

*(To be filled out in the EDPS' office)*  
**REGISTER NUMBER: 1185**

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**NOTIFICATION FOR PRIOR CHECKING**

**DATE OF SUBMISSION: 08/11/2013**

**CASE NUMBER: 2013-1238**

**INSTITUTION: COUNCIL**

**LEGAL BASIS: ARTICLE 27-5 OF THE REGULATION CE N° 45/2001<sup>(1)</sup>**

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

1/ NAME AND ADDRESS OF THE CONTROLLER

Gilbers Johannes  
Director  
DGG 1 AFF ECON FIN  
+32(0)2/281 9891

2/ ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA

DGG1B +32(0)2/281 5622

3/ NAME OF THE PROCESSING

Appointment of the Chair and Vice-Chair of the Supervisory Board (Single Supervisory Mechanism)

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<sup>1</sup> OJ L 8, 12.01.2001.

<sup>2</sup> **Please attach all necessary backup documents**

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The purpose is to enable the Council (and its preparatory bodies) to undertake the necessary steps to proceed to the nomination of the candidates proposed by the European Central Bank, following approval by the European Parliament.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Any persons proposed by the ECB following the approval of the European Parliament (in accordance with the criteria for the selection of the Chair and the vice-Chair). Any person shortlisted by the ECB for such posts.

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA (*including, if applicable, special categories of data (Article 10) and/or origin of data*).

All personal data included in the individual CVs (and possible background documents, as appropriate)

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Information notice to data subjects (to be provided to all candidates shortlisted / proposed by the ECB by e-mail): See document attached to point 9 below

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

(Rights of access, to rectify, to block, to erase, to object)

Procedures for safeguarding the data subjects' rights are those provided for in Section 5 of Council Decision 2004/644/EC. For any request to exercise rights, an acknowledgement of receipt will be sent within five working days and the reply will be sent no later than 15 working days of the date of receipt of that request. The deadline for the correction, blocking or deletion of data may not exceed 10 working days, with the period starting only from the date the final decision is taken on the request to modify, block or erase data (an administrative decision taken by the GSC or, in the event of dispute, a decision taken by the European Data Protection Supervisor or the competent court).

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The processing consist in the procedure for the appointment by the Council of the Chair and Vice-Chair of the Supervisory Board by adopting an implementing decision. The processing includes the distribution to and review by the Council and its preparatory bodies of the data concerning the candidates as proposed by the ECB, following prior approval by the European Parliament. In addition, the Council may receive data on the candidates shortlisted by the ECB.

Mixed processing (involving the processing of any electronic documents received from the ECB and their further handling on paper)

10/ STORAGE MEDIA OF DATA

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Article 26(3) of Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions TFEU. Article 240, 2) of the Treaty on the functioning of the European Union (TFUE) and Article 23 of the Rules of Procedure of the Council.

12/ THE RECIPIENTS OR CATEGORIES OF RECIPIENT TO WHOM THE DATA MIGHT BE DISCLOSED

i) GSC officials involved in the handling of the procedure within the Council's preparatory groups (Cabinet, DGG, Service General Political Questions and Interinstitutional Relations and the Council Legal Service), ii) Member States' delegations participating in the ANTICI Group and COREPER II, iii) Any further delegate in the Permanent Representations or in the relevant Ministries in EU Member States (if considered appropriate by the Council's preparatory bodies) and iv) The public in general, should the Council decide to make data accessible to all, in accordance with the Council rules of procedure (Most likely, this will be only the case of the A note addressed by COREPER to the Council and suggesting that it should endorse the names of both proposed candidates).

The Council preparatory bodies may decide about the final publication of the appointment results and on how the successful candidates' data will be presented in the COREPER II/Council's minutes.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The data concerning candidates will be kept for a period of 5 years. Data concerning candidates shortlisted but not nominated shall be destroyed three months after the appointment of the Chair and Vice-Chair.

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS

*(Please, specify the time limits for every category, if applicable)*

See point 8.

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.*

In accordance with Council Regulation (EC, EURATOM) No 1700/2003 and CP 54/13, the data found relevant for evidential historical use might be kept for a longer period of time as a basis.

15/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

The data are not intended to be transferred to third countries or international organisations.

16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING *(Please describe):*

Although the Council is entrusted with the appointment of the Chair and Vice-Chair of the Supervisory Board of the SSM, the Council does not carry out a real selection of candidates but votes on the appointment of candidates proposed by the ECB with the approval of the European Parliament (one candidate per post). Therefore rejection of such candidates by the Council is possible.

17/ COMMENTS

PLACE AND DATE: Brussels,

DATA PROTECTION OFFICER: Carmen López Ruiz

INSTITUTION OR BODY: Council of the European Union