

GIOVANNI BUTTARELLI
ASSISTANT SUPERVISOR

[REDACTED]
Head of Corporate Services Department
European Police College
Bramshill, Hook
Hampshire RG27JW
United Kingdom

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GB [REDACTED]/D(2014)1584
C 2013-1394 & 1395
Please use edps@edps.europa.eu for all
correspondence

Subject: Prior checking notifications concerning public procurement and grant procedures

Dear [REDACTED],

I refer to the notifications for prior checking concerning public procurement and grant procedures submitted to the European Data Protection Supervisor (EDPS) by the Data Protection Officer (DPO) of the European Police College (CEPOL) on 13 December 2013.

We note that both procedures are in most aspect in compliance with Regulation (EC) No 45/2001¹ (the Regulation) as outlined in the respective EDPS Guidelines² and we will only address the existing information to data subject policy that does not seem to be fully compliant in this respect.

According to the information provided in the notification, information to data subjects is provided in the form of privacy statements available at the CEPOL website. We observe that most information listed in Articles 11 and 12 is provided therein and only information about the applicable legal basis seems to be missing. Therefore, we recommend that the references

¹ Regulation (EC) No 45/2001 of the European Parliament and the Council of 18 December 2000 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.

² EDPS Guidelines on the processing of personal data in the context of public procurement, grants as well as selection and use of external experts of 25 June 20013 (EDPS 2012-0501).

to the respective provisions of the Financial Regulation³ and Rules of Application⁴ are added to the existing privacy statements.

In conclusion, the EDPS considers that there is no reason to believe that there is a breach of the Regulation on condition that the consideration contained in this Opinion is fully taken into account. In particular, the information about the legal basis should be added to the existing privacy statements.

The EDPS expects the CEPOL to implement the recommendation accordingly and will close the case.

Yours sincerely,

(signed)

Giovanni BUTTARELLI

Cc:  DPO

³ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002

⁴ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union.