

REGISTER NUMBER: 237

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 04/06/2007

Case number: 2007-370

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:MARTYN Nicholas

3) Title:Director

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

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

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:

REGIO.G.Not Applicable

REGIO.G.03

REGIO.G.04

3/ Name of the processing

Audit of the European Regional Development Fund (ERDF), the Cohesion Fund and the Instrument for Structural Policies for Pre-accession (ISPA)

4/ Purpose or purposes of the processing

The main purpose of the audits on organisations or bodies is to provide assurance on the regularity and legality of Community co-financing. However, information collected during an audit may sometimes also contain personal data relating to an identified or identifiable natural person and such information may be stored and processed by Directorate G of DG Regional Policy to achieve the purpose of the audit.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

The data subjects are typically beneficiaries of financial assistance, staff members in audited organisations or contact persons in Member States' and candidate countries' authorities and bodies responsible for the management and financial control of Community funds at national, regional or local level organisations and bodies receiving Community co-financing

16) Category(ies) of Data Subjects:

Officials in national, regional and local administrations and persons employed in organisations receiving financial support from the ERDF, Cohesion Fund and ISPA.

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

The data on data subjects comprises the following information : name, address, phone numbers, fax numbers and e-mail 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

Name and contact information

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'

Whenever an audit mission is announced through a notification letter sent to a Member State's Permanent Representation, DG REGIO will ask them to deliver to the bodies or organisations to be audited an annex containing information on protection of personal data by DG REGIO's audit units.

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 right to access, verification and correction is communicated in the annex sent to the auditees.

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)"

Audit of organisations (public or private) which have received co-financing from the ERDF, the Cohesion Fund or ISPA as well as audit of management and control systems in place in the Member States and candidate countries. Information on the auditees, collected during the preparation and implementation of audits may relate to an identified or identifiable natural person by virtue of their status as beneficiaries of financial assistance, staff member of audited organisation or contact persons.

This processing is subject to Prior checking under Art. 27

8) Automated Processing operation(s):

From 2004 all information related to audits will be stored in the SYSAUDIT application specifically developed for this purpose by DG REGIO. The application covers:

- planning of the audit
- carrying out the audit
- the audit report with findings and conclusions
- individual documents uploaded in the system
- documents related to follow-up of the audit findings

9) Manual Processing operation(s):

Information stored in paper files in DG REGIO.G's archives and relating to

- planning of the audit
- carrying out the audit
- the audit report with findings and conclusions
- individual documents uploaded in the system
- documents related to follow-up of the audit findings

10/ Storage media of data

Paper and electronic (hard disc). The electronic database is called Sysaudit.

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

COUNCIL REGULATION (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds.

COMMISSION REGULATION (EC) No 438/2001
of 2 March 2001

laying down detailed rules for the implementation of Council Regulation (EC) No 1260/1999 as regards the management and control systems for assistance granted under the Structural Funds.

COUNCIL REGULATION (EC) No 1164/94 of 16 May 1994 establishing a Cohesion Fund

COMMISSION REGULATION (EC) No 1386/2002
of 29 July 2002

laying down detailed rules for the implementation of Council Regulation (EC) No 1164/94 as regards the management and control systems for assistance granted from the Cohesion Fund and the procedure for making financial corrections

COUNCIL REGULATION (EC) No 1264/1999
of 21 June 1999

amending Regulation (EC) No 1164/94 establishing a Cohesion Fund.

COUNCIL REGULATION (EC) No 1266/1999
of 21 June 1999

on coordinating aid to the applicant countries in the framework of the pre-accession strategy and amending

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)"

Article 5 (b) of Regulation 45/2001 of the European Parliament and the Council: b) processing is necessary for compliance with a legal obligation to which the controller is subject

This processing is subject to Prior checking under Art. 27

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

20) Recipient(s) of the Processing:

Personal data is only communicated if strictly necessary for the carrying-out of the audit work or if necessary for the communication of audit findings. Exceptionally, in such cases, data may be communicated to the Member States' and candidate states' managing authorities, the geographical desks of DG REGIO, DG EMPL, DG AGRI, DG FISH, the European Court of Auditors and OLAF.

21) Category(ies) of recipients:

National administrations, organisations involved in structural funds implementation, other Community institutions and other DGs of the European Commission.

13/ retention policy of (categories of) personal data

<p>The time limit for this personal data stored in paper and electronic files is 10 years. After that , it is sent to the Commission archives .</p> <p>This time period is based on the total implementation period for a Structural Funds programme up to programme closure which is not less than 10 years.</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>Data can be blocked or erased within 10 working days. Upon justified request from the Data Subjects, the data will be modified/erased within 10 working days.</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>Not applicable</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>not applicable</p> <p>28) Category(ies) of Personal Data or Personal Data to be transferred:</p> <p>not applicable</p>
<p>16/ The processing operation presents specific risk which justifies prior checking (please describe): <i>(please describe)</i>:</p>

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)"

Audit of organisations (public or private) which have received co-financing from the ERDF, the Cohesion Fund or ISPA as well as audit of management and control systems in place in the Member States and candidate countries. Information on the auditees, collected during the preparation and implementation of audits may relate to an identified or identifiable natural person by virtue of their status as beneficiaries of financial assistance, staff member of audited organisation or contact persons.

This processing is subject to Prior checking under Art. 27

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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)"

Article 5 (b) of Regulation 45/2001 of the European Parliament and the Council: b) processing is necessary for compliance with a legal obligation to which the controller is subject

This processing is subject to Prior checking under Art. 27

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

n/a

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

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,

n/a

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

n/a

Other (general concept in Article 27.1)

n/a

17/ Comments

1) Date of submission:

10) Comments if applicable:

non 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 :

Delegated Controller - Leif Högnäs, DG REGIO.G.3

PLACE AND DATE:04/06/2007

DATA PROTECTION OFFICER: RENAUDIERE Philippe

INSTITUTION OR BODY:European Commission