

REGISTER NUMBER: 81

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 27 January 2006

Case number: 2006-62

Institution: European Commission

Legal basis: article 27-5 of the regulation CE 45/2001⁽¹⁾

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN⁽²⁾

(2) Please attach all necessary backup documents

1/ Name and adress of the controller

2) Name and First Name of the Controller: GALLIZIOLI Giorgio

3) Title: Head of Unit

4) Directorate, Unit or Service to which the Controller is attached: D.01

5) Directorate General to which the Controller is attached: FISH

2/ Organisational parts of the institution or body entrusted with the processing of personal data

25) External Company or Directorate, Unit or Service to which the Processor is attached:

1.E

.03

2.A

.03

26) External Company or Directorate General to which the Processor is attached:

1.FISH

2.DIGIT

3/ Name of the processing

DG FISH Fishing-Authorisations and Permits (FAP) System
4/ Purpose or purposes of the processing
The processing of the personal data is needed to allow the different administrations involved to contact the concerned persons.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

The owners and the agents of the concerned vessels.

16) Category(ies) of Data Subjects:

The agents and the owners of the concerned vessels.

6/ Description of the data or categories of data (including, if applicable, special categories of data (article 10) and/or origin of data)(*including, if applicable, special categories of data (article 10) and/or origin of data*)

17) Data field(s) of Data Subjects:

Attention: Please indicate and describe in the answer to this question also data fields which fall under article 10

Agents' name and address

Owner's name and address

18) Category(ies) of data fields of Data Subjects:

Attention: Please indicate and describe in the answer to this question also categories of data fields which fall under article 10

Agents' name and address

Owner's name and address

7/ Information to be given to data subjects

15a) Which kind of communication(s) have you foreseen to inform the Data Subjects as described in articles 11 - 12 under 'Information to be given to the Data Subject'

The data is gathered under the Fleet-Register system for which a separate Notification has been registered (DPO - 890); the procedures for accessing to personal data is described in article 11 of the EC Regulation 26/2004

8/ Procedures to grant rights of data subjects (rights of access, to rectify, to block, to erase, to object)(*rights of access, to rectify, to block, to erase, to object*)

15b) Which procedure(s) did you put in place to enable Data Subjects to exert their rights: access, verify, correct, etc., their Personal Data as described in articles 13 - 19 under 'Rights of the Data Subject' :

The data is gathered under the Fleet-Register system for which a separate Notification has been registered (DPO - 890); the procedures for accessing to personal data is described in article 11 of the EC Regulation 26/2004

9/ Automated / Manual processing operation

7) Description of Processing:

Attention: Please describe in the answer to this question if you process personal data falling under article 27 "Prior-Checking (by the EDPS - European Data Protection Supervisor)"

The Fishing-Authorisations and Permits (FAP) System manages data related to the requests for permissions to participate in a certain EC, Third Party or International fisheries activity for Community vessels operating in EC-, Third Party or International Waters and for non-Community vessels operating in EC- or International Waters. The request, and in particular the vessel's technical data, are verified to be conform to the restrictions stipulated in the concerned Regulations and agreements and are registered. Amongst these data certain personal data are present: name and address of owner and agent; in most of the cases, this personal data is also transferred to the above mentioned administrations.

Prior checking of the EDPS seems to be necessary as the processing operations have the purpose to assign

8) Automated Processing operation(s):

Personal data are stored for later retrieval only; the technical data that are communicated are verified to be conform to the restrictions (total nr of vessels, sum of engine power and/or capacity,...) stipulated in the concerned Regulations and agreements

9) Manual Processing operation(s):

The personal data can be retrieved when needed to contact the concerned persons. Personal data that is registered is :

- Owner name and address
- Agent name and address

10/ Storage media of data

On the hard disk of the DG FISH Database Server in the DG FISH premises and the Commission Data Center premises.

