

REGISTER NUMBER: 895
NOTIFICATION FOR PRIOR CHECKING
<p>Date of submission: 10/09/2012</p> <p>Case number: 2012-0782</p> <p>Institution: European Commission</p> <p>Legal basis: Article 27.2.(a) Processing of data relating to health and to suspected offenses, offenses, criminal convictions or security measures Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject(1)</p> <p style="text-align: right;"><i>(1) OJ L 8, 12.01.2001</i></p>
INFORMATION TO BE GIVEN⁽²⁾
<i>(2) Please attach all necessary backup documents</i>

<p>1/Name of the processing Security Investigations at the JRC Petten</p>
<p>2/Description</p> <p>Investigations related to security related incidents such as accidents, <input type="checkbox"/> security breaches, thefts, vandalism, intrusions and unauthorised accesses <input type="checkbox"/> may be carried out in case of need by the Security Service. <input type="checkbox"/></p> <p>A Security Investigation usually concerns the following processing operations: <input type="checkbox"/></p> <p>1) Constitution of a so called 'paper dossier' where complaints, <input type="checkbox"/> testimonies or declarations of any intervenients are collected along with <input type="checkbox"/> any probatory elements, like photographs etc. are included. <input type="checkbox"/></p> <p>2) Consultation of local databases like visitor registration (DPO-1524) and <input type="checkbox"/> staff photos (DPO-1704), video-surveillance footages (DPO-1521) and when <input type="checkbox"/> necessary any other information deemed useful for the investigation and <input type="checkbox"/> usually requested to services like the Human Resources, Social Service, <input type="checkbox"/> Medical Services, Informatics Unit, etc. <input type="checkbox"/></p> <p>3) Transmission to anyone working for the Commission with the 'need to <input type="checkbox"/> know' and within the framework of their professional activity of the <input type="checkbox"/> results of an investigation. <input type="checkbox"/></p> <p>4) Production of an Investigation Report written with main conclusions of <input type="checkbox"/> investigation that will be stored with the Local Security Officer. <input type="checkbox"/></p> <p>This in line with the agreed task in the Memorandum of Understanding <input type="checkbox"/> between Directorate General Human Resources and Security/Security <input type="checkbox"/> Directorate and the Joint Research Centre. See legal basis at point 8 for <input type="checkbox"/> further details. <input type="checkbox"/></p> <p>Personal Data handled falls under article 27.</p>

3/Processors

4/Automated / Manual operations

Security Investigation concerns the constitution of paper dossiers or reports and the consultation of databases

5/Storage

The collected personal data and all information related to the above mentioned processing is stored on electronic media or on paper copies, and is stored in security containers in Security Service following provisions established by the Security Directorate.

6/Comments

No database is used for managing or tracking status of Security Investigations.

7/Purposes

Document and objectively describe occurrences and facts of security incidents including information regarding involved intervenient.

Collect and report truthful facts regarding accidents or incidents; identify and eliminate security breaches; identify perpetrators of thefts, acts of vandalism, intrusion and unauthorised access with the overall objective to determine and quantify any endured damages as well as identify the authors of such infractions.

Provide technical support to the various administrative services of the Joint Research Centre and the Commission, e.g. Human Resources, Social Services, Medical Service or Informatics Services, etc., in collecting information or any other probatory elements lawfully requested by such services.

8/Legal basis and Lawfulness

1) Commission Decision C(94)2129 of 8 September 1994 (see attachment), where certain tasks and responsibilities have been delegated to the Security Service - Petten.

2) Decision 844 of 29/11/2001 and EURATOM Regulation n° 3 of 31/07/1958 (see attachments)

3) Administrative Information n° 45/2006 of 5/09/2006 (http://www.cc.cec/guide/publications/infoadm/2006/ia06045_en.html http://www.cc.cec/guide/publications/infoadm%20/2006/ia06045_en.html)

4) Memorandum of Understanding between Directorate General Human Resources and Security/Security Directorate and the Joint Research Centre regarding the tasks performed in the field of Security.

Lawfulness falls under Art. 5a , 5b, 5d, 5e.

Exceptions and Restrictions fall under Art. 20.1, 20.3, 20.4, 20.5.

Processing falls under article 27 - Priori checking by the EDPS.

