

(To be filled out in the EDPS' office)

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 26/06/2015

CASE NUMBER: 2015-0550

INSTITUTION: EUROPEAN INVESTMENT BANK

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

European Investment Bank

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

Corporate Services Directorate (CS) - Information Technology Department (IT) of the European Investment Bank- Director Derek Barwise

3/ NAME OF THE PROCESSING

Background checks on external IT consultants

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The IT Department of the EIB wishes to perform basic background checks (identity and criminal record) on external resources working at the IT Department under various Contracts and Framework Agreements with IT Service Providers, in place since February 2015 and to all future contracts. The objective is to implement the checks for IT consultants with privileged access to sensitive or confidential information and/or with administrator rights in IT systems to eliminate threats to data and information security and prevent legal, operational or reputational risks of employing individuals under a false identity and/or with a criminal record. For audit and traceability reasons, all documents collected in the process will be stored for a specific period of time.

¹ OJ L 8, 12.01.2001. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:008:0001:0022:en:PDF>

² Please attach all necessary backup documents

1. 13).

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

External IT resources working for the EIB

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

Scanned copies of

- Identity documents (e.g. passport or ID card)
- Birth certificates
- Extracts from the judicial record or equivalent document issued by a judicial or administrative authority in the country of residence

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Data subjects will be informed of all the requirements specified on article 11 or 12 of regulation 45/2001 and of the right of access, rectification, blocking and erasure (article 13, 14, 15 and 16) to their own data. Information will be provided by the data controller directly to the data subject if a direct contract is signed with an individual consultant, or by the data processor when the EIB has a contract with an external service provider company employing the consultant. The text of such information will be the following:

“Your criminal records will be processed under the terms of Regulation 45/2001 by the EIB’s IT department, on a strict “need to know” basis for the purposes of checking the existence of relevant criminal convictions and shall be kept confidential. You have the right of access and the right to rectify. Data shall be stored during the period of the underlying contract or framework agreement, plus a period of 5 years, after which the documents will be erased. You have the right to recourse at any time to the European Data Protection Supervisor.”

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS (RIGHTS OF ACCESS, TO RECTIFY, TO BLOCK, TO ERASE,)

Data subjects requests to access, rectify, block or erase shall be addressed directly to the controller in written form with copy to the Data Protection Officer, dully justified. Access shall be granted no later than five working days. Any refusal or deferral shall be communicated within the same period by the controller to data subject dully justified, after hearing the Data Protection Officer.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Manual data processing as described in Section 17.

10/	STORAGE MEDIA OF DATA
	Background checks repository: dedicated non-public area in the EIB's Document Management System ("GED") with access restricted to a limited group of EIB staff members directly involved in the collecting and processing of personal data
11/	LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION
	<p>Article 5a: <i>"processing is necessary for the performance of a task carried out in the public interest on the basis of the Treaties establishing the European Communities or other legal instruments adopted on the basis thereof or in the legitimate exercise of official authority vested in the Community institution or body or in a third party to whom the data are disclosed"</i></p> <p>Article 5c: <i>"processing is necessary for the performance of a contract to which the data subject is party"</i> (although indirectly).</p> <p>Article 23 of Rules of Procedure of the EIB</p> <p>Decision of IT Director following an Audit point from 2014.</p>
12/	THE RECIPIENTS OR CATEGORIES OF RECIPIENT TO WHOM THE DATA MIGHT BE DISCLOSED
	<p>Limited number of EIB staff members working in the IT Department directly involved in the processing of personal data collected and stored in relation to the performance of background checks on external IT consultants):</p> <ul style="list-style-type: none"> - Assistants of the IT Divisions (5 staff members), - Members of the IT Budget, Contract and Vendor Management Unit (5 staff members). <p>By default, the personal data will not be available or disclosed to any other recipient unless specifically requested in relation to internal audit or security procedures.</p>
13/	RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA
	Scanned copies of identity and criminal record documents will be retained in the repository for the full term of the consultants' underlying contract or framework agreement, plus a period of 1 year, after which the documents will be erased.
13 A/	TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS
	Five working days to block or erase, upon justified and legitimate request of the data subject .
14/	HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES
	<p><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>NA</p>

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

16/	THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING (<i>Please describe</i>):
<p>AS FORESEEN IN:</p> <p>Article 27.2.(a) (<i>Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,</i>)</p> <p><input type="checkbox"/> Article 27.2.(b) (<i>Processing operations intended to evaluate personal aspects relating to the data subject,</i>)</p> <p><input type="checkbox"/> Article 27.2.(c) (<i>Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,</i>)</p> <p><input type="checkbox"/> Article 27.2.(d) (<i>Processing operations for the purpose of excluding individuals from a right, benefit or contract</i>)</p> <p><input type="checkbox"/> Other (general concept in Article 27.1)</p>	

17/	COMMENTS
<p>The process of collecting and storing personal data is as described below:</p> <ol style="list-style-type: none"> 2. The EIB (the “data controller”) issues an Assignment Terms of Reference, request, order form or other equivalent document (the “specification”) to the Service Provider (the “data processor”) specifying the terms of consultancy services to be provided by the external consultant (the “data subject”) employed by the Service Provider. With reference to the EIB’s General Terms and Conditions for the provision of Services, the specification requires the data processor, as a precondition to start working on the assignment <ul style="list-style-type: none"> - to submit personal identification and criminal record documents for the data subject (the “personal data”), - obtain the data subject’s consent to the processing of personal data by the data processor inform the data subject about his/her rights of access, rectification, blocking and erasure as described in Section 7. 3. As part of its proposal, order, quote or equivalent response to the specification, the data processor submits the CV(s) of the data subject(s) and also the personal data (the documents requested) as email attachment sent to a closed group mailbox (with access restricted to the same group of people as described below). 4. The IT Division Assistants in charge of the on-boarding of consultants perform the background checks on the basis of the personal data (documents) submitted and save a copy of the personal data in a central repository with restricted access. 5. A list of consultants for whom the background checks have been performed is maintained by the IT Budget, Contract and Vendor Management Unit during the retention period (see Section 13). 	

PLACE AND DATE: 26 JUNE 2015

DATA PROTECTION OFFICER: ALBERTO SOUTO DE MIRANDA

INSTITUTION OR BODY: EUROPEAN INVESTMENT BANK