

**REGISTER NUMBER: 134**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 03/12/2006

Case number: 2006-547

Institution: OLAF

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

*(1) OJ L 8, 12.01.2001*

**INFORMATION TO BE GIVEN<sup>(2)</sup>**

*(2) Please attach all necessary backup documents*

1/ Name and address of the controller

2) Name and First Name of the Controller: LARSSON Kjell

3) Title: Official

4) Directorate, Unit or Service to which the Controller is attached: D.07

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

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

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

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

3/ Name of the processing

Financial follow-up

4/ Purpose or purposes of the processing

Ensure that financial follow-up recommendations made in OLAF's Final Case Reports are implemented.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

Staff of the EU institutions, bodies, offices and agencies who are involved in the matters which are the subject of follow-up activities.

Persons outside of the EU institutions, authorities, bodies, offices and agencies who are involved in the matters which are the subject of follow-up activities.

16) Category(ies) of Data Subjects:

Persons of the EU institutions, bodies, offices and agencies who are involved in the matters underlying follow-up activities, including officials, temporary agents, national experts, stagiaires, service providers and contractors.

Persons outside of the EU institutions, authorities, bodies, offices and agencies who are involved in the matters underlying follow-up activities, including national civil servants, subcontractors, manager, employees and citizens.

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

Surname, forename, nickname, birthday, birthplace, case involvement, comments to the person, street, postcode, city, country, profession, organisation, function, telephone number, fax number, e-mail address, activities related to matters which are the subject of follow-up activities.

No data fields which fall under article 10.

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

Identification and contact data, professional background, case involvement.

No data fields which fall under article 10.

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 communications foreseen are specified in paragraph 8 of the Data Protection Guidelines for OLAF investigators, attached to the OLAF Director General's instructions to staff conducting investigations following from opinion of the EDPS on prior checking on internal investigations. An excerpt of these instructions containing paragraph 8, and the relevant forms, are attached.

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' :

Please see paragraph 8 of Data Protection Guidelines for OLAF investigators, referred to in the answer to question 15(a).

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)"

Financial follow-up activities differ significantly according to the sector involved. The Follow-up units are responsible for financial follow-up measures concerning traditional own resources, agricultural sector, structural policy and direct expenditure. The follow-up units have direct contact with the Commission services and the competent authorities of the Member States in order to track the progress of financial follow-up (recovery) action relating to OLAF investigations and coordination cases.

8) Automated Processing operation(s):

A central database, the Case Management System (CMS), is used to manage all OLAFs operational cases. All follow-up stage documents including reports, notes, correspondence, decisions and all other events related to a case are recorded in the CMS. Each follow-up agent is responsible for updating the system in a timely manner and monitoring the completeness of details and documentation for his case. Access rights to the CMS are assigned to follow-up agents on an individual basis according to the responsibility and function of the agent concerned, based on the need to know principle. Further information about the CMS is available in the CMS notification and in section 4.2 of the OLAF Manual. For further details, see the CMS notification (DPO-73).

9) Manual Processing operation(s):

The OLAF Greffe maintains the official cases in paper form in a uniform manner, in compliance with the Commission Decision 2002/47/EC, ECSC, Euratom, OJ L 21.

Follow-up agents may keep their own working files for the cases assigned to them, containing only copies of documents, while the follow-up is ongoing. When the follow-up phase is closed, the follow-up agent hands over to the Greffe all case-related documents. The Greffe staff will compare the two sets of files (original and copies), ensuring that the Greffe file is complete and destroying duplicate documents. Chronological files are maintained in the follow-up units, containing copies of all documents produced by each follow-up Unit and recorded in the CMS. These procedures are described in section 3.1.4 of the OLAF Manual.

10/ Storage media of data

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CMS electronic data is stored in an Oracle database protected by a special OLAF firewall. Paper data is stored in the OLAF Greffe and in working files of the follow-up agents. For further details see notifications for the CMS (DPO-73) and IT infrastructure (DPO-97).

<p>11/ Legal basis and lawfulness of the processing operation</p> <p>11) Legal basis of Processing:</p> <p>Regulation (EC) No 1073/1999; Council Regulation (EC, EURATOM) No 2988/95.</p> <p>12) Lawfulness of Processing:</p> <p>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)"</p> <p>The processing operations are necessary to ensure that all required measures are taken to implement the conclusions and recommendations of OLAF's investigations. Thus, the follow-up activities are necessary and lawful pursuant to Article 5 (a) of the Regulation (EC) No 45/2001.</p> <p>The exemptions and restrictions specified in Article 20 (1) (a) and (b) of the Regulation (EC) No 45/2001 may be applicable in specific cases.</p> <p>This processing is subject to prior checking according to Article 27(a) and (d) of Regulation 45/2001.</p>
<p>12/ The recipients or categories of recipient to whom the data might be disclosed</p> <p>20) Recipient(s) of the Processing:</p> <p>21) Category(ies) of recipients:</p> <p>EU institutions, bodies, offices or agencies; Competent Member State authorities; Competent third country authorities and international organisations.</p>
<p>13/ retention policy of (categories of) personal data</p> <p>13/ retention policy of (categories of) personal data OLAF may keep both electronic and paper files relating to follow-up activities for up to 20 years after the date on which the follow-up has been completed.</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>The time limits for blocking and erasure of the different categories of data is one month.</p>
<p>14/ Historical, statistical or scientific purposes</p> <p><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>

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

In order to allow for the comparison of precedents and the compilation of statistics, "closure of follow-up" notes may be kept in anonymised form for 50 year.

15/ Proposed transfers of data to third countries or international organisations

27) Legal foundation of transfer:

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.

Transfers may be made to competent third countries and international organisations, as explained in detail in OLAF's memorandum to the EDPS, D/04668 of 13.6.2005 (and as spelled out in section 3.5.6 of the OLAF Manual).

28) Category(ies) of Personal Data or Personal Data to be transferred:

All categories specified in response to questions 16-17.

16/ The processing operation presents specific risk which justifies prior checking (please describe): *(please describe)*:

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)"

Financial follow-up activities differ significantly according to the sector involved. The Follow-up units are responsible for financial follow-up measures concerning traditional own resources, agricultural sector, structural policy and direct expenditure. The follow-up units have direct contact with the Commission services and the competent authorities of the Member States in order to track the progress of financial follow-up (recovery) action relating to OLAF investigations and coordination cases.

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)"

The processing operations are necessary to ensure that all required measures are taken to implement the conclusions and recommendations of OLAF's investigations. Thus, the follow-up activities are necessary and lawful pursuant to Article 5 (a) of the Regulation (EC) No 45/2001.

The exemptions and restrictions specified in Article 20 (1) (a) and (b) of the Regulation (EC) No 45/2001 may be applicable in specific cases.

This processing is subject to prior checking according to Article 27(a) and (d) of Regulation 45/2001.

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

This processing operation may involve data relating to suspected offences.

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,

This processing operation may result in the exclusion of individuals from a contract.

Other (general concept in Article 27.1)

Not applicable.

#### 17/ Comments

1) Date of submission:

10) Comments if applicable:

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 questions if applicable, including attachments to this notification which should not be public :

PLACE AND DATE:22/12/2006

DATA PROTECTION OFFICER: LAUDATI Laraine

INSTITUTION OR BODY:OLAF