



GIOVANNI BUTTARELLI  
ASSISTANT EUROPEAN DATA PROTECTION SUPERVISOR

Mr Jan Kilb  
Data Protection Officer  
Court of Auditors  
12, rue A de Gasperi  
L - 2925 LUXEMBOURG

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**Subject: Notification for prior checking concerning "ECA Directory" and "e-Admin"**

Dear Sir,

With regard to the processing of the ECA Directory and e-Admin, covered by two notifications attached to the Secretary General's e-mail as part of the Spring 2009 operation and registered on 8 February 2010, the EDPS has reached the conclusion that these two dossiers are not subject to its prior checking.

In fact, the two processing operations were notified pursuant to Article 27(1) of Regulation (EC) No 45/2001 (hereinafter "the Regulation"). That Article of the Regulation lays down that all "*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*" are to be prior checked. It should be assessed to what extent the two processing operations in question are covered by that provision.

The EDPS notes that the processing operations described in the notification concerning the ECA-Directory is an ex-post control procedure set up to publish an organisational chart of the Court on line based on information from various sources: the telephone directory, the administration and the human resources department. Added to this information is the photo on the data subject's service card, if the data subject gives his or her consent. The processing of e-Admin has been set in train to rationalise and optimise the management of so-called "technical" data such as the administrative address, office and telephone number by making these available to the Court's administrative and IT services.

The processing operations described in the respective notifications do not indicate any particular risks. The related procedures respect the rights granted to data subjects (rights of access and rectification). When a photo is requested, the person concerned is entitled to refuse to provide it, has to give their consent and may withdraw it at any time. There is no processing of sensitive data within the meaning of Article 10 of the Regulation.

On the other hand, the EDPS does question the need to collect details concerning nationality and grade for publication in the Court's official organisational chart on the intranet and therefore asks the data controller to state why those data need to be collected.

Moreover, pursuant to Article 27(2), neither of the processing operations seems to involve the processing of data relating to health or to suspected offences, offences, criminal convictions or security measures (27(2)(a)); processing operations intended to evaluate personal aspects relating to the data subject, including his or her ability, efficiency and conduct (27(2)(b)); processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes (27(2)(c)) or for the purpose of excluding individuals from a right, benefit or contract. (27(2)(d)).

Finally, the EDPS would like to point out (consultation 2009-083) that, although the general architecture of SYSPER 2 is not subject to prior checking, the various component modules under the scope of Article 27 should nonetheless be notified to the EDPS.

If you are able to provide us with any other reasons that could justify a prior check by the EDPS, or if any substantial and relevant changes are made to these two data processing operations, the EDPS would reconsider its position.

Yours faithfully,

(signed)

Giovanni Buttarelli