

**REGISTER NUMBER: 535**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 21/10/2009

Case number: 2009-680

Institution: Commission

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 adress of the controller

2) Name and First Name of the Controller: BURTSCHER Wolfgang

3) Title: Director

4) Directorate, Unit or Service to which the Controller is attached: DDG4.J

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

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:

AGRI.DDG4.J

3/ Name of the processing

Clearance of Accounts Audit Trail System (CATS-database) and additional information.

4/ Purpose or purposes of the processing

CATS is a support system intended to assist the auditors of Directorate J in the context of the Clearance of Accounts procedure. CATS data is used by the auditors in the context of the EAGF/EAFRD (EAGGF-Guarantee) expenditure related audits. Data may include reference to the final beneficiary and to specific personal data - name, address, etc.

Also the European Court of Auditors (ECA) and OLAF have full access to the CATS database for their inquiries.

CATS data can also be used for monitoring developments and providing forecasts in the agricultural domain. When making use of the accounting data for the above mentioned purposes the Commission, Directorate J, aggregates and renders data anonymous. Totals (such as total amounts or total quantities, for a region and/or a budget item and/or a size class of beneficiaries) are always reported, but not if the number of final beneficiaries is less than 10 (note AGRI-015977 of 21/06/2006 on CATS confidentiality and retention rules).

Any other additional personal data relating to EAGF/EAFRD beneficiaries collected and processed outside the CATS database can also be used by the auditors in the context of the EAGF/EAFRD expenditure related audits.

#### 5/ Description of the category or categories of data subjects

##### 14) Data Subject(s) concerned:

Beneficiaries/applicants of the EAGF/EAFRD (EAGGF-Guarantee) expenditure.

##### 16) Category(ies) of Data Subjects:

Beneficiaries/applicants in the context of EAGF/EAFRD (EAGGF-Guarantee) expenditure made.

#### 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

Reference number of payment, data relating to beneficiary (identification code, name, applicant's address), data relating to declaration/application (number of declaration/application, number of contract, number of certificate/licence) and application number (export refunds: SAD) and, any other additional personal data, collected and further processed notably by way of desk audits and on-the-spot checks.

##### 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

Personal data of data subject. Financial data related to EAGF/EAFRD (EAGGF Guarantee) expenditure.

#### 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'

In order to inform data subjects with the requested information according to Art. 12 of R45/2001, Article 8 of Regulation (EC) No 885/2006 (succeeding to Article 2 of Regulation (EC) No 2390/1999) has been amended and published in the Official Journal of the European Union.

Furthermore, the Commission has recommended the Member States that they also inform data subjects, from which they collect personal data, of their rights according to Directive 95/46/EC. And Member States should include a clause in all claim or application forms stating that the information communicated by the data subject would be electronically processed and used for control purposes by National authorities of the Member States itself and by DG AGRI as well as the authorised control authorities: European Court of Auditors (ECA) and OLAF as mentioned in Article 8 of Regulation (EC) No 885/2006 (succeeding to Art. 2 of

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' :

In order to inform data subjects of their rights, Article 8 of Regulation (EC) No 885/2006 (succeeding to Art. 2, para 3, of Regulation (EC) No 2390/1999) will provide the necessary information, in particular how and where data subjects can supply their queries.

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 Commission receives from the Member States, on an annual basis, the details of all individual payments made to the beneficiaries of the EAGF (European Agricultural Guarantee Fund) and EAFRD (European Agricultural Fund for Rural Development) and until financial year 2006 to the beneficiaries of the EAGGF (European Agricultural Guarantee and Guidance Fund) Guarantee section. This computerised accounting information is loaded into CATS database for the sole purposes of carrying out its functions in the context of the entire clearance of the accounts and for monitoring developments and providing forecasts in the agricultural sector.

Furthermore, the Commission may collect and further process additional personal data relating to these beneficiaries which are stored on other media, physically or electronically, in the context of its clearance of accounts functions, notably by way of desk audits and on-the-spot checks, pursuant to Articles 36 and 37 of Regulation (EC) No 1290/2005. The beneficiaries are informed thereof by Member States pursuant to Article 4 of Regulation (EC) No 259/2008.

This processing falls under the scope of Article 27.

8) Automated Processing operation(s):

All data is sent through the transfer medium ?STATEL/STADIUM? and is automatically uploaded into the tables of the CATS database.

9) Manual Processing operation(s):

The auditors use the Audit Command Language (ACL) software after downloading data from the CATS database for preparing and performing audits on the EAGF/EAFRD (until financial year 2006: EAGGF Guarantee) expenditure.

Within this context, auditors can store personal data on their desktop PCs or on their laptops; furthermore auditors also can file the printed information in their audit binders.

Any other additional personal data relating to EAGF/EAFRD beneficiaries, collected and processed outside the CATS database, can also be used by the auditors in the context of the EAGF/EAFRD expenditure related audits.

10/ Storage media of data

The data is stored in electronic form on the servers of the Directorate-General for Agriculture and Rural Development of the European Commission (an Oracle environment physically located in the securized data room of the DG Agri).

Furthermore, data can be stored on/in desktops/laptops/audit binders of the Directorate J's auditors.

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities.

Commission Regulation (EC) No 1481/2006 (old R2390/1999) and its annual updates as well as Article 8 of Commission Regulation (EC) No 885/2006.

Commission Regulation (EC) No 259/2008.

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 (EC) No 45/2001: processing is necessary for compliance with a legal obligation to which the controller is subject.

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

20) Recipient(s) of the Processing:

DG AGRI Directorate J's auditors  
ECA  
OLAF

21) Category(ies) of recipients:

See 20).

13/ retention policy of (categories of) personal data

The accounting data in CATS is stored for a limited period. After a period of 10 years (7 years financing period + 3 years clearance of the accounts), personal data fields will be dropped from the CATS database.

Auditors can store personal data on their desktop PCs, their laptops and, can also file printed information (derived from CATS and/or collected and further processed in the context of desk audits and on-the-spot checks) in their audit binders.

Therefore, the data controller requests all Directorate J staff to destroy all computer files containing personal data and older than 10 years including extracts or copies of personal data kept by the auditors on local computers, in local folders, on CD-ROM, floppy disk or in audit binders, etc.

To get access to the clearance of accounts database CATS, Directorate J's auditors have to confirm the provisions of the retention policy of personal data relating to CATS and any other additional personal data, collected and further processed in the context of desk audits and on-the-spot checks.

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

Blocking or any rectifying of data falling under the conditions of Articles 13 to 16 of R 45/2001 could be done on the request of the data subject and after consulting the authors of the data (the Member States). This task will be completed in 90 days after the request received by Directorate J.(\*)

(\*) The Commission services have to consult the Member State concerned (as the author of the data) if the accuracy of the data supplied is contested by the data subject.

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

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

Article 27.2.(a) Processing of data relating to suspected offences, offences, criminal convictions

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

n/a

☐ 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:

EDPS was consulted on the draft Commission Regulation (R259/2008) on transparency in the field of agriculture.

Comments from EDPS of 4/3/2008 have been discussed and have led to modifications of the draft regulation.

Documents are attached under point 7

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:21/10/2009

DATA PROTECTION OFFICER: GEORGES Louis

INSTITUTION OR BODY:European Commission