

EDPS record of processing activity

Record of EDPS activities processing personal data, based on Article 31 of Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

Nr.	Item	Description
	Performance of data protection audits (Art. 58(1)(b) new Regulation and Articles 43 / 44 of the Europol Regulation¹) as well as audits of large scale IT systems	
1.	Last update of this record	10/12/2018
2.	Reference number	31
3.	Name and contact details of controller	European Data Protection Supervisor (EDPS) Postal address: Rue Wiertz 60, B-1047 Brussels Office address: Rue Montoyer 30, B-1000 Brussels Telephone: +32 2 283 19 00 Email: edps@edps.europa.eu Responsible department: Supervision & Enforcement Unit (no specific email) https://edps.europa.eu/node/759
4.	Name and contact details of DPO	edps-dpo@edps.europa.eu

¹ Regulation (EU) 2016/794 of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA



Nr.	Item	Description
5.	Name and contact details of joint controller (where applicable)	NA
6.	Name and contact details of processor (where applicable)	NA
7.	Very short description and purpose of the processing	<p>Personal data will only be used for documenting the EDPS findings made during the inspection and draw appropriate conclusions in relation to the activities of the inspected institution in processing personal data.</p> <p>It is the general duty of the EDPS to monitor, ensure and enforce the application of the Regulation with regard to the Union institutions and bodies (see Arts. 52(3), 57(1)(a), 58(1)(b) New Regulation; Art. 43 of Europol Regulation). Audits are launched to collect relevant information for the purpose of verifying compliance with the Regulation in selected Union institutions and bodies and with Europol Regulation and any other Union Act relating to the protection of natural persons with regard to the processing of personal data by Europol (Art. 43(2)(c) of the Europol Regulation). The EDPS may perform audits on its own initiative, on the basis of complaints or information received from another supervisory authority or other public authority (for the latter, see Art. 57(1)(f) of the new Regulation) as a means to achieve different objectives: fact-finding, checking follow-up of recommendations issued and general compliance monitoring.</p>
8.	Description of categories of persons whose data the EDPS processes and list of data categories	<p><i>Categories of persons whose data the EDPS processes</i></p> <ul style="list-style-type: none"> - Staff of Union institutions and bodies contacted or interviewed in the context of the audit (DPO, Directors/Heads etc. of relevant services / departments / units and any other staff members involved in the matter being audited); - Persons outside the Union institutions and bodies contacted or interviewed in the context of the audit, as they are or have been involved in the matter being audited;



Nr.	Item	Description
		<ul style="list-style-type: none"> - Persons whose data is processed (consulted / accessed / collected as part of the evidence) during the audit (staff or third parties); - EDPS staff participating in the audit. <p><i>List of data categories</i></p> <ul style="list-style-type: none"> - Name, function, contact details of any data subjects contacted or interviewed; - Details of IDs / passports (including security clearance details) of EDPS staff participating in the audit; - Any personal data contained in documents and files that are consulted / accessed / collected as part of the evidence during the audit (if relevant / not blackened out); - Sensitive data may exceptionally be accessed (but not further processed or collected - see however below as regards Europol) if the audit purpose so requires. For Europol audits and inspections, data on suspects, convicted persons and potential future criminals, special categories of data listed in Art. 30(1) of the Europol Regulation (i.e. data revealing racial origin, political opinions, religious or philosophical beliefs or trade union membership and processing of genetic data or data concerning a person's health or sex life) and data on special categories of persons (victims, witnesses, informants, persons under the age of 18) can be accessed and collected to support findings. Collected documents containing personal data are itemised by the EDPS inspection team and stored at Europol's premises by the DPO and not taken out of Europol's premises by the EDPS inspection team. <p>In principle, personal data contained in documents and files that are consulted / accessed / collected as part of the evidence during the audit will not be mentioned in the final Report (unless relevant for the purpose of the audit / for the understanding of the findings).</p> <p>Any refusal to respond to the questions of the EDPS will be specifically recorded in the Minutes.</p>



Nr.	Item	Description
9.	Time limit for keeping the data	Personal data will be stored for five years computed as from the closing of the case file, unless legal proceedings require keeping them for a longer period.
10.	Recipients of the data	<p>The Minutes are shared with the persons interviewed (draft sent for comments) and with the top management of the Union institution or body (final minutes) prior to the adoption of the Report.</p> <p>The Report is sent to the top management (President / (Executive) Director (General) of the Union institution or body audited. The DPO is in copy.</p> <p>The EDPS will not transfer any personal data to third parties, save the case when the Court of Justice of the European Union or the European Ombudsman would require such transfer in the framework of their duties, or -for large IT systems- the legal basis for such audits foresees sharing of Reports with third parties.</p> <p>Under Article 44(2) of the Europol Regulation, “<i>The EDPS and the national supervisory authorities shall, each acting within the scope of their respective competences, exchange relevant information and assist each other in carrying out audits and inspections. In carrying out joint inspections together with the EDPS, members and staff of national supervisory authorities shall, taking due account of the principles of subsidiarity and proportionality, have powers equivalent to that laid down in Article 43(6)</i>”. The Minutes and the Report will be shared with experts of the national supervisory authorities who participate in joint inspections of Europol together with the EDPS. The Report is also shared with the Secretariat of the Europol Cooperation Board to allow the Board to perform its activities listed Art. 45 of the Europol Regulation.</p> <p>This is without prejudice to Regulation (EC) 1049/2001 regarding public access to documents.</p>
11.	Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?	NA



Nr.	Item	Description
12.	General description of security measures, where possible.	<ul style="list-style-type: none"> - CMS access to audit files is limited on a need-to-know basis. - During the on-the-spot activities, electronic files are stored on (secured) EDPS laptop and/or USB key(s). Once back at the EDPS headquarter, such electronic information is integrated into the CMS and deleted from any other medium. Electronic documents in relation to Europol inspections are processed on laptop with encrypted storage. They are not integrated into CMS but stored on dedicated secured (including storage encryption) USB keys (in accordance with the EDPS internal rules on handling Europol information). - Any other physical support that is provided during the audit (e.g. video recordings) is stored with the paper files. - Paper files are stored in locked cupboards.
13.	For more information, including how to exercise your rights to access, rectification, object and data portability (where applicable), see the data protection notice:	<p>31 - EDPS data protection notice - data protection audits</p> <p>31a - EDPS data protection notice - data protection audits - participation of DPAs staff in Europol audit</p>

