



Opinion on a notification for Prior Checking received from the Data Protection Officer of the European Centre for Disease Prevention and Control regarding Annual Declaration of Interest

Brussels, 19 July 2012 (Case 2010-0914)

1. Proceedings

On 16 July 2009, the European Data Protection Supervisor (EDPS) received a notification for prior checking (2009-0475) by electronic mail from the Data Protection Officer (DPO) of the European Centre for Disease Prevention and Control (ECDC) on an already established personal data processing operation qualified as "annual declaration of interest".

On 18 September 2009, the EDPS requested further information, to which he received the responses on 2 April 2010. The case was suspended again on 15 April for clarification and on 1 September 2010, the ECDC informed the EDPS that due to **the modification of the internal rules of the procedure, a new notification** had to be submitted to the EDPS. This new notification (2010-914) was received on 23 November 2010. The analysis was then suspended on 22 December 2010 to obtain further information. Information was received on 20 June 2011. A response was received on 29 July 2011 and the delay was extended for complexity by 20 days. The draft Opinion was sent to the ECDC for comments on 9 September 2011. The comments were only received on 16 July 2012.

2. The facts

The **purpose** of the processing operation is to **safeguard the independence of the ECDC** and its constituent bodies.

Article 19 of the ECDC Founding Regulation (No 851/2004) requires that the Management Board (MB) and Advisory Forum (AF) Members make **a declaration of interests (DoI)** indicating either the absence of any interests which might be considered prejudicial to their independence or any direct or indirect interests which might be considered prejudicial to their independence, including interests which are inherent to the professional background of the individual. An internal policy -ECDC draft policy on declarations of Interest and handling of potential conflicts of interest- guides these activities. These declarations of interests are made **annually**. The ECDC has decided that the Founding Regulation's requirement to declare interests should also apply to Seconded National Experts (SNEs) and to all AD grades, AST5 or higher and contract agents of the function group IV in the Centre. They are therefore also required to submit an Annual Declaration of Interests (**ADoI**). This is justified according to the ECDC on the basis of Articles 11 and 11 a. of the Staff Regulations, and on the fact that staff members are involved in the drafting of guidance and opinions, which are issued by ECDC and may be involved in evaluation committees or scientific panels.

There is also an obligation that the Director, the Members of the Management Board and of the Advisory Forum declare any interest which might be considered prejudicial to their independence in relation to the items on the agenda before each meeting. In such cases the persons disqualify themselves from relevant discussions and decisions.¹ In practice this means that for each specific meeting, data subjects need to sign another declaration of interest for any agenda point. It is normally signed at the beginning of the meeting and the hard copies are collected in the Director's Office.

External experts are included in the ECDC Candidate Expert Directory. The presence in the database does not require as such submitting the ADoI. When experts are chosen to participate as expert in a **Scientific Panel**, they are required to submit an Annual Declaration of Interests. Experts participating in the Scientific Panel must declare any specific interest at the beginning of each meeting (SDoI). In case ECDC has knowledge of information that is not consistent with the declaration of interest of an expert and an initial internal assessment of the information implies that the interest is a declarable interest, a letter is sent to the expert by the Director seeking additional background information with regard to the information that was not declared. Upon completion of the update, the relevant DoI is processed and screened in accordance with the procedure. On the basis of the assessment of the updated DoI, the ECDC will try to establish whether the omission of the expert needs to be considered as a breach of trust vis-à-vis the Centre if it is found that:

- a) the information missing from the relevant DoIs is a declarable interest according to ECDC's Guidance; and
- b) the expert did not declare the missing information intentionally or through gross negligence or to have broken the standard of confidentiality and integrity normally expected of a professional in their situation.

The expert is notified of the opening of the procedure and of the possible consequences of this procedure leading to a potential exclusion from the Panel and/or the ECDC Expert Database. Upon request, the expert has access to all documents related to the procedure and is allowed to present written observations within 7 calendar days. The Director of the ECDC, after having received the Declaration of Interest Review Committee's recommendations, will then take a decision regarding the consequences to the breach of the policy.

