



GIOVANNI BUTTARELLI
ASSISTANT DATA PROTECTION SUPERVISOR

Mr Secondo SABBIONI
Data Protection Officer
European Parliament
KAD - 02G028

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Please use edps@edps.europa.eu for all
correspondence

Dear Mr Sabbioni,

On 16 June 2014, the European Data Protection Supervisor (EDPS) received a notification under Article 27 of Regulation (EC) No 45/2001 ('the Regulation') concerning 'Management of incident or technical fault reports' within the European Parliament. Having examined the documentation submitted, we have concluded that **the processing is not subject to prior checking**. We provide below a summary of the facts and our legal analysis.

The facts

The procedure refers to the management and follow-up in relation to safety incidents. Following any safety incident, for example as a result of the malfunction of technical equipment, a report must be produced. In addition, any officer responsible for prevention and monitoring must produce a daily report giving a brief account of the checks carried out and any relevant incidents. Those reports are sent to the control centre, giving a brief summary of the checks carried out, and also to the coordinators of the department in which the incident occurred. Where necessary, the reports may also be sent to other departments within the European Parliament, for example to the DG INLO in the case of a technical problem. The reports are stored for three years.

A notice with information is available on the EUROPARL website and will be sent to the data subjects wherever possible.

Legal analysis

The notification cites Article 27(2)(a) of the Regulation as the basis for the prior checking. Subparagraph (a) of that article provides for prior checking when processing 'data relating to health and to suspected offences, offences, criminal convictions or security measures'.

It is possible that data falling within those sensitive categories could be included in the reports, in particular in the case of accidents. However, that processing of sensitive data is collateral. Depending on the nature of the incident, it is possible that such data may be included, but the purpose of the procedure is not to collect such data. Therefore, the EDPS

does not consider that this processing poses a particular risk under Article 27 of the Regulation.¹

If it proves necessary to include data relating to health in the reports, it must be kept to a strict minimum. Persons handling the data must be informed of that rule.

It goes without saying that the fact that the processing is not subject to prior checking does not affect the European Parliament's other obligations under the Regulation.

Conclusion

As explained above, the EDPS does not consider that the processing as notified is subject to prior checking. The case is therefore closed.

Yours sincerely,

(signed)

Giovanni BUTTARELLI

¹ Cf. also Case 2013-0162