9/Data subjects

All staff in active employment (including officials or other temporary or contractual agents) retired officials, external staff working under contract, visitors or any other person that addresses itself to the Joint Research Centre or its staff, notably by mail, e-mail, telephone, fax, etc., or that are victims, witnesses or authors of an infraction, a felony or damaging event to the institution or its staff as well as any staff member towards whom the Commission has to exercise its duty of solicitude.

10/Data fields / Category

As all details are included in a written detailed Security Investigation Report it is difficult to determine exactly which data may be considered. Usually information concerns:

People - surname, first name, date and place of birth, nationality, gender, full private address, contact telephone, contract type (official, temporary agent, contractual agent, etc.), internal address, internal telephone number, daily or long term permit start and ending dates.

Incident - Date, Time, Location, Detailed Description, Supporting documentation to the Description (Photographs, Video Surveillance footage, etc.).

11/Mandatory Information

Data subjects will be informed by a Privacy Statement (see attachment). Such a Privacy Statement is where possible handled directly to data subjects. It is also available upon request and published on the JRC-Petten intranet.

The person signalling a fact or incident, either personally, by telephone or e-mail is automatically aware of the information being collected and provided. All witnesses or authors of a fact or incident during an investigation are interviewed in the same way being aware of what is being discussed.

In all cases verbal or written declarations, always performed in agreement and in presence of the concerned person or people, are transcribed to a written statement that is immediately signed by the involved Security Service staff and always countersigned for approval by the person or people concerned. Data subjects are provided with a copy of their declaration.

In case people cannot be reached personally for an investigation all efforts are made to find an eventual contact through other Commission services e.g. HR/DS. In order to achieve this, an eventual follow-up with National Judicial Authorities or Law Enforcement agencies may be made until the need for performing the investigation is deemed necessary.

For what concerns the particular case concerning the "Acceptable use of Commission's ICT Services (i.e. PC equipment, e-mail and Internet Access Systems, Telephone, Fax and Mobile Phones, etc.)" all the control measures are described in the Administrative Information 45/2006 (http://www.cc.cec/guide/publications/infoadm/2006/ia06045_en.html)

12/Procedure to grant rights

People concerned with an investigation are always invited to contact
Security Service and in particular the Security Officer handling the
investigations in case of need i.e. access, verify, correct or perform an
integration of their own declarations or statements.

Data subjects may always contact Security Service through the use of the
JRC-IET- SECURITY@ec.europa.eu functional mailbox (see also Privacy
Statement).

13/Retention

Data of Security Investigations resulting in an effective applicable
measure (e.g. interdiction in accessing the site or a particular area)
needs to be kept until that applicable measure has to be enforced or
tracked. Maximum retention period to be considered is of 5 years.

Security Investigations resulting in a dossier that may need to be handled
under penal law are kept for a maximum of 10 years, starting from the
conclusion date of the investigation, time period that usually corresponds
to their legal prescription.

14/Time limit

Justified legitimate requests addressed to Security Service will be
considered with immediate effect.

15/Historical purposes

Not Applicable.

16/Recipients

Access to Security Investigation Reports is restricted to vetted Petten
Security Staff i.e. guards are excluded from such an access.
Only key Security Service staff may access personal data as well as
documental information concerning Security Investigation Reports.
The Security Service in Petten, responsible for local security
investigation, may also transfer data for security reasons to OLAF, IDOC or
the Security Directorate (DG HR/DS) of the Commission in accordance with
the applicable provisions of Regulation (EC) 45/2001 (Art 7).
Data can be handed over to national law enforcement agencies upon written
request and duly authorised by the controller in case of investigations
regarding threats to the security of the JRC sites or the European
Commission and with implications at national level in accordance with the
applicable provisions of Regulation (EC) 45/2001 (Art 8).

17/Transfer out of UE/EEA

Not Applicable.

19/Complementary information

See enclosed Controller mail to EDPS about the replacement of old □
notification DPO-1591 with this new notification DPO-3610□
See also previous mail exchange between the EDPS, DPO, DPC and Controller □
between 08/2011 and 07/2008, including draft opinion for case 2008/0013, in □
attachment.□

PLACE AND DATE:10/09/2012

DATA PROTECTION OFFICER: MANOLESCU Dan

INSTITUTION OR BODY:European Commission

To be filled out in the EDPS' office