

*(To be filled out in the EDPS' office)*

**REGISTER NUMBER: 1448**

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**NOTIFICATION FOR PRIOR CHECKING**

**DATE OF SUBMISSION: 23/03/2017**

**CASE NUMBER: 2017-0338**

**INSTITUTION: EUROPEAN DEFENCE AGENCY**

**LEGAL BASIS: ARTICLE 27.5 OF THE REGULATION CE N° 45/2001<sup>(1)</sup>**

**NOTIFICATION**

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

**1/ CONTROLLER**

*(The controller is institution, body, unit or any other the organisational entity determining the purposes and means of the processing of personal data. Please add the directorate/unit in charge)*

EUROPEAN DEFENCE AGENCY  
CORPORATE SERVICES DIRECTORATE  
Head of Finance Unit and Head of IT Unit

**PROCESSER (IF RELEVANT)**

*(A processor is a legally separate entity that processes personal data on behalf of the controller. This may be an external service provider or another institution, which processes personal data on behalf of the controller, e.g. video surveillance, medical data)*

**2/ PERSON (NAME, TITLE) ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA**

*(Please specify the person responsible for the processing operation in which personal data is collected/retained – provide name and title.)*

Mr Luigi Sandrin  
Director, Corporate Services Directorate

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

<sup>2</sup> Please attach all relevant documents

**3/ NAME AND DESCRIPTION OF THE PROCESSING OPERATION**

*(Please provide a title, describe the action/operation in which personal data is collected/retained, and specify the personal data processing operation)*

Management of service mobile telephone invoices in the context of EDA Decision N° 16/16 of 26 October 2016 adopting a policy on the allocation of service mobile phones and SIM cards to EDA staff.

Pursuant to Annex II point 7 of the EDA policy as adopted under EDA Decision No. 16/16 of 26 October 2016 (attached), the processing of personal data is under the responsibility of the Head of Finance and the Head of IT Unit.

The Finance Unit receives the Proximus invoices in paper form and introduces the payment information in the EDA system. All invoices are then forwarded to the Head of IT to verify that the use does not exceed the “flat rate” attributed to each staff member in accordance with the policy, which would constitute a “High invoiced amounts”.

According to Annex II point 6 of the EDA policy referred, the “occasional personal use” of the service mobile phone and Sim Card is permitted. This “occasional personal use” refers to a reasonable, non-systematic use by staff for private communications. Staff members may at any time request from the Head of IT and the Head of Finance the status of consumption of their individual attributed flat rate. In case of an identified “high invoice”, the Head of IT individually approaches staff for a reasoned justification.

In line with the policy, EDA reserves the right to withdraw at any moment a mobile phone and SIM card from a staff member whose monthly bills exceed the attributed flat fee without business-related justification. When the high invoiced amount cannot be justified by the member of staff concerned, EDA may take the actions described in Annex II point 8.4 and point 9.

In case of repetitive loss or misuse, the equipment may be permanently withdrawn. In case of abuse or breach of the conditions, disciplinary action under Title V of the Council Decision (EU) 2016/1351 of 4 August 2016 may be taken.

After verification by the Head of IT, the invoices are sent back to the Head of Finance as the Authorising Offer and finally to accounting.

**4/ PURPOSE(S) OF THE PROCESSING**

*(Please list the purpose(s) for which personal data is collected and retained)*

The purpose of the processing is the verification of detailed invoices in case of high invoiced amounts.

**5/ DESCRIPTION OF THE CATEGORY(IES) OF DATA SUBJECT(S)**

*(Please provide the individuals or group of people whose data is collected and retained)*

EDA Staff (temporary staff, contract staff, special adviser) and Seconded National Experts (SNEs) who have received a service mobile phone or service SIM card in accordance with EDA Decision N° 16/16 and who have signed the “Statement of Use” under Annex II of that Decision.

**6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA (INCLUDING, IF APPLICABLE, SPECIAL CATEGORIES OF DATA (ARTICLE 10) AND/OR ORIGIN OF DATA)**

*(Please describe the type of data, the field of information with personal data (e.g. name, photo etc.) collected and retained for the aforementioned purpose(s))*

The itemised invoices include the following data:

- basic staff information including name, EDA mobile number and monthly cost
- form of communication (text or call, but not the content of communication)
- numbers called
- the destination, the time, the duration of each call
- the location from where the call was placed

**7/ INFORMATION TO BE PROVIDED TO THE DATA SUBJECTS**

*(Please specify what type of information is provided to the data subjects and how and where that information is made available to the concerned individuals, i.e. privacy statement, leaflets, training documents, website. Please attach file/link.)*

Information on the processing of the data subject's personal information under Regulation 45/2001 is stated in the "Statement of Use" under Annex II of Decision N°16/16 which is signed by the data subject.