A **compliance officer** supports the preliminary screening of the ADoI and SDoI to detect *prima facie* possible situations of conflict of interest (in case of ADoI and SDoI of members of the Advisory Forum and the Management Board the preliminary screening is conducted by the Director's Office, in case of ADoI of staff members, the preliminary screening is conducted by the line manager). In case the compliance officer detects an ADoI or a SDoI presenting possible potential situations of conflict of interest, he must refer the matter to **the Declarations of Interest Review Committee**.

The Declarations of Interest Review Committee decides if the situation specified in an ADoI or SDoI constitutes a potential conflict of interest. If a potential conflict of interest is detected, the Committee can decide the measures it considers appropriate to deal with such situation. The measures adopted can include the exclusion of the concerned person from certain activities. When the decision affects a member of the Management Board or the Advisory Forum, it must be discussed and approved by the respective body. Measures taken with regard to the Scientific Panels (criteria and guidance) are described in the policy.

¹ Regulation (EC) No 851/2004 of the European parliament and of the Council of 21 April 2004 establishing a European centre for disease prevention and control (Founding Regulation of ECDC).

All the ADoI are **published** on ECDC website. When a recruitment procedure is carried out, the vacancy notice specifies that the selected candidate will be requested to fill an ADoI and that the ADoI will be published on the web page.

Annexes of the Policy contain a reference table for identifying indicative levels of risk, a table indicating the permitted involvement, the declaration of commitment, the ADoI form, the SDoI form and the declarations of absence of conflict of interest and confidentiality of ECDC staff members, SNEs, interims, consultants and trainees and the declarations of the selection-evaluation committee (in the frame of recruitment), and a Data Protection Notice.

ADoI are submitted by post or by e-mail (always by e-mail in the case of staff members and experts).

The policy also contains a paragraph on **protection of personal data**.

The following **conservation periods** of Declarations of Interest are established per category of data subjects:

- Members of the Management Board, Advisory Forum, experts in Scientific Panels: DoIs are kept for 5 years after the discharge for the budgetary year to which the DoI relates;
- Director: All DoIs since the start of the ECDC mandate of the Director are kept until 5 years after the discharge for the budgetary year in which the Director terminates the mandate at ECDC;
- ECDC staff: ADoIs of ECDC staff are kept for a maximum period of 5 years.

Personal data collected: All personal data are collected directly from the data subjects. The information that is collected concerns: ownership or other investments, including shares, membership of a managing body, of a scientific body or equivalent structure, employment, consultancy/advice, research funding, intellectual property rights, interests deriving from the professional activities of the member or his/her close family members, any membership role or affiliation that they have in organisations/bodies/club with an interest in the work of the Centre and other interests or facts that the undersigned considers pertinent. The DoI cover the **5** previous years.

Following the policy and the privacy statement, **the rights of access, rectification, blocking and erasure** of the data subject are granted by the ECDC. The data subjects can exercise their rights by submitting a request, in writing, to the controller. The right of access of the data subject may be granted by allowing on-the-spot inspection or by giving the data subject electronic or paper copies or by referring the data subject to his DoI published on ECDC's website.

The **recipients** of the Declarations of Interest might be the following persons and bodies: the compliance officer, the Declarations of Interest Review Committee, the Director, the Chair of a Scientific Panel if necessary, the Members of the MB and the AF, the Corporate Governance Section, the HR Section, the Secretariat of Scientific panel, the immediate superior of staff (line manager), and also, following the notification, a wider public might be recipient because of the publicity requirement regarding specifically Annual Declarations of Interests. Furthermore, Declarations of Interest may be transferred to bodies in charge of a monitoring or inspection task in conformity with Union Law, including the European Court of Auditors, the Internal Audit Service, OLAF, the European Ombudsman and the European Data Protection Supervisor.

Information to be provided to the concerned persons: A Data Protection Notice has been included in the Declaration of interest form and is posted on ECDC relevant Internet webpage. This Data protection notice contains all the relevant information in accordance with Articles 11 and 12 of the Regulation.

Security measures: The hard copies of the DoI are stored in the Corporate Governance office at ECDC in a specific folder. The digital files are stored in the U drive of the Corporate Governance e-folder. Any staff member of the Office of the Director can access electronic folders. The digital files are also published in the ECDC web site so any external person can have read access to them. ADoI from staff member and decision of the Chair of DoI Review Committee are stored in the electronic personal file of the data subject. ADoI from experts are stored in the Centre's candidate's expert Directory. An Information security policy has been adopted by the ECDC.

