

Preliminary meeting on MEPs' biometric data processing

Minutes

EDPS - Brussels, 26/06/2018 (11:00-12:00)

Attendance list

Directorate-General for Finance (DGFINS)

- [REDACTED]
- [REDACTED]
- Lorenzo Mannelli (Director at DGFINS),
- [REDACTED],
- [REDACTED]
- DGFINS ICT expert
- DGFINS Administrator

EDPS

- Delphine Harou (S&E Head of Unit)
- [REDACTED] (Legal Officer)
- [REDACTED] (Legal Officer)

Purpose

The [REDACTED] requested a meeting to exchange some points of view on the data protection issues regarding the Members of Parliament (MEPs) biometric data processing for the registration of their presence at the EP's premises and attribution of the respective allowance.

Main discussed points

- MEPs' registration process currently consists of manually signing an attendance list in a room with a human control (contractual agents) at the European Parliament (EP). The presences are afterwards processed and the allowances are paid to the MEPs within a week.
- According to the DGFINS, cases of fraud have been reported and this system is costly, time consuming, not effective (fraud and errors), complex and represents a reputational risk to the EP.
- Additionally, DGFINS reported cases of journalists and other people photographing the MEPs' attendance list, the abduction of pages and the harassment of MEPs at the signature room.
- As a solution, DGFINS wants to test a pilot study using a biometric (fingerprint) reader for the registration of the MEPs – based on their consent –, which would enable their allowance payments to be processed in one day, simplify the attendance check procedure and save costs related to the permanent presence of contractual agents in the signature room.
- After the piloting phase, the biometric system would be implemented to all MEPs with an opting-out possibility. In that scenario, the manual signature system would be available for the ones not wishing their fingerprints data to be processed, but the MEPs allowance would be paid later.
- The EDPS position on biometric data processing was shared with DGFINS. Biometric data processing for checking the MEPs presence at the EP and simplifying their allowances payment is disproportionate and does not comply with the necessity assessment required for processing of this special category of data.
- Additionally, fraud cases would not be completely prevented (since MEPs can leave the EP premises immediately after scanning their fingerprints) and, as regards lawfulness, consent is neither valid (since it would not be free), nor sufficient for this sensitive data processing.

- The EDPS point of view regarding the general prohibition of biometric data - with limited exceptions regarding security purposes - was clearly demonstrated and supported by technical and legal arguments, namely the provision of biometric data for the purpose of uniquely identifying a natural person being expressly considered as a special category of data under the future Regulation 45.

Conclusion and Next steps

- Despite not being very willing to discard this biometric data processing.- and even considering to challenge in court an EDPS formal future decision not allowing this data processing- , DGFINS will internally assess alternative and less intrusive systems for the MEPs' presence registration at the EP.
- A new meeting between DGFINS and the EDPS will be schedule to reassess the data protection issues of those alternative systems.