



EDPS
EUROPEAN DATA PROTECTION SUPERVISOR

EDPS SUPERVISORY OPINION ON THE DRAFT EUROPOL MANAGEMENT BOARD DECISION LAYING DOWN RULES TO DETERMINE TIME LIMITS FOR THE STORAGE OF ADMINISTRATIVE PERSONAL DATA (Case 2023-1146)

1. INTRODUCTION

1. This Supervisory Opinion relates to the draft Europol Management Board Decision in relation to the implementation of the legal obligation in accordance with Article 27a(3) of the Europol Regulation introduced by Regulation (EU) 2022/991 of 8 June 2022, to adopt rules to determine the time limits for the storage of administrative personal data. In line with this legal requirement, these rules, adopted by the Management Board, focus on stipulating maximum time limits in a generic manner, as a guidance for Europol staff and data controllers. In addition, these rules focus on implementing the storage limitation¹ and data minimisation² principles.
2. The EDPS issues this Supervisory Opinion in accordance with Article 57(1) (g) of Regulation (EU) 2018/1725 ('the EUDPR').

¹ Article 4(1)(e) of the Regulation (EU) 2018/1725 of the European Parliament and the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ, L 295, 21.11.2018, pp. 39-98 ('the EUDPR').

² Article 4(1)(c) of the EUDPR.

2. FACTS AND PROCEEDINGS

3. On 23 May 2012, the Director of Europol approved a retention schedule for Europol administrative records. This document lists retention periods regarding keeping of records related to established processes at Europol.
4. On 11 October 2023, during a regular Europol Management Board meeting, the Data Protection Officer (DPO) of Europol presented to the Europol Management Board the draft Management Board Decision laying down rules to determine the time limits for the storage of administrative personal data.
5. On 27 October 2023, the DPO of Europol informed the EDPS of its draft Europol Management Board Decision on the implementation of the legal obligation in accordance with Article 27a(3) of the Europol Regulation to adopt rules to determine the time limits for the storage of administrative personal data. Administrative personal data refers to personal data processed by Europol other than data that are processed to meet the objectives laid down in Article 3 of the Europol Regulation (non-operational data). Europol formally consulted the EDPS requesting the EDPS' opinion on its draft Decision.
6. The EDPS sent a request to Europol for clarification on 8 March 2024. In addition, on 31 May 2024, the EDPS sent a proposal to the DPO of Europol to have a call in order to discuss certain details of the additional information to be provided by Europol. Europol responded to the last request for clarification on 18 June 2024.

3. LEGAL AND TECHNICAL ASSESSMENT

3.1. General comments concerning the application of storage limitation principle.

7. According to Article 2(1) of the EUDPR, the EUDPR` applies to the processing of personal data by all Union institutions and bodies, including Europol.
8. According to 1(1)(b) of the Europol Regulation³, 'administrative personal data' means personal data processed by Europol other than operational personal data. Article 27a(1) of the Europol Regulation establishes that the Regulation (EU) 2018/1725, with the exception of Chapter IX, applies to the processing of administrative personal data.

³ Regulation (EU) 2022/991 of the European Parliament and of the Council of 8 June 2022 amending Regulation (EU) 2016/794, as regards Europol's cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol's role in research and innovation, OJ L 169, 27.6.2022, p. 1–42 ("Europol Regulation").

As such, administrative personal data processed by Europol, constitute personal data, within the meaning of Article 3(1) of the EUDPR.

9. In addition, Article 38(4) of the Europol Regulation establishes that Europol shall be responsible for compliance with Regulation (EU) 2018/1725 in relation to administrative personal data. In that regard, Article 27a(3) mandates the Europol Management Board to adopt rules to determine the time limits for the storage of administrative personal data. The draft Management Board Decision focuses on stipulating maximum time limits in a generic manner, as a guidance for Europol staff and data controllers⁴.
10. Europol, as controller, is responsible under Article 4(1)(e) of the EUDPR for adopting a maximum retention period for the administrative personal data undergoing processing in the context of a specific processing operation which is necessary and proportionate to the purpose for which the personal data are processed ('storage limitation'). In light of the accountability principle⁵, Europol must be able to demonstrate compliance with the storage limitation principle⁶. Europol should document its assessment on the criteria followed to determine the retention periods for each file. Moreover, Europol must implement appropriate technical and organisational measures for all processing operations in accordance with the EUDPR.
11. This means that Europol, as a controller, should set up a maximum retention period which is as long as necessary with regard to the purpose for which the data were collected, and as short as possible to ensure that it is not excessive to the purpose of the processing. Additionally, Europol should take all reasonable steps to minimise any risk to rights and freedoms of data subject rights and ensure that they are adequately protected.
12. Since each individual controller within Europol is in charge of the different procedures, each controller is in the best position to know the business needs, as well as to determine whether there are any legal requirements that justify keeping personal data for a certain period of time. Therefore, it is up to the controller to assess the necessary retention periods for the different categories of personal data undergoing processing in view of minimising the risks to data subjects, to adopt specific maximum periods, to justify them and to document the procedure. The controller, via that documentation would be able to ensure that the retention period adopted is appropriate, as well as verify and demonstrate that it achieved compliance with the EUDPR. Such documentation would also enable controllers to deal better with data subjects' requests, complaints or EDPS audits.