3. Legal analysis

3.1. Prior checking

In the frame of handling declaration of interests, as explained in the facts above, various personal data related to a particular individual are processed. Article 2(a) of the Regulation thus applies. The processing of personal data is carried out by the ECDC in its activity which clearly falls under European Union law. Article 3(1) of the Regulation therefore applies. Annual declarations and their updates are partly handled by an electronic tool (automatic means), specific declaration of interests of experts and DoI of ECDC staff are processed manually. Paper files are intended to form part of a filing system, a structured set of data are processed accessible according to given criteria. The processing operation falls under Article 3(2) of the Regulation.

Article 27 (1) of Regulation (EC) 45/2001 subjects to prior checking by the EDPS 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*". Article 27 (2) of the Regulation contains a list of processing operations that are likely to present such risks, among which those processing operations intended to evaluate personal aspects relating to the data subject, including his/her ability, efficiency and conduct (Article 27(2)(b)). The procedure of screening and detecting conflict of interests falls under this provision, as it relates to the assessment of the conduct of the data subjects.

Since prior checking is designed to address situations that are likely to present certain risks, the Opinion of the EDPS is given prior to the start of the processing operation so the recommendations of the EDPS may be implemented before the launching of the new procedure.

The notification of the DPO was received on 23 November 2010. According to Article 27(4) the present Opinion must be delivered within a period of two months. The prior checking procedure has been suspended for a period of 541 days (days for comment on the draft Opinion included). The Opinion should be rendered not later than 19 July 2012.

3.2. Lawfulness of the processing

Personal data may only be processed if legal grounds can be found in Article 5 of Regulation 45/2001.

Article 5(a) of the Regulation permits the processing of personal data if it 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*".

Two main activities can be differentiated in the present processing operation: (1) submission of declaration of interests and screening and (2) publication on the website. The two activities must comply with Article 5 (a).

1) Submission and screening of annual and specific declaration of interest of the various categories of data subjects:

a) ADoI for the members of the Management Board, the members of the Advisory Forum, the members of Scientific panels and the Director and SDoI for the director, the members of the Advisory Forum, as well as external experts participating in scientific panels are based on Article 19 of the ECDC's founding Regulation:

Articles 19 of Regulation (EC) No 851/2004 provides for: (2) "*The members of the Management Board, the director, the members of the Advisory Forum, as well as external experts participating in scientific panels shall make a declaration of commitment and a declaration of interests indicating either the absence of any interests which might be considered prejudicial to their independence or any direct or indirect interests which might be considered prejudicial to their independence. Those declarations shall be made **annually** in writing*".

(3) "*The director, the members of the Advisory Forum, as well as external experts participating in scientific panels, shall declare at **each meeting** any interests which might be considered prejudicial to their independence in relation to the items on the agenda. In such cases these persons have to disqualify themselves from relevant discussions and decisions*".

The processing of personal data to ensure that the concerned individuals have no conflict of interests which could interfere with their activities carried out for the ECDC, clearly serves a **public interest**. ECDC's mission is to identify, assess and communicate current and emerging threats to human health posed by infectious diseases. The ECDC provides scientific opinions. The personal data requested by the ECDC in the declarations can be seen as **necessary** for the transparency obligation inherent to ECDC's **tasks**. This task is based on a legal instrument adopted on the basis of the Treaties: Article 19 of the ECDC founding Regulation.

As for the screening of the ADoI, the compliance officer and the DoI Review Committee are in charge of the assessment of potential conflicts. Their role, the procedure and the measures they may adopt in case of conflict of interest are described in the Policy.

The Policy also describes the consequences for the experts participating in scientific panels, in case of lack of submission and the procedure regarding omissions and breaches to ECDC's Policy on DoI.

The consequences in case of lack of submission of DoI for members of the MB and AF, the Director, the senior management team or other staff members are not described as such in the Policy but its section 41 reminds: "*The rules specified above on declarations of interest are without prejudice of articles 11 and 11a of the Staff Regulations and to other measures that may be taken by the Director in accordance with the Staff Regulations for officials and other servants*".

