

REGISTER NUMBER: 200

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 30/03/2007

Case number: 2007-243

Institution: OLAF

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 address of the controller

2) Name and First Name of the Controller: KHOUW Johan

3) Title: Head of Unit

4) Directorate, Unit or Service to which the Controller is attached: C.02

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

Information processing preceding the establishment of a request for EWS flagging

4/ Purpose or purposes of the processing

The purpose of the processing is fourfold:

- to ensure that correct information is transmitted to the Accounting Officer when an entry in the Early Warning System (EWS) is requested;
- to ensure that OLAF has a register of entries requested but not yet implemented by the Accounting Officer;
- to enable OLAF to reply to questions from other Services concerning the motives for requesting an entry in the EWS;
- to enable OLAF to timely request a new warning in case of automatic deactivation whereas the need for the entry remains.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

All individuals mentioned in the notes prepared by OLAF described in the reply to Question 7.

16) Category(ies) of Data Subjects:

All individuals mentioned in the notes prepared by OLAF described in the reply to Question 7.

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

Identification and contact data: name and address of the individual, copy of identity document if available;

Case related data: OLAF case number, project/contract the individual is connected with, Commission service involved, infringement identified;

Accounting system data: legal entity number, legal entity name, legal entity legal form, legal entity address;

EWS data: type of warning and validity period of the entry in the EWS.

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, case related data, accounting system data, EWS data.

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'

See attached privacy statement.

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' :

See attached privacy statement.

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 investigator/follow-up agent (requestor) completes a form requesting a legal or natural person to be flagged in the Early Warning System (EWS)(see attachment);

? The form is received by the OLAF EWS officer/HoU C.2 and a copy is handed to a deputy EWS officer;

? The information is assessed by the deputy EWS Officer to ascertain the need for and the correctness of the flagging level requested;

? A note for the Accounting Officer at DG BUDG is prepared to request a flagging in the EWS, according to the model in annex 3 of the EWS decision. This document is classified RESTREINT UE;

? A copy of the internal form, the request note to the Accounting Officer and possible supporting documentation are kept in a file which is stored in a locked cupboard at OLAF;

? A spreadsheet is completed for all EWS requests prepared by the deputy EWS officers. This spreadsheet is maintained on

a separate stand-alone computer at OLAF. A paper print-out is kept in a file in a locked cupboard;

? The records in the spreadsheet are regularly verified against the entries in the Commission Accounting System ABAC by a deputy EWS officer;

? Once the entry has been processed by the Accounting Officer -evidenced by the entry in ABAC-, the deputy EWS Officer sends a SECCEM email to the requestor informing him/her that the EWS request has been implemented and informing the requestor of the validity period;

? Monthly, the deputy EWS Officer prints a list from ABAC sorted according to validity date and reminds the original requestors by SECCEM secured email that an EWS entry is about to expire. The print out of the list is kept in an EWS file stored in a locked cupboard.

? For a W1 entry, OLAF prenotifies DG(s) concerned of its intention to request a flagging

? In summer 2007 the follow-up agent will have the possibility to complete a record in the Case Management System with the following information: ABAC Legal Entity number, type of warning and the expiry date of the warning.

8) Automated Processing operation(s):

None.

9) Manual Processing operation(s):

All operations described under point 7.

10/ Storage media of data

Hard disk and paper.

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

Commission Decision on the Early Warning System C(2004)193/3 of 03/02/2004 as last amended by the 2007 internal rules (C(2007)433).

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)"

This processing operation is necessary to fulfill a legal obligation as specified in the above legal basis, and thus is lawful under Article 5(b) of Regulation 45/2001.

The exemptions and restrictions specified in Article 20(1)(a) and (b) may be applicable.

This processing operation is subject to prior checking under Article 27.

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

20) Recipient(s) of the Processing:

The OLAF EWS officer for the internal request form from the investigator/follow-up agent. The original is stored in the secretariat in a locked cupboard. A copy of the form is handed to a deputy EWS officer.

The Accounting Officer for the request from OLAF for an entry in the EWS. Copies are sent to the EWS Officers of the DGs concerned. A copy of the request is filed by the deputy EWS officer in a locked cupboard.

21) Category(ies) of recipients:

OLAF EWS officer and deputy EWS officer; EWS Officers of the DGs concerned, DG BUDG Accounting Officer.

13/ retention policy of (categories of) personal data

OLAF follows the retention policy as described by DG BUDG in their notification on the EWS (DPO-872).

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)

22 b) Time limit to block/erase data on justified legitimate request from the data subjects

One month.

14/ 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,

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

Not applicable.

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.

Not applicable.

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

Not applicable.

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

7) Description of Processing:

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- ? The information is assessed by the deputy EWS Officer to ascertain the need for and the correctness of the flagging level requested;
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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)"

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The exemptions and restrictions specified in Article 20(1)(a) and (b) may be applicable.

This processing operation is subject to prior checking under Article 27.

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

Yes.

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

Yes.

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

No.

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

Yes.

Other (general concept in Article 27.1)

No.

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:30/03/2007

DATA PROTECTION OFFICER: LAUDATI Laraine

INSTITUTION OR BODY:OLAF