



GIOVANNI BUTTARELLI  
ASSISTANT SUPERVISOR

Mr Alberto SOUTO DE MIRANDA  
Data Protection Officer  
European Investment Bank (EIB)  
98-100 Boulevard Konrad Adenauer  
L-2950 Luxembourg

Brussels, 9 September 2013  
GB/BR/sn D(2013)1995 C 2013-0651  
Please address all correspondence to  
[edps@edps.europa.eu](mailto:edps@edps.europa.eu)

Dear Mr Souto de Miranda,

Thank you for consulting us under Article 27(3) of Regulation (EC) No 45/2001 ('the Regulation') concerning the need to submit the EIB Secretary General's special files ('the Secretary General's special files') for prior checking.

We would also refer to the informal meeting which took place on 17 July 2013 at the EIB's offices between the Head of the Governance and Policy Coordination Division, two representatives of the EDPS and yourself, at which this matter was discussed.

On the basis of the information supplied, we have concluded that the processing of the aforementioned personal data is **not as such subject to prior checking** by the European Data Protection Supervisor ('EDPS') as provided for in Article 27 of the Regulation, as explained below.

According to the information gathered during the course of the meeting, the Secretary General's special files contain data relating to situations in which the Secretary General is personally involved, either because of the complexity or the particular nature of the case. For example, the Secretary General may intervene to decide to assign certain sensitive files to a particular department of the EIB. However, in the majority of the cases mentioned, these matters have been referred directly to the Secretary General by an EIB employee who is experiencing personal difficulties (financial or otherwise) or who is in dispute with the EIB and/or a colleague (whether or not their line manager), in particular where the usual procedures (bullying, appraisals) have been exhausted or where the person concerned considers that they are unsatisfactory. These are *ad hoc* files covering highly diverse situations in which the Secretary General is called upon to act as an arbitrator or an internal

---

Postal address: rue Wiertz 60 - B-1047 Brussels

Offices: rue Montoyer 30

Email: [edps@edps.europa.eu](mailto:edps@edps.europa.eu) - Website: [www.edps.europa.eu](http://www.edps.europa.eu)

Tel.: 02-283 19 00 - Fax: 02-283 19 50

appeal body. The content of these files and the periods for which they are retained reflect this diversity.

The common factor in these files is the intervention by the Secretary General and his department. In these cases, the Secretary General plays a management role, in his capacity as the representative of the institution. In reality, it is possible that the majority of the files compiled during previous data processing operations conducted for various purposes (disciplinary procedures, investigation of suspected fraud, handling of disputes, bullying etc.) might be referred to the Secretary General at one time or another.

Consequently, there is no need for the Secretary General's special files to be notified to the EDPS. On the other hand, it will be up to you to check that the various data processing operations (disciplinary procedures, investigation of suspected fraud, handling of disputes, bullying etc.) have been notified separately under Article 25 of the Regulation, mentioning the possibility that the data might be transferred to the Secretary General and, where appropriate, to check that they have been notified to the EDPS under Article 27 of the Regulation.

Please do not hesitate to contact us if you should require any further information.

Yours sincerely,

Giovanni BUTTARELLI  
(signed)