This information contributes to the fairness of the processing operation.

b) The ECDC draft Policy on Declaration of interest and handling of potential conflict of interest foresees that the requirement to make an ADoI is extended to the staff of AD grade, AST5 grade or higher, contract agents in function group IV and Seconded National Experts (SNEs). According to the policy this requirement is justified by the fact that the staff members are involved in the drafting of guidance and opinions which are issued by the Centre.

The ECDC also referred to Articles 11 and 11(a) of the Staff Regulations providing for legal basis².

The EDPS questions the fact that all staff, including ASTs, who may not be in a position to have any influence on the decision, must submit a DoI. Indeed, as underlined by the ECDC, the staff members are bound by the Staff Regulations and must work independently. The Staff Regulations establish a procedure by which the staff members are required to notify if he/she has any personal interest such as to impair his/her independence.

Therefore the EDPS invites the ECDC to consider and justify the necessity to extend the procedure on declaration of interests to the ECDC staff members. Indeed, it seems that the obligation of independence of the staff members could be met with Article 11 of the Staff Regulation.

Having said this, the SNEs, who are not subject to the Staff Regulation, also require a procedure of declaration of interest.

² "*An official shall carry out his duties and conduct himself solely with the interests of the Communities in mind; he shall neither seek nor take instructions from any government, authority, organisation or person outside his institution. He shall carry out the duties assigned to him objectively, impartially and in keeping with his duty of loyalty to the Communities. An official shall not without the permission of the appointing authority accept from any government or from any other source outside the institution to which he belongs any honour, decoration, favour, gift or payment of any kind whatever, except for services rendered either before his appointment or during special leave for military or other national service and in respect of such service*" and "*An official shall not, in the performance of his duties and save as hereinafter provided, deal with a matter in which, directly or indirectly, he has any personal interest such as to impair his independence, and, in particular, family and financial interests.*"

2. Any official to whom it falls, in the performance of his duties, to deal with a matter referred to above shall immediately inform the Appointing Authority. The Appointing Authority shall take any appropriate measure, and may in particular relieve the official from responsibility in this matter.

3. An official may neither keep nor acquire, directly or indirectly, in undertakings which are subject to the authority of the institution to which he belongs or which have dealings with that institution, any interest of such kind or magnitude as might impair his independence in the performance of his duties".

2) Publication on the website:

Article 20 of Regulation 851/2004 on transparency mentions Regulation 1049/2001 on public access to document but does not specify that the ADoI must be made public. On the other hand, the ECDC draft Policy on Declaration of interest and handling of potential conflict of interest develops a brief section (paragraph 63-64) on the publication of ADoI. Specific DoI's made in the beginning of a meeting are not published but could still be accessible under public access request.

The EDPS understands the publication of the ADoIs of the Director, the members of the Management Board and Advisory Forum, external experts participating in scientific panels and even some senior management team members: transparency requirements may, indeed, notably allow the "control" by the peers and the public.

Nevertheless, the ECDC does not provide for justification for the publication of DoI in the draft Policy. The ECDC should examine the purpose of the publication and the proportionality of this measure. In conducting his analysis, the ECDC should balance the necessity to ensure the **independence** of the ECDC (notably by ensuring transparency) and the necessity to protect data subject right to data protection³. This analysis should be conducted for each category of data subject. In relation to what has been said concerning ADoI of staff members, the EDPS has doubt about the necessity of the publication of their ADoI.

In any case, the ECDC should base the publication of the ADoIs on a legal instrument by completing and adopting the ECDC draft Policy on Declaration of interest and handling of potential conflict of interest.

The EDPS recommends to the ECDC (i) to evaluate the necessity of the ADoI's publication for each category of data subject (ii) to complete and adopt the ECDC draft Policy on Declaration of interest and handling of potential conflict of interest on ADoI's publication and possible public nature of data collected through SDoI.

3.3. Data Quality

Personal data must be *adequate, relevant and non excessive in relation to the purposes* for which collected and/or further processed (Article 4 (1) (c) of the Regulation).

Having examined the data fields requested by ECDC in the annual and specific declaration forms and also regarding the template sentences in the minutes of meetings, the EDPS considers that in principle the requested information is adequate, relevant and not excessive for the purposes to see whether any conflict of interests which potentially could interfere with the work of the data subjects could appear. The EDPS nevertheless would like to stress that whenever in the beginning of a meeting declarations of interest are recorded in the minutes, consideration should always be given to ensure that the registered information is adequate, relevant and not excessive for the purposes, as public access request to access such declarations may always be made.

