

**From:** European Data Protection Supervisor  
**To:** <Fabrice.Leggeri@frontex.europa.eu>  
**CC:** [REDACTED]  
**Sent at:** 02/02/17 10:15:38  
**Subject:** Our ref. 2015-0346 D-0216

Dear Sir,

Please find attached a scanned version of a letter sent to you by regular mail today.

Best regards,



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WOJCIECH RAFAŁ WIEWIÓROWSKI  
ASSISTANT SUPERVISOR

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Brussels, 02 February 2017  
WW/OL/sn/D(2017)0216 C 2015-0346  
Your reference: CGO/FCS/JOMA/25290/2016  
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**Subject: Follow-up to PeDRA prior checking notification**

Dear Mr Leggeri,

Thank you for your message of 15 December 2016, in which you provided further information on the last open recommendation in the follow-up to the PeDRA prior check opinion of 3 July 2015<sup>1</sup> read together with our follow-up opinion of 24 November 2016<sup>2</sup>.

You explain that instead of your Agency keeping an archive of PeDRA transactions for three years, as initially proposed, Member State authorities sending data *to* PeDRA will in the future keep an archive of the information sent to Frontex at their end, under their national rules. You also note that Europol, as the main recipient of messages *from* PeDRA already keeps all received messages for an extended period. Should Frontex need to retrace how it dealt with personal data after the conservation period established by Article 47(3) of Regulation (EU) 2016/1624<sup>3</sup>, it will request the relevant information stored by Europol and the source Member State authority. In order to facilitate this, Frontex has introduced a functionality for the reporting system, so that Member State authorities can extract the information they have sent to PeDRA and store it locally. Future operational plans for new Joint Operations will require Member State authorities to use this functionality.

This approach indeed complies with Article 47(3) of Regulation (EU) 2016/1624 in that Frontex will no longer keep personal data in PeDRA for longer than the 90 days conservation period established there. For those cases in which Frontex may need to reconstruct its processing afterwards, it needs to have a legal ground for such further processing, such as preparing its

<sup>1</sup> our reference D(2015)1121 C 2015-0346

<sup>2</sup> our reference D(2016)2535 C 2015-0346

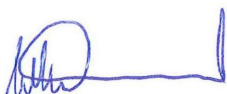
<sup>3</sup> OJ L 251/1, 16/09/2016, replacing Article 11c(4) of Regulation (EC) 2007/2004 as last amended before its repeal.

defence in a court case. **Recommendation 8 on conservation periods is thus closed.** We note, however, that this only moves the “archive” elsewhere, to the Member States. Frontex should do its best, within the scope of its mandate, that these “archives” are kept in an appropriately secure way, taking into account the risks.

As this was the last remaining recommendations from the EDPS opinion of 3 July 2015, we have decided to **close case 2015-0346.**

Thank you and your staff for your cooperation in this file.

Yours sincerely,



Wojciech Rafał WIEWIÓROWSKI

Cc:

[Redacted recipient information]