ii) is made to external schools (contractors) which provide instructors. In this case, schools are provided with anonymous copies of the instructors' evaluation. The EDPS considers that Article 8 (b) of Regulation (EC) No 45/2001 is satisfied insofar as the schools have a need for such data. Schools are bound by their contractual obligations vis-à-vis the Commission to provide qualified trainers. In order to fulfil this obligation, the anonymous evaluation of trainers provides schools with an essential tool that helps them to assess the ability of the teacher to satisfy trainees and in sum to guarantee the quality of the training.

2.2.8. Right of access and rectification

According to Article 13 of Regulation (EC) No 45/2001, the data subject shall have the right to obtain, without constraint, at any time within three months from the receipt of the request and free of charge, from the controller, communication in an intelligible form of the data undergoing processing and any available information as to their source. Article 14 of the Regulation provides the data subject with the right to rectify inaccurate or incomplete data. Staff working for the Commission has access to all data concerning their training through their access to SYSLOG. Some data can be modified directly by individuals using their own interface to SYSLOG. The remaining data can be modified via the local training coordinators

for general training (COFO) or IT training (REFOI). Access and rectification may also be exercised through ADMIN A3 or SYSLOG Helpdesk.

The EDPS is satisfied in the way DG ADMIN guarantees the right of access for trainees. Regarding the right of rectification, the EDPS notes that this right can obviously apply only to factual data. Marks allocated could not under any circumstances be open to a right of rectification by the data subject, except in the context of the established appeals procedures.

As far as access regarding the data collected about trainers (mainly anonymous evaluations), this information is made available to them by their employer. Access will also be possible through direct request to the course manager or to the data controller. The right to rectification can not be applied. However, the trainer should be able to state his/her views on the evaluation.

In both cases, DG ADMIN should establish reasonable time limits for dealing with requests from data subjects exercising their right of access and foresee a procedure to exercise the right of rectification.

2.2.9. Information to the data subject

Pursuant to Articles 11 and 12 of Regulation (EC) No 45/2001, those who collect personal data are required to inform individuals that their data are being collected and processed. Individuals are further entitled to be informed of, *inter alia*, the purposes of the processing, the recipients of the data and the specific rights that individuals, as data subjects, are entitled to.

In order to ensure compliance with these Articles, the EDPS was informed of the existence of a privacy statement made available to trainees through the home page of SYSLG and also on the Learning and Development Website. A copy of this statement was annexed with the Notification.

The privacy statement informs the participants at training courses about the identity of the data controller, the legal basis for the collection of personal data, their rights of access and rectification as well as the data storage policy. All staff members working for the Commission and for agencies/bodies which access to SYSLOG are able to read the privacy statement.

As far as the *content* of the information is concerned, the EDPS is satisfied that such content fulfils the requirement under Article 11 and 12 of Regulation (EC) No 45/2001. The EDPS is also satisfied with the *channel* used to deliver the privacy policy to trainees who work for the Commission and for bodies/agencies with access to SYSLOG. Indeed, it appears that the privacy policy in the home page of SYSLG and also on the Learning and Development Website are clearly visible and can be re-visited at any time or printed out our save by trainees.

However, appropriate procedures do not seem to be in place (or exercised) regarding staff members who work for bodies/agencies which have no access to SYSLOG. It is unclear whether such staff members receive the privacy statement and if so which procedures are applied to this end. It would appear that direct access to SYSLOG should be enabled for all those staff members who are entitled to the Commission's training programs. As an interim measure until such access is guaranteed, DG ADMIN should put in place the necessary procedures to ensure that staff members of such bodies/agencies are provided with the information required under Articles 11 and 12 of Regulation (EC) No 45/2001.

The EDPS is satisfied regarding the communication channel used to provide the relevant information to trainers (through SYSLOG home page of SYSLOG) which trainers must obligatorily visit in carrying out the task of imputing information about the trainees. However, the EDPS considers that the information to trainers should be improved in order to guarantee compliance with Articles 11 and 12 of Regulation (EC) No 45/2001. In particular, the following information should be added or expanded: (i) The procedure to access the evaluation information should be explained with more detail. (ii) There is no reference to the right of rectification and the procedure to exercise it; this right should be added to the privacy statement (even if the exercise is limited, see section 2.28). (iii) The information regarding time limits for storing the data should be added.

2.2.10 Processing on behalf of the controller

Trainers evaluate students, keep track of absences and in certain cases (for language courses) input this information as well as the results of the tests in SYSLOG. Regarding such type of data and in the light of their rights and obligations vis-à-vis such data, trainers and the schools for which they work are considered as *data processors* as defined under Article 2 (e) of Regulation (EC) No 45/2001.

This is because the schools/trainees are only able to process the data as instructed and on behalf of DG ADMIN. Pursuant to Article 23 of Regulation (EC) No 45/2001, the carrying out of processing operations by way of processor shall be governed by a contract or legal act. The Notification confirmed that agreements are signed every time that the contractor services are used. Towards the future such agreements must impose upon the contractor the obligation to adopt appropriate technical and organisational security measures to protect the personal data according to their national law. The agreements should also establish that the processor shall act only on instructions from the controller (DG ADMIN).

2.2.11. Security measures

According to Articles 22 and 23 of Regulation (EC) No 45/2001, the controller and the processor must implement appropriate technical and organizational measures to ensure a level of security appropriate to the risks represented by the processing and the nature of the personal data to be protected. These security measures must in particular prevent any unauthorized disclosure or access, accidental or unlawful destruction or accidental loss, or alteration and prevent all other forms of unlawful processing. The EDPS has no reason to consider that the security measures are not adequate in the light of Article 22 of the Regulation.

3. Conclusion

There is no reason to believe that there is a breach of the provisions of Regulation 45/2001 providing the considerations in this Opinion are fully taken into account. In particular, DG ADMIN must:

- Ensure that required language is reflected in processor contracts;
- Set up reasonable time limits for dealing with requests from data subjects exercising their right of access and foresee a procedure to exercise the right of rectification.

- Set up procedures to provide the privacy policy to staff members working for agencies/bodies with no access to SYSLOG.
- Amend the privacy policy for trainers as recommended in this Opinion.

Done at Brussels, 16 January 2009

(Signed)

Joaquín BAYO DELGADO
Assistant European Data Protection Supervisor