³ The ECJ 9 November 2010, *Schecke and Eifert*, joined Cases C-92/09 and C-93/09 and in particular, § 85: " *It is necessary to bear in mind that the institutions are obliged to balance, before disclosing information relating to a natural person, the European Union's interest in guaranteeing the transparency of its actions and the infringement of the rights recognised by Articles 7 and 8 of the Charter. No automatic priority can be conferred on the objective of transparency over the right to protection of personal data (see, to that effect, Commission v Bavarian Lager, paragraphs 75 to 79), even if important economic interests are at stake".*

The EDPS welcomes the fact a reference table for identifying indicative level of risk and a table indicating the permitted involvement are available to help the assessment of the conflict of interest.

Personal data must be *accurate and where necessary kept up to date* (Article 4(1) (d) of the Regulation). The personal data are collected from the data subjects themselves and they have a right of access to their data (see above point 2 and below point 3.6 on "*Right of access and rectification*"). This ensures that the data processed are accurate, complete and up to date in the sense of Article 4(1)(d) of the Regulation.

Personal data must be processed fairly and lawfully (Article 4(1) (a) of the Regulation). The lawfulness was addressed in part 3.2., fairness relates to the information supplied to the data subjects (see below in part 3.7).

3.4. Conservation of data

Personal data should be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the data are collected or for which they are further processed (Article 4(1)(e) of the Regulation).

The primary purpose of the present processing operation is to ensure compliance with Article 19 of the ECDC founding Regulation to follow up the independence of the concerned persons and make sure that conflicting interests do not prejudice one's independence in carrying out his/her task for ECDC.

ECDC's retention policy is set as a maximum of 5 years after the discharge for the budgetary year to which the DoI relates for the Members of the Management Board, Advisory Forum, and experts in Scientific Panels. All DoI of the Director are kept until 5 years after the discharge for the budgetary year in which the Director terminates the mandate at ECDC. ADoI of the ECDC staff members are kept for a maximum period of 5 years.

The time-limits proposed by the ECDC are therefore established on the basis of the need to keep the data for auditing purposes (further processing operation). The EDPS took good note of the fact that the ECDC considers that these time-limits are compliant with Article 4(1)(e).

3.5. Transfer of data

Article 7(1) of the Regulation specifies that personal data shall only be transferred within or to other EU institutions or bodies if the data are necessary for the legitimate performance of tasks covered by the competence of the recipient.

The personal data contained in the specific declaration of interests can be disclosed to internal recipients within ECDC as it was described above in the facts part. The EDPS considers that in principle the transfer of personal data in the framework of declaring interests to the listed recipients within ECDC meets the requirement of Article 7 of the Regulation.

In order to meet the obligation in Article 7(3) of the Regulation, the EDPS requests that arrangements are put in place to remind internal recipients that the information can be processed only for the purposes for which they are transmitted.

3.6. Rights of access, rectification and objection

Article 13 of the Regulation provides for a right of access and arrangements for exercising it upon request by the data subject. Data subjects have a right to rectify their inaccurate or incomplete personal data under Article 14 of the Regulation without delay.

The data subject can exercise his right of access (within three months of receipt of the request) and rectification (without delay) in writing to the controller (the ECDC, represented here by the Director) directly.

The EDPS recalls that the rights of access and rectification should be ensured throughout all procedures which deal with the consequences of incomplete declarations. In this regard, the internal procedure foreseen in the new Policy envisages that upon request the experts will have access to all documents and they can express their written observations within 7 calendar days. This procedure ensures that personal information involved in the procedure can be updated and as complete as possible.

3.7. Right to object

Article 18(a) of the Regulation provides that the "*data subject shall have the right to object at any time, on compelling legitimate grounds relating to his or her particular situation, to the processing of personal data relating to him or her, except in the cases covered by Article 5(b), (c) and (d). Where there is a justified objection, the processing in question may no longer involve those data*".

According to the EDPS, since the publication of the ADoIs is based on Article 5(a) of the Regulation, the data subject might use their right, **on compelling and legitimate grounds**, to request that their ADoI are not made publicly available on the ECDC website. The EDPS recommends that the reference to the data subject right to object be included in the "Data Protection Notice" (see point 3.8 on information). If such a case occurs, the ECDC will need to take the necessary measures in order to weigh the compelling and legitimate interests that the data subject might invoke against the interests of transparency of the DoI.

