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**Subject: Prior-checking Opinion regarding visitors' database at the European
Global Navigation Satellite Systems Agency (Case 2017-1055)**

Dear,

On 15 November 2016, the European Data Protection Supervisor (EDPS) received a notification for prior checking under Article 27 of Regulation (EC) No 45/2001¹ (the Regulation) on the visitors' database at the European Global Navigation Satellite Systems Agency (GSA).

As the visitors' database is already operational, the deadline of Article 27(4) of the Regulation does not apply. The EDPS dealt with this case on a best-effort basis. Having analysed the notification and its supporting documentation, the EDPS considers that the visitors' database is not subject to prior checking.

1. Need for prior checking

Article 27 of the Regulation subjects a number of processing operations "likely to present specific risks" to prior checking by the EDPS. Paragraph 2 of that article lists kinds of processing operations likely to do so. GSA notified the visitors' database under the following grounds for prior checking:

- (a) processing of data relating to health and to suspected offences, offences, criminal convictions or security measures

The EDPS does not interpret the term "security measures" in Article 27(2)(a) of the Regulation as measures relating to physical protection and security of buildings and staff. Instead, the

¹ OJ L 8, 12.1.2001, p. 1.

EDPS considers that this term refers to measures taken against individuals in the context of a criminal (or administrative) procedure (in French “*mesures de sûreté*”, for example forced admission to a psychiatric hospital, asset freezes etc.).²

None of the other criteria triggering a need for prior checking under Article 27 appears to apply either. Therefore, the visitors’ database at GSA is **not subject to prior checking**.

That being said, the EDPS still has a recommendation to make in order to ensure that the visitors’ database will comply with the Regulation. The analysis below does not cover all aspects of the Regulation, but only those which require improvements or otherwise give rise to comments

2. Facts and analysis

All visitors to the GSA without a GSA badge are registered in an electronic database at the reception desk and given a visitors’ access badge. The data collected are: name, ID number, nationality, as well as details concerning their visit, i.e. date, duration of the stay, name of the receiving staff member and number of the provided access badge. According to the notification, records of the database are kept for a period of two calendar years from the end of the year when the record was made, plus six months. The reasons for keeping the records for this period are threefold: (i) the GSA headquarters hold a storage for EU classified information; (ii) any possible security incident regarding EU classified information might require a lengthy investigation; and (iii) keeping records of strangers’ presence in the building is essential for such investigations.

2.1 Data retention

Article 4(1)(e) of the Regulation provides that data shall not “*be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the data were collected or for which they are further processed*”.

Keeping the records of every visitor to the GSA for two and a half years seems excessive for the purpose of the processing operation. The EDPS would like to recall that personal data should not be kept for longer than is necessary for the processing’s purpose, i.e. “ensuring the security of people entering the GSA headquarters building, the security of the building, and the security and safety of the property and information located or stored at the GSA headquarters building”. The EDPS notes that EU classified information appears unlikely to be stored in areas easily accessible to visitors, such as meeting rooms. Access to an inner perimeter may be restricted further, as necessary.

The EDPS **recommends** that the GSA reevaluate the conservation period in light of the necessity for the purpose of the visitors’ database and document its reasoning.

3. Conclusion

² See Cases 2013-0767; 2013-0763; 2013-0764; 2009-0382, 2008-721, 2008-195, 2004-235, 2007-375 and 2007-369.

Although the visitors' database is not subject to prior checking under Article 27 of the Regulation, there are some aspects that raise issues of compliance with the Regulation, as analysed above. Provided that the recommendation is implemented, the EDPS sees no reason to believe that there is a breach of the Regulation.

In light of the accountability principle, the EDPS expects GSA to implement the above recommendations accordingly and has therefore decided to **close the case**.

Yours sincerely,

Wojciech Rafał WIEWIÓROWSKI