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

The legal basis that governs the registration of the Owner and Charterer name and address can be found in the Council regulation (EC) 26/2004 of 30 December 2003 (the so-called Fleet-Register regulation). The data registered under that legal obligation are transferred to third parties (EU fisheries administrations, international organisations, Third country administrations) based upon Council Regulation 3317/94, Article 5, eventually completed with the administrative details specified in the concerned agreements for which fisherman apply for participation.

12) Lawfulness of Processing:

Answering this question please also verify and indicate if your processing has to comply with articles 20 "Exemptions and restrictions" and 27 "Prior checking (by the EDPS)"

Given that the processing of data is necessary for compliance with the requirements of Article 5 of Council Regulation 3317/94, the lawfulness of the processing by the Commission is founded on the basis of Article 5(b) of Regulation 45/2001.

Prior checking of the EDPS seems to be necessary as the processing operations have the purpose to assign / exclude individuals from a "right, benefit or contract" (here the "authorisation to fish").

12/ The recipients or categories of recipient to whom the data might be disclosed

20) Recipient(s) of the Processing:

All administrations dealing with the Fishing Authorisation System, under the concerned Regulations and agreements, will have access to the data , including the personal data on the data subjects mentioned above.

21) Category(ies) of recipients:

DG FISH users, Member State administrations, Third Country and International Administrations that deal with the administration and monitoring of the fishing authorisations.

<p>13/ retention policy of (categories of) personal data</p> <p>The personal data, copied locally in the FAP-system, is kept until one year after the validity period of the fishing authorisation; this extra period must allow to ensure the correct administration of extra fees that may be implied based upon the activities under the fishing authorisation.</p>
<p>13 a/ time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject) (Please, specify the time limits for every category, if applicable) (on justified legitimate request from the data subject) (Please, specify the time limits for every category, if applicable)</p> <p>22 b) Time limit to block/erase data on justified legitimate request from the data subjects</p> <p>On justified legitimate request from data subjects, these data will be blocked / erased for further processing within 5 working days of the request.</p>
<p>14/ Historical, statistical or scientific purposes <i>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,</i></p> <p>22 c) 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</p> <p>The personal data are not needed for historical, statistical or scientific purpose.</p>
<p>15/ Proposed transfers of data to third countries or international organisations</p> <p>27) Legal foundation of transfer:</p> <p>Only transfers to third party countries not subject to Directive 95/46/EC (Article 9) should be considered for this question. Please treat transfers to other community institutions and bodies and to member states under question 20.</p> <p>See referred Regulations and Agreements</p> <p>28) Category(ies) of Personal Data or Personal Data to be transferred:</p> <p>The Agent's and Owner's Name and addresses</p>
<p>16/ The processing operation presents specific risk which justifies prior checking (please describe): <i>(please describe)</i>:</p>

7) Description of Processing:

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Article 27.2.(a) Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

Not applicable

Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject,

Not applicable

Article 27.2.(c) Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

Not applicable

Article 27.2.(d) Processing operations for the purpose of excluding individuals from a right, benefit or contract,

The processing operations on personal data related to the "DG FISH Fishing-Authorisations and Permits (FAP) System" is submitted for prior-checking under the present paragraph of article 27.

Other (general concept in Article 27.1)

Not applicable

17/ Comments

1) Date of submission:

10) Comments if applicable:

No particular comments.

36) Do you publish / distribute / give access to one or more printed and/or electronic directories?

Personal Data contained in printed and/or electronic directories of users and access to such directories shall be limited to what is strictly necessary for the specific purposes of the directory.

If Yes, please explain what is applicable.

no

37) Complementary information to the different points if applicable :

In a meeting with the DPO of the Commission, the Legal Unit of DG FISH, the Head of Unit of DG FISH responsible for the negotiations with Third Countries and the Delegated Controller, it was agreed that the Commission should aim to introduce provisions into all third country fisheries agreements, which would require the third country to protect the transferred personal data and to process it only in accordance with the specific purposes of the agreement. See note ADONIS DG FISH CAD(05)A/9551

PLACE AND DATE:26/01/2006

DATA PROTECTION OFFICER: HILBERT Nico

INSTITUTION OR BODY:European Commission