

(To be filled out in the EDPS' office)

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 17/11/2014

CASE NUMBER: 2014-1066

INSTITUTION: EUROPEAN INVESTMENT FUND

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

European Investment Fund
37B, Avenue J. F. Kennedy
L - 2960 Luxembourg

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

Compliance and Operational Risk Division (EIF COR).

3/ NAME OF THE PROCESSING

Approval of Staff External Activities

4/ PURPOSE OR PURPOSES OF THE PROCESSING

Approval and monitoring of external activities of EIF Staff. Under the provisions of the EIF Staff Code of Conduct, external activities need approval by the respective hierarchical superior. Whether or not an external activity so qualifies is part of the compliance assessment. Consequently, any approval occurs following consultation of EIF COR on compliance-related aspects. In addition to a position as to whether an activity effectively constitutes an external activity in the meaning of the EIF Staff Code of Conduct, compliance-related aspects include, in particular, any conflict of interest situation, which may be triggered by the intended external activity. However, aspects of conflicting loyalties enter also in the assessment insofar as EIF COR considers whether an external activity risks to create conflicting professional loyalties, which may be triggered by a shift in workload from

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

regular EIF-related activities towards the external activities, independent of their nature. It is, in particular, this reason why details on a specific professional position of the data subject (e.g. subject to specific legal liabilities) and on any remuneration needs to be given by the data subject.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

All EIF Staff (NB: the Chief Executive and the Deputy Chief Executive are not members of Staff, but mandated organs of the EIF).

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

Information on (quasi-) professional activities pursued by EIF Staff outside working hours. The data includes, in particular, detailed information on the type of activity performed, any position taken and remuneration, if any.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Data subjects concerned receive a position by EIF COR on the result of the compliance assessment in relation to their intended external activity, in which they are, individually, made aware that the data relating to their external activity is collected and registered with EIF COR and on their rights under the Regulation (EC) 45/2001. Furthermore, EIF COR ensures at least once a year a comprehensive awareness session on Code of Conduct related aspects and regularly indicates the rules governing external activities.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS (Rights of access, to rectify, to block, to erase, to object)

As set out above, the data subjects are, individually, made aware of their rights to access, rectify, block or erase or to object to the collection and storage of their personal data. Rights conferred by Reg 45/2001 can furthermore be exercised by sending requests to EIF COR. Requests will be processed in accordance with the principles and rules laid down in Reg. 45/2001. The register relating to external activities is maintained and updated by EIF COR and only accessible by (i) Staff members of EIF COR, (ii) to the extent only of his/her own data contained, the respective EIF Staff member.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The data processing operation is performed manually on the basis of e-mail exchanges and a register kept in excel form by EIF COR. Data is not kept in hard copy.

10/ STORAGE MEDIA OF DATA

Electronic drive accessible to EIF COR only.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

EIF Statutes

Staff Rules and Staff Regulations

EIF Staff Code of Conduct

The EIF Statutes were originally decided upon by the EIB Board of Governors on the basis of Article 30 (old - now Article 28) of the EIB Statute in its version effective 1994. The EIB Statute is an annex to the EU Treaty (now Treaty on the Functioning of the European Union)

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

Data collected in the context of EIF Staff external activities is not disclosed to third parties. The hierarchical superior receives from EIF COR only a not of nihil obstat or a communication that EIF COR has identified a compliance risk, without further details. This notwithstanding any investigations by the EIB Inspectorate General in line with the EIF Anti-Fraud Policy separately notified.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Personal data will be retained for a period not exceeding three years following the termination of the external activity. This corresponds to the retention period generally applied for personal data relating to HR matters.

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS
(Please, specify the time limits for every category, if applicable)

Data subjects may request blocking and erasure of data anytime. Data controller will execute within 30 working days following receipt of the request.

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.(a)

(Processing of data relating to health and to suspected offences, offences, criminal convictions or security

measures,)

☐ Article 27.2.(b)

(Processing operations intended to evaluate personal aspects relating to the data subject,)

☐ Article 27.2.(c)

(Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,)

☐ Article 27.2.(d)

(Processing operations for the purpose of excluding individuals from a right, benefit or contract)

☐ Other (general concept in Article 27.1)

17/ COMMENTS

Not applicable

PLACE AND DATE: LUXEMBOURG, 17 NOVEMBER 2014

DATA PROTECTION OFFICER: J. NEUSS

INSTITUTION OR BODY: EUROPEAN INVESTMENT FUND