

From: European Data Protection Supervisor
To: [REDACTED]
Sent at: 15/04/20 17:39:13
Subject: RE: Our ref.: 2020-0380 - D 0972

Dear [REDACTED],

Thank you for your email of 31 March 2020. We take note that you consulted the DPO of the General Secretariat of the Council (GSC).

In the meantime, we have analysed your complaint.

On the basis of the information that you provided, the **most relevant facts** can be summarised as follows:

- Your birth name is [REDACTED]. Your married name, which is also the only name indicated on your passport, is [REDACTED].
- The username necessary to access the GSC computer network is generated as follows for all GSC officials: it is made up from the first five letters of the birth last name and the first two letters of the first name. This username also serves to identify officials in the WORKFLOW application (the latter is accessible to all colleagues and indicates the distribution of tasks among colleagues). Your username according to the above-mentioned rule is [REDACTED].
- The reason put forward by the GSC to support this rule is twofold: it is easy to remember and it does not change, whatever the marital status of the staff member. Security reasons linked to identity management are mentioned as the rationale behind the invariability of the username.
- Nevertheless, when accessing applications available to GSC officials but managed by the Commission (Sysper, JSIS,...), the applicable username is made up from your married name. The same applies to the colour printer located in your workplace. Your professional email address is also made up from your married name [REDACTED]).

Article 18 of Regulation 2018/1725 provides that the data subject has the right to obtain from the controller the **rectification of inaccurate personal data** relating to him or her. This right applies to factual objective data as opposed to subjective data (such as the annual appraisal report).

In the present case, the rule applied by the GSC to generate usernames is based on objective criteria and is the same for all GSC officials (i.e. the first five letters of the birth last name + the first two letters of the first name). In this sense, the username 'KRATTLE' is (i) objective and (ii) accurate data relating to you in respect of the criteria applied by the GSC. The issues raised in your complaint originate from the criteria applied by the GSC to generate usernames, not from the inaccuracy of the data at stake. Therefore, the **username [REDACTED] cannot be considered as 'inaccurate' data** that would grant a right to rectification under Article 18 of Regulation 2018/1725.

We understand that the GSC practices raise issues resulting notably from the fact that the username 'krattle' does not match your official name and that other usernames are in use in parallel. However, the merits of the GSC practices is an **administrative issue** that does not fall within the scope of our competence. In this

respect, you could envisage submitting a **formal request to your appointing authority** (AIPN) to challenge the soundness of the rule in accordance with the Staff Regulations.

You could also file a complaint with the **European Ombudsman** (EO). Please note, however, that *'In case of staff complaints, no complaint may be made to the Ombudsman that concerns work relationships between the EU institutions, bodies, offices and agencies and their officials and other servants unless all possibilities for submission of internal administrative requests and complaints, in particular the procedures referred to in Article 90 (1) and (2) of the Staff Regulations, have been exhausted by the person concerned'* (quoted from the EO website: <https://www.ombudsman.europa.eu/en/checklist-for-making-a-complaint>).

In view of the above and in light of the information in our possession, we are of the opinion that there is no breach of Regulation 2018/1725 in the present case and we have therefore decided to close the **case**.

Kind regards,

EDPS Secretariat



| Tel. (+32) 228 31900 | Fax +32(0)22831950 |
Email edps@edps.europa.eu

European Data Protection Supervisor

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According to Articles 15 and 16 of Regulation (EU) 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, please be informed that your personal data will be processed by the EDPS, where proportionate and necessary, for the purpose of investigating your complaint. The legal basis for this processing operation is Article 57(1)(e) of Regulation (EU) 2018/1725. The data processed will have been submitted by you, or from other sources during the inquiry of your complaint, and this may include sensitive data. Your data will only be transferred to other EU institutions and bodies or to third parties when it is necessary to ensure the appropriate investigation or follow up of your complaint. Your data will be stored by the EDPS in electronic and paper files for up to ten years (five years for prima facie inadmissible complaints) after the case closure, unless legal proceedings require us to keep them for a longer period. You have the right to access your personal data held by the EDPS and to obtain the rectification thereof, if necessary. Any such request should be addressed to the EDPS at edps@edps.europa.eu. Your data might be transferred to other EU institutions and bodies or to any third parties only where necessary to ensure the appropriate handling of your request. You may also contact the data protection officer of the EDPS (EDPS-DPO@edps.europa.eu), if you have any remarks or complaints regarding the way we process your personal data. You can find the full version of our data

protection notice on complaint handling at: https://edps.europa.eu/data-protection/our-role-supervisor/complaints-handling-data-protection-notice_en.

From: Lelde Bergere <lelde.bergere@gmail.com>
Sent: 31 March 2020 16:13
To: European Data Protection Supervisor <EDPS@edps.europa.eu>
Subject: Re: Our ref.: 2020-0380 - D 0847

Dear European Data Protection Supervisor,

I have, indeed, been in touch with Ms Reyes OTERO ZAPATA. I cannot remember the specific timeline, yet she called me on the phone at some point during all this process, it could have been end of 2019. In her opinion, the data protection regulations have not been violated in this case. So I do not think that it would be useful for me to contact her again regarding this matter...

Kind regards,

Lelde Bergere

On Tue, 31 Mar 2020 at 16:01, European Data Protection Supervisor <EDPS@edps.europa.eu> wrote:

Dear Ms Bergere,

The EDPS acknowledges receipt of your complaint submitted through the online complaint form on 31 March 2020.

The file has been given the case number **2020-0380**. Please refer to this number and use edps@edps.europa.eu when corresponding with the EDPS. Please be informed that, as indicated on our website, complainants are recommended to lodge a complaint with the EDPS only after having first contacted the data controller and/or its Data Protection Officer (DPO) to rectify the matter. Unless we are mistaken, you have not contacted the DPO of your institution so far. We would therefore invite you to consult the DPO of the Council, Ms Reyes OTERO ZAPATA (functional email address: data.protection@consilium.europa.eu), who will be in a better position to assist you in the context of your complaint at this stage.

For your information, Article 43(1) of Regulation (EU) No 2018/1725 requires that every EU institution and body should designate a data protection officer. That person shall: ... "ensure in an independent manner the internal application of this Regulation." (Article 45(1)(b)). However, complaints can also be lodged directly with the EDPS if this is deemed necessary, for instance, in case of conflict of interests.

If you address your request to the DPO, you can inform her that you have been advised by the EDPS to do so.

In the absence of any reply from the DPO within a reasonable period of time, or should you believe that the answer received does not address the issue at stake, please inform us.

Yours sincerely,

EDPS Secretariat



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