



EUROPEAN DATA
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GB/UK/mch/D(2012) 0050 C 2012-0005

Case 2012-0005: Outside activities of members of the Ombudsman's staff

Dear Mr Julien,

Thank you for your notification of 12 December 2011 concerning a processing operation relating to outside activities of members of the Office of the European Ombudsman.

According to the notification, the purpose of the processing is to provide the Ombudsman with information about outside activities which staff members intend to pursue, to authorise those outside activities and also to evaluate any possible conflicts of interest. The data affected by the processing in question – supplied exclusively by the staff member in question and with the approval of the body with which the activity is pursued – consist of the data subject's name and contact details, the nature of the activity, the periods during which it is pursued, the body with which it is pursued and also any possible remuneration or financial compensation paid. The recipients are restricted to the European Ombudsman, the staff member's line managers and also internal or external audit bodies.

According to Article 27 of the Regulation '*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 ...*' shall be subject to prior checking by the European Data Protection Supervisor.

As stated in your notification, the processing in question could in fact have the effect of preventing a staff member from pursuing an outside activity. However, it is not a processing operation *for the purpose of* excluding individuals from a right, benefit or contract within the meaning of Article 27(2)(d) of the Regulation. Its purpose is rather to *authorise* those outside activities – whilst at the same time evaluating any possible conflicts of interest, in order to ensure compliance with Article 12b of the Staff Regulations of Officials of the European Union.

Nor is its processing intended to evaluate *personal* aspects relating to the data subjects, including their ability, efficiency and conduct within the meaning of Article 27(2)(b) of the Regulation. Article 12b of the Staff Regulations of Officials of the European Union is principally concerned with an *objective* evaluation of the potential impact of the nature of (future) outside activities: ‘... *if the activity or assignment in question is such as to interfere with the performance of the official’s duties or is incompatible with the interests of the institution...*’.

Under those circumstances and on the basis of the information made available to us, the processing in question does not appear to require prior checking by the European Data Protection Supervisor.

I hope this reply is to your satisfaction.

Yours sincerely,

(signed)

Giovanni BUTTARELLI