

REGISTER NUMBER: 846

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 22/03/2012

Case number: 2012-0277

Institution: ENISA

Legal basis:

(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

Udo Helmbrecht, Executive Director
P.O. BOX 1309
71001 HERAKLION
GREECE

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

ENISA: Information Technology and Facilities Management Unit (ITFMU)

3/ Name of the processing

Office 365 for Mailboxes, collaboration data and lync on the Cloud

4/ Purpose or purposes of the processing

The purpose of the processing is as follows:

ENISA email and parts of the Intranet are planned to be outsourced to the Cloud. The below described data shall be stored in a data centre. However, Microsoft cannot totally guarantee that all data shall be processed within the EU. However, please refer to the model clauses contracts as attached. The following data is concerned:

1. Mailboxes for email communication on Exchange Online;
2. Collaboration data on Sharepoint Online;
3. Instant Messaging, desktop voice and video, and conferencing on Lync Online.

Collaboration data are mainly data (documents, slides, etc.) that need to be shared between teams over the course of a project or a task, as well as non-confidential data.

Confidential and HR data will not be stored on Sharepoint Online; they will remain in the ENISA data center.

Confidential and HR emails will be encrypted by the email client (they will not be readable by the Cloud service provider).

Authentication is done through the ENISA data center (no user credentials are processed by the Cloud service provider).

Purpose of processing the data:

1. Mailboxes: Storing of mailboxes on the Cloud
2. Sharepoint Online: Storing of collaboration data on the Cloud
3. Lync: Telephony plus Instant Messaging, voice communication and conferences by Lync. Collaboration data

Description of the Processing of data:

- a. Authentication is being done at ENISA premises (i.e. login to ENISA-domain); No authorization data related
- b. The cloud service provides a special token to ENISA staff member in order to access their data to which the

5/ Description of the category or categories of data subjects

All ENISA staff members (TA, CA, SNEs, interims, trainees)

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

Data in the cloud comprises the following 3 kinds of data:

1. ENISA staff mailboxes and functional mailboxes: Inbox, Sent items, contacts, tasks and calendars
2. Sharepoint Online: i.e. Collaboration data: Documents/Lists needed to share between virtual teams working on projects/tasks; just working documents.
3. Lync: Presence status of staff, i.e. available, offline, out of office etc (snapshot - not stored)

For all three data categories there shall be no archiving of data.

7/ Information to be given to data subjects

Data subjects shall be informed about the processing of their data and their rights involved with it by informing them in the intranet and in staff meetings.

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

The rights of the data subjects are being granted in their ways of right of access, rectification, rights to block, erase or to object by addressing themselves (by email or orally).

Right to rectify: 1. Mailboxes: The mailbox will be stored on the Cloud. The access to data is managed the same way as currently on premises (ENISA data center). Users have full control of their mailboxes as on-premises, i.e. they can process content in the same way as currently on-premises.
2. Collaboration data: Staff can access their working data at ENISA premises and from the outside; access to collaboration data (documents / lists) will be managed in the same way as on-premises (ENISA Intranet).
3. Lync does not keep any data; staff can see real-time status of themselves and their contacts; Lync does not store data and real-time, therefore no rectification a posteriori is applicable
Right to block: 1. Mailboxes Exchange Online: the same as currently on-premises (ENISA data center).
2. Sharepoint Online: the same as currently on-premises (ENISA data center).
3. Lync Online: the real-time online status can be controlled by the staff member (available / do not disturb / away)
1. Exchange Online: Staff can erase data the same way as currently by accessing and erasing their mailbox content.
2. Sharepoint Online: Collaboration data can be erased by staff that have the required access rights to this data.
3. Lync Online: no data is stored therefore no erasing of data is applicable. **Right to object:** the same as currently

9/ Automated / Manual processing operation

1. Exchange Online: the same as currently on-premises (ENISA data center). Generally manual operations; sometimes automated (e.g. out of office replies, auto-forwarding).
2. Sharepoint Online: the same as currently on-premises (ENISA data center). Generally manual operations; some automated workflows.
3. Lync Online: Generally manual operations with the exception of real-time online status updates.

10/ Storage media of data

1. Exchange Online: Each user has 25 GB storage (mailbox) that will be stored in a database in the Microsoft data center.
2. Sharepoint Online: 10 GB basis plus 500 MB per user license. The collaboration data is hosted MS SQL databases in the Microsoft data center.
3. Lync Online: N/A - no data is stored.

11/ Legal basis and lawfulness of the processing operation

This activity is justified by the ENISA founding regulation 460/2004.

More specifically, the legal basis is to be found in Article 7, paragraph 4, of Regulation (EC) 460/2004 which states:

"4. The Executive Director shall be responsible for: (a) the day-to-day administration of the Agency; [...] (c) implementing the work programmes and the decisions adopted by the Management Board; (d) ensuring that the Agency carries out its tasks in accordance with the requirements of those using its services, in particular with regard to the adequacy of the services provided; [...] (f) all staff matters; [...]"

This latter provision must be interpreted as the possibility left to the Executive Director to take any organisational measures designed to ensure the smooth running of the Agency

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

1. Mailboxes: only the own users; like at ENISA premises
2. Collaboration tool: only the virtual teams working together
3. Lync: staff using Lync can see the presence status of the other colleagues

13/ retention policy of (categories of) personal data

1. Exchange Online: Configurable and decided by the user involved.
2. Sharepoint Online: Decided by user involved.
3. Lync Online: N/A - no data is stored.

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)

1. Exchange Online: Configurable and decided by the user involved.
2. Sharepoint Online: Decided by user involved.
3. Lync Online: N/A - no data is stored.

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,

Same as currently on-premises (ENISA data center), e.g. storage used, anti-SPAM / malware incidents.

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

Possibly yes. Microsoft services in the cloud do not guarantee the data location to be 100% in the EU (see attached documents, esp. regarding the model clauses contracts). There is a certain risk of having data processed outside the EU. More specifically, the transfer of data to third countries or at ENISA data center is as follows;

1. Exchange Online: the user mailbox is stored on the server in the Microsoft data center and a copy is stored locally on the ENISA client computer, which synchronises regularly with the server.
- Sharepoint Online: collaboration data is stored on the server in the Microsoft data center. Users can enable an offline copy of specific libraries to be stored locally on the ENISA client computer, which synchronises regularly with the server.
3. Lync Online: real-time online status is transferred, as well as instant messaging, real-time voice and video.

Transfer how and when: 1. Exchange Online: each time an email is sent / received or the offline copy of the mailbox on the client PC is synchronised.

2. Sharepoint Online: each time a user creates / updates a collaboration document or synchronises an offline copy on the client PC.

3. Lync Online: real-time.

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

This processing operation might present risks to the data subjects by processing data in the cloud including unauthorised access to user data (mailbox or Intranet) in the cloud.

Further risk: Microsoft services in the cloud do not guarantee the data location to be 100% in the EU (see attached documents, esp. as regards model contract clauses).

17/ Comments

See information attached and for further information on the service, please kindly consult the Microsoft information center <http://www.microsoft.com/en-us/office365/trust-center.aspx#fbid=kpSVTR-TY5Q> , which describes the service offered

PLACE AND DATE: HERAKLION 23/02/2012

DATA PROTECTION OFFICER: Ulrike LECHNER

INSTITUTION OR BODY: European Network Information Security Agency