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

*(Please specify which rights are provided to the data subjects, such as right to access, to modify, correct, rectify, block, erase and the right to object)*

The data subjects' rights are stated in the "Statement of Use" under Annex II of Decision N°16/16 which is signed by the data subject.

The data subjects have the right to access, rectify, block and request the erasure of their personal data in accordance with Regulation 45/2001. Data subjects may at any time consult the data controller or service responsible for the processing the personal data, or have recourse to the European Data Protection Supervisor ([edps@edps.europa.eu](mailto:edps@edps.europa.eu)).

The data subject shall address any queries concerning the processing of his/her personal data to the Data Controller or the EDA Data Protection Officer ([dataprotection@eda.europa.eu](mailto:dataprotection@eda.europa.eu)).

**9/ AUTOMATED / MANUAL PROCESSING OPERATION**

*(Please specify whether the data is collected through automated or manual means or both. Any electronic processing (excel sheets, databases, online applications) is considered automated.)*

The processing is partially automated. Proximus generates the bill and the invoice. The controller receives the invoices in paper form and has access to the invoice via the EDA's user account on the Proximus website. The invoice can be retrieved in form of an excel sheet/ pdf document and is then manually checked by the controller.

**10/ STORAGE MEDIA OF DATA**

*(Please specify where and how the data is stored, including the description of security measures, if relevant)*

The invoices are kept locked in the Finance Unit archives. Only the Finance Unit staff has access.

**11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION**

*(Please indicate the legal basis for the processing operation. This could be the specific legal act related to the action, e.g. Implementing Rules, Staff Regulation, Financial Regulation, the specific mandate or Council Decision or Article 5 (a) of Regulation (EC) No 45/2001.)*

The legal basis for this processing operation is EDA Decision N°16/16 of 26 October 2016 adopting a policy on the allocation of service mobile phones and SIM cards to EDA staff and Article 10 of the Council Decision (CFSP) 2015/1835 of October 2015 defining the state, seat and operational rules of the European Defence Agency.

The data subject has accepted the conditions attached to receiving a service mobile telephone and SIM Card through the signature of the “Statement of Use” under Annex II of the said Decision

Additionally, Article 5(a) of Regulation 45/2001 applies as the “*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*”. This includes the processing of personal data necessary for the management and functioning of [those] institutions and bodies (cf. Recital §27). The need to process data to verify detailed invoices in case of high invoiced amounts is considered necessary for the management and functioning of EDA. As the policy states service mobile phones are a professional tool and provided to certain members of staff in the context of performance of professional activities.

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

*(Please describe the individuals or the group of people who may have access to the collected and processed data)*

IT and Finance staff involved in payment and verification of invoices.

**13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA**

*(Please specify for how long the data will be retained, i.e. kept for the pre-determined purpose)*

The general billing information shall be stored for 5 years after the discharge as required by Article 44(6) of the Financial Regulation (Council Decision 2016/1353) and its Rules of Application for audit and discharge purposes.

The itemised invoices are deleted immediately after the verification and in any case no later than 6 months after the processing, except where needed for financial or disciplinary follow-up.

**13 BIS/ TIME LIMITS FOR BLOCKING AND ERASURE OF THE DIFFERENT CATEGORIES OF DATA**

*(Please specify the time limits to block/erase the data due to justified legitimate request of the data subject; provide time limits for each category, if applicable)*

N/A

**14/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES**

*(In case data is stored for longer periods than mentioned above, please specify why data must be kept in a form permitting identification, why not anonymised)*

N/A

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

*(Please provide details on the destination, in case it is foreseen that data is to be transferred to third countries or International Organisations. Please indicate the legal grounds for transfer under Article 9 of Regulation 45/2001.)*

N/A

**16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING**

*(Please describe each point according to specific risk(s) in line with the articles listed below – where applicable)*

N/A

**17/ COMMENTS**

N/A

## **OBLIGATIONS OF THE CONTROLLER**

By signing the present notification form the Controller guarantees that the processed personal data described in the aforementioned notification will be:

- processed fairly and lawfully
- collected only for the purpose(s) indicated
- accurate and kept up to date
- kept for no longer than necessary

The Controller declares the accuracy of the above statements and undertakes to notify any change affecting this information to the Data Protection Officer.

PLACE AND DATE:

THE CONTROLLER: