

(To be filled out in the EDPS' office)
REGISTER NUMBER: 1168

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 27/09/2013

CASE NUMBER: 2013-1063

INSTITUTION: EBA

LEGAL BASIS: ARTICLE 27-5 OF THE REGULATION CE N° 45/2001⁽¹⁾

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

Adam Farkas
Executive Director
European Banking Authority - EBA
Tower 42 (level 18)
25 Old Broad Street
London EC2N 1HQ
United Kingdom

2/ ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA

Ethics *Officer* and Deputy Ethics *Officer*.
[Appointment dated 31 October 2012 attached - Annex I]

3/ NAME OF THE PROCESSING

Application of Ethics Guidelines:
[Decision of the Executive Director EBA DC 064 on the Ethics Guidelines dated 31 October 2012
Annex I]

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

4/ PURPOSE OR PURPOSES OF THE PROCESSING

To ensure that all persons subject to it comply with their obligations stemming from the *Staff Rules* and *CEOS* as provided for in the *Ethics Guidelines*. Control and process declarations and requests made in accordance with the *Ethics Guidelines*.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Staff (Temporary Agents, Contract Agents, Seconded National Experts) employed at the EBA. Spouse of Staff member in the case of gainful employment and dealings from joint accounts.

Third persons; only in case that *staff* would be authorised to use trading accounts of such persons.

Persons working for the EBA on a contractual basis for a limited time/project, such as IT Consultants.

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA (*including, if applicable, special categories of data (Article 10) and/or origin of data*).

Identification data:

Name of the person

Special categories of data:

Data relating to dealing (acquisition/disposal) in financial instruments;

Data relating to trading accounts and authorisations to deal from trading accounts of third persons;

Data relating to the gainful employment of spouse/partner;

Data relating to gifts, favours and hospitality (kind of gift and source);

Data relating to outside activities whilst in active employment;

Data relating to Professional activities during leave on personal grounds or after leaving the EBA;

Please find the templates used annexed to the attached *Ethics Guidelines -A*

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

All newcomers (*staff* newly recruited or consultants employed for the first time etc.) receive a presentation/ training/ by the *Ethics Officer* on the *Ethics Guidelines*. Please find attached the PowerPoint presentation. In addition *staff* is informed within the welcome package that the EBA *Ethics Guidelines* applies to them.

Staff members are obliged to inform their spouse about the rules on dealing and to inform third parties in case of authorisations for trading accounts.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

(Rights of access, to rectify, to block, to erase, to object)

EBA's Implementing Rules on Data Protection lay down the detailed rules pursuant to which a data subject may exercise his or her rights, the procedure for notifying a processing operation and the procedure for obtaining access to the register of processing operations kept by the Data Protection *Officer*.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Personal Data is manually processed.

While most notifications are handed in on paper, notifications for dealings and prior clearances of dealings are handed in electronically by email.

10/ STORAGE MEDIA OF DATA

Data is stored on paper in a locked filing cupboard to which only Ethics Officer/Deputy Ethics *Officer* have access. However, a spare key is kept by the secretariat. Therefore information on account data and potentially other critical information are kept in sealed envelopes in a locked security box, which is stored in the locked cupboard. Keys are kept by the Ethics Officer/Deputy Ethics *Officer* and Appointing Authority. Lists of information received are kept with the notifications.

Where data is received via e-mail the e-mail is stored on a specific email account of the Ethics Officer/Deputy Ethics Officer or on a drive/file only accessible to them.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

According to Art. 68 of the EBA Regulation (EU) Nr 1093/2010 the Staff Regulation and the Conditions for Employment of Other Servants apply to the EBA staff.

According to Art. 70 of the EBA Regulation (EU) Nr 1093/2010, Article 16 of the Staff regulation applies to the Members of the EBA Board of Supervisors.

Ethics Guidelines - Decision of the Executive Director EBA DC 064 on the Ethics Guidelines dated 31 October 2012 (attached).

Decision of the Management Board EBA DC 004 dated 12 January 2011 on Professional Secrecy (attached).

12/ THE RECIPIENTS OR CATEGORIES OF RECIPIENT TO WHOM THE DATA MIGHT BE DISCLOSED

Ethics *Officer* and Deputy Ethics *Officer*
Via the (Deputy) Ethics *Officer*
HR staff dealing with the corresponding processes
Head of Operations Division

Executive Director (Appointing Authority)
Chairperson (regarding members of Board of Supervisors)
Data subjects themselves, for the data that concerns them individually.

Recipients outside Authority, if requested (European Union institutional bodies):
Internal Audit Service of the Commission and the Court of Auditors (for audit purposes)
OLAF
Court of Justice of the European Union
European Ombudsman

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The data retention period is adapted to the types of data received/processed:

The annual declarations are kept 24 month (after receipt) in order to enable a comparison with the following declaration.

Requests and notifications regarding the acquisition/disposal of financial securities and their (non-) approval are kept as long as the annual declaration following them in order to enable the assessment of potential insider dealings.

Data relating to sources of gifts, favours and hospitality are kept 24 months.

Data relating to the gainful employment of spouse are kept in the personal file and are kept for a period of ten years as of the termination of employment or as the last pension payment.

Data relating to outside activities whilst in active employment are kept for 3 years after termination of the respective activity.

Data relating to Professional activities after leaving the EBA.

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS

According to the EBA Implementing Rules, Article 12: If the ground for the request of blocking data is the inaccuracy of the data, as referred in paragraph (1) letter (a), the Data Controller shall immediately block the data for the period necessary for verifying the accuracy and completeness of the data. A data subject who has requested and obtained the blocking of data shall be informed thereof by the Data Controller. He or she shall also be informed of the fact that data are to be unblocked at least 15 working days before they are unblocked. The Data Controller shall take a decision as soon as possible and at the latest within 15 working days of receiving a request for data to be blocked. If the request is accepted it shall be acted upon within 30 working days and the data subject notified thereof. Should the request for blocking be rejected, the Data Controller shall have 15 working days within which to inform the data subject by means of a letter stating the grounds for the rejection. In automated filing systems, blocking shall be ensured by technical means. The fact that personal data are blocked shall be indicated in the system in such a way as to make it clear that the data may not be used. Personal data blocked pursuant to this Article shall, with the exception of their storage, only be processed for purposes of proof, or with the consent of the data subject or for the purpose of protecting the rights of third parties.

According to the EBA's Implementing Rules, Article 13: The data subject shall have the right to obtain from the Data Controller the erasure of data if the processing thereof is unlawful. If the request is accepted, it shall be acted upon immediately. If the Data Controller deems the request unjustified, he or she shall have 15 working days within which to inform the data subject by means of a letter stating the grounds for the decision.

14/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES

If you store data for longer periods than mentioned above, please specify, if applicable, why the data must be kept under a form which permits identification.

not applicable.

15/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

not applicable

16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING (*Please describe*):

As foreseen in:

Article 27 (2) letter (b)

Processing operations intended to evaluate personal aspects relating to the data subject.

Data is inter alia processed to evaluate whether there is a conflict of interest, which concerns a personal aspect relating to the data subject.

Other (general concept in Article 27.1)

Processing of very sensitive personal data such as securities accounts, employment of spouse, future employment.

17/ COMMENTS

PLACE AND DATE: London, 27/09/2013

DATA PROTECTION OFFICER: JOSEPH MIFSUD

INSTITUTION OR BODY: EBA