

Subject: FW: DPO question - paper files

DOCUMENT # 7 - supporting documentation

From: [REDACTED]

Sent: 16 January 2019 14:28

To: [REDACTED]

Cc: [REDACTED]

[REDACTED] dataprotectionoffice

<dataprotectionoffice@frontex.europa.eu>

Subject: RE: DPO question - paper files

Dear [REDACTED],

To date, Frontex has retained all Finance-related documentation for an indefinite period, mostly to ensure that the information is accessible in an audit or litigation situation and to support the budgetary discharge.

Under the current Financial Regulation, we are obliged to retain finance-related supporting documentation for a minimum of 5 years. In addition, the discharge process takes up to 2 years, so finance-related documentation should be retained for a minimum of 7 years and at the time the file plan was created, it was agreed that the retention period for financial related documents would be 10 years (see Sections 6301 - 6313 [here](#)), to ensure that no important financial information was prematurely destroyed.

Under the financial regulation (2018/1046), personal data should be deleted unless it is necessary for budgetary discharge, so if the documentation to which you refer is necessary for budgetary discharge, then any personal data, should it exist in the documents, can be retained. In addition, under the data protection regulation (2018/1725), personal data should be erased unless it is required to meet some legal obligations - but again, in this case, there is a legal obligation (budgetary discharge is a legal obligation).

Please see relevant extracts from the financial and data protection regulations below.

Financial Regulation

REGULATION (EU, Euratom) 2018/1046, Article 75

Keeping of supporting documents by authorising officers

The authorising officer shall set up paper-based or electronic systems for the keeping of original supporting documents relating to budget implementation. Such documents shall be kept for at least five years from the date on which the European Parliament gives discharge for the financial year to which the documents relate.

Without prejudice to the first paragraph, documents relating to operations shall in any case be kept until the end of the year following that in which those operations are definitively closed. EN 30.7.2018 Official Journal of the European Union L 193/65 Personal data contained in supporting documents shall, where possible, be deleted when those data are not necessary for budgetary discharge, control and audit purposes. Article 37(2) of Regulation (EC) No 45/2001 shall apply to the conservation of traffic data.

Data Protection Regulation

Regulation 2018/1725, Article 38

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A data subject should have the right to have his or her personal data erased and no longer processed where the personal data are no longer necessary in relation to the purposes for which they are collected or otherwise processed,....

However, the further retention of the personal data should be lawful where it is necessary, for exercising the right of freedom of expression and information, for compliance with a legal obligation, for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller, on the grounds of public interest in the area of public health, for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, or for the establishment, exercise or defence of legal claims.

I hope this helps, thanks to Paco for his input regarding the financial regulation. Let me know if you need any further information.

Kind regards,

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: Tuesday, January 15, 2019 4:25 PM
To: [REDACTED]
Cc: ECRET.finance <ECRET.finance@frontex.europa.eu>
Subject: DPO question - paper files

Dear [REDACTED]

ECRET received question from DPO regarding destroying of paper files (especially - financial documents). Taking into account Frontex practice, I already replied that paper version of the financial documents are archived but never destroyed. However DPO would like to confirm it and that is why I would like to kindly ask you to provide me any information regarding the two below topics:

1. What is the Frontex policy for destroying paper files, including destroying of financial documents ?
2. What about financial documents which were sent by our unit to archive - are they destroyed after some time or are they kept in archive?

In the attachment you can find *EDPS recommendation n. 7 - Financial checks to be retained as shortly as possible and on a need to know basis* - document prepared by ECRET on the request of DPO.

Best regards,

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]