3.8. Information to the data subject

Article 11 of the Regulation provides for a list of mandatory items of which data subjects should be informed of at the time of collecting the data, except where the data subjects already have the information. Article 12 of the Regulation prescribes the information to be supplied to the persons concerned, where the data was not obtained from the data subject.

In the current case, the persons concerned declare all the interests listed in the respective ECDC's forms themselves. Article 11 should thus be respected. The internal procedure which is foreseen in cases of breaches and omissions by experts is carried out not only on the basis of information obtained from the data subjects but possibly also on information obtained from other sources. Article 12 therefore also applies to the processing operation.

The EDPS noted that information is provided on ECDC's relevant Internet webpage but also annexed to the DoI forms and to the Policy. The EDPS also noted that when a recruitment procedure is carried out, the vacancy notice specifies that the selected candidate will be requested to fill an ADoI and that the ADoI will be published on the web page.

The EDPS carefully analysed the Data Protection Notice provided by the ECDC. The legal basis of the processing operations at hand should be mentioned: both Article 19 of the ECDC founding Regulation and the Policy itself. The right to have recourse to the EDPS is also one item that should be mentioned.

As the data processing involves web-publication, for fairness towards the data subjects, the EDPS insists on better emphasizing in the Data Protection Notice, the fact that the ADoIs will be published on the website for transparency requirements. In relation to the publication of the ADoI, the right to object of the data subject should also be mentioned.

In relation to the fact that SDoIs may be accessible under public access request, the EDPS developed a specific proactive approach in his Paper on "*Public access to documents containing personal data after the Bavarian Lager ruling*"⁴. The EDPS encourages institutions and bodies to assess the possible public nature of personal data at the moment of their collection. Data subjects must then be properly informed about the possible disclosure and their right to object should be ensured. This pro-active information of the data subject should contain information about his right to object to guarantee fair processing in respect of the data subject.

3.9. Security measures

According to Articles 22 of Regulation (EC) No 45/2001, the controller must implement the appropriate technical and organisational 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 unauthorised disclosure or access, accidental or unlawful destruction or accidental loss, or alteration and prevent all other forms of unlawful processing.

ECDC provided to the EDPS information regarding the security measures put in place in order to ensure the confidentiality, integrity, accountability and availability of the data included in the system.

The ECDC also provided the EDPS with a general Information Security Policy.

The integrity of the data at hand might be particularly at stake here. The ECDC should make sure that ADoIs available on the website can not be modified by third parties, and if this happens, the ECDC should be able to go back to the original information (a back up database) and correct any alteration of the document.

Bearing in mind that ECDC maintains part of the data in paper format, ECDC should ensure that proper measures are in place regarding access rights, control of access, and management of supports. Particularly, ECDC should ensure the correct and safe storage of the documents, an appropriate filing criteria and consultation policy as well as keeping them safe to prevent access by any unauthorised persons.

⁴ See EDPS paper "*Public access to documents containing personal data after the Bavarian Lager ruling*" of the 24th March 2011, http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/EDPS/Publications/Papers/BackgoundP/11-03-24_Bavarian_Lager_EN.pdf.

Conclusion:

There is no reason to believe that there is a breach of the provisions of Regulation 45/2001 providing that the above expounded considerations are fully taken into account. In particular, the ECDC should:

- justify the necessity to extend the procedure on DoIs to all ECDC staff members;
- complete and adopt the ECDC draft Policy on Declaration of interest and handling of potential conflict of interest on DoI's publication and possible public nature of data collected through SDoI;
- whenever in the beginning of a meeting, SDoIs are recorded in the minutes, given consideration to ensure that the registered information is adequate, relevant and not excessive for the purposes;
- add the legal basis of the processing operations at hand in the data protection notice as well as the right to have recourse to the EDPS;
- in relation to the publication of the ADoI and the possible disclosure of SDoIs, ensure the right to object of the data subject;
- inform the data subjects about the possible disclosure of SDoIs; and
- ensure the security of the processing operations as described in this Opinion.

Done in Brussels, 19 July 2012

(signed)

Giovanni BUTTARELLI
Assistant European Data Protection Supervisor