

REGISTER NUMBER: 31

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 26 MAY 2005

CASE NUMBER: 2004/268

NOTIFICATION OF: EUROPEAN OMBUDSMAN

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

**The European Ombudsman
1, Avenue Du Président Robert Schuman
F - 670001 Strasbourg**

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

Administrative department of the European Ombudsman

3/ NAME OF THE PROCESSING

PERSONAL FILES OF RECRUITED STAFF

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

4/ PURPOSE OR PURPOSES OF THE PROCESSING

Hold accurate information about the staff and comply with the provisions of the staff regulations and rules applicable to officials and other servants of the European communities.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

The staff + trainees of the European Ombudsman's Secretariat including former staff and trainees.

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

Information relating to the personal situation, the nationality, the education and working experience. Working contracts, individual decisions relating to the data subject's career within the institution (recruitment, promotion), staff report (appraisal of the data subject's work), decisions regarding the data subject's rights and obligations as well as the data subject's observations regarding all these documents.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

The data subject is informed of the rights he has in relation to his personal files through the provisions of the staff regulations and rules applicable to other servants of the European communities.

Data subject who are trainees of the European Ombudsman, and who therefore do not fall under the provisions of the aforementioned staff regulations are informed in the Ombudsman's decision concerning traineeship that the data provided by them in their application form will be kept for administrative purposes.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

The consultation of the personal files is granted in the premises of the European Ombudsman's Office.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Manual processing

10/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Article 26 of the staff regulations.

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

The European Parliament : until 1 January 2006, the European Parliament will be in charge of managing the European Ombudsman's personal files. At present the Ombudsman only has a copy of the original file which is kept by the European Parliament.

The data might be transferred to the Court of Justice of the European Communities if a staff case is brought before it.

The data might be inspected by the Court of Auditors.

12/ GENERAL INDICATION OF THE TIME LIMITS

FOR BLOCKING: **NO LIMIT**

AND/OR

FOR ERASING: **NO LIMIT**

OF THE DIFFERENT CATEGORIES OF DATA (*Please, specify the time limits for every category, if applicable*)

13/ 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.

14/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

Transfer of part of the data concerning the data subject to the national authorities in the Member States in which the data subject is employed or of which he is a national (Legal basis : Protocol on Privileges and Immunities of the European Communities).

15/ 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)

16/ COMMENTS

The data kept by the European Ombudsman is, until 1 January 2006, a copy of the data kept and processed for the European Ombudsman by the European Parliament. In 2006 the European Ombudsman will take over this task.

PLACE AND DATE: STRASBOURG 18.05.2005

DATA PROTECTION OFFICER: ALESSANDRO DEL BON

INSTITUTION OR BODY: EUROPEAN OMBUDSMAN