4 Page 2 of the Europol Management Board Decision laying down rules to determine the time limits for the storage of administrative personal data.

5 Article 4.2 of the EUDPR.

6 Article 4.1.e) of the EUDPR.

13. Against this background, in order to ensure compliance by Europol with Articles 4(1)(e) and 4(2) of the EUDPR, **the EDPS deems necessary that Europol include as part of the retention schedule annexed to the draft Management Board Decision the criteria and elements (including possible legal obligations) justifying each retention period (Recommendation 1).** In the same vein, **the EDPS deems necessary that Europol carry out a review of the respective records of processing operations in order to verify the accuracy of the information in the record regarding the retention periods set (Recommendation 2).**
14. Additionally, **the EDPS recommends that Europol confirm that information systems are properly updated to ensure that retention periods are implemented accordingly, in a secure and verifiable manner (Recommendation 3).**

3.2. General comments and recommendations on the draft Decision

15. The EDPS welcomes the fact that the draft Decision includes in its Article 3 the rules prescribing the storage limitation principle⁷ in relation to administrative personal data. As said, Europol, as controller, is responsible under Article 4(1)(e) of the EUDPR for adopting a maximum retention period for the personal data undergoing processing in the context of each specific processing activity, which is necessary and proportionate to the purpose for which the personal data are processed.
16. Article 3.3 of the draft Decision mentions that ‘administrative personal data may be stored for periods exceeding the ones stipulated in this Decision where the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes’. Article 13 of the EUDPR provides that processing for scientific or historical research purposes or statistical purposes, shall be subject to appropriate safeguards for the rights and freedoms of the data subject.
17. Those safeguards shall ensure that technical and organisational measures are in place in particular in order to ensure compliance with the principle of data minimisation⁸, according to which personal data shall be limited to what is adequate, relevant and necessary in relation to the purposes for which they are processed. In accordance with Article 13 of the EUDPR, “those measures may include pseudonymisation provided that those purposes can be fulfilled in that manner. Where those purposes can be fulfilled by further processing which does not permit or no longer permits the identification of data subjects, those purposes shall be fulfilled in that manner”.
18. In this regard, **the EDPS recommends that Europol explicitly mention in Article 3.3 of the draft Decision that the storage of personal data for longer periods**

⁷ Article 4(1)(e) of the EUDPR.

⁸ Article 4(1)(c) of the EUDPR.

for such purposes is in accordance with Article 13 of the EUDPR ('safeguards relating to the processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes') (**Recommendation 4**).

19. In light of the accountability principle⁹, the data controller shall be responsible for, and be able to demonstrate compliance with the storage limitation principle. Therefore, **the EDPS recommends that Europol mention in the Article 3.4 of the draft Decision that Europol, should document its assessment on the criteria followed to determine the retention periods for each category of personal data processed (Recommendation 5).**
20. Article 5.3 of the draft Decision prescribes that controllers 'should regularly review the need for continued storage of administrative personal data and document their review activities'. **The EDPS recommends that Europol also mention that the controller's documentation includes an analysis of the criteria taken into consideration for the assessment of the necessity of the continued storage of administrative personal data (Recommendation 6). The EDPS also recommends that Europol specify how regularly the controller should carry out such review (Recommendation 7).**
21. Article 5.3 also establishes that controllers are responsible to familiarise themselves with the time limits for the storage of administrative personal data. The responsibility of a data controller entails determining the purpose and the means of the processing¹⁰, including the enforcement of the retention periods, which goes beyond mere familiarisation with the concept and its implementation. **The EDPS recommends modifying the text of that provision to make clear that controllers shall be aware of and responsible for the correct management of the established retention periods (Recommendation 8).**
22. The Annex of the draft Decision determines the specific maximum time limits for the retention of administrative personal data. In order to comply with the principle of storage limitation and the accountability principle, **as a general remark, the EDPS deems necessary that Europol set in the Annex of the draft Decision what is the starting date or the action/event that determines the starting date at which each retention period starts to run** (i.e., the date of the administrative closure of the specific case file) (**Recommendation 9**).

3.3. Comments and recommendations regarding specific retention periods.

23. Hereafter, the EDPS is presenting comments and recommendations regarding the maximum time limits set in the draft Decision for the retention of administrative

⁹ Article 4(2) of the EUDPR.

¹⁰ Article 3(8) of the EUDPR.

personal data. Taking into consideration that Europol does not currently refer to the specific criteria used to assess and determine each retention period, EDPS is not in a position to make a thorough and definite assessment on whether Europol has complied with Article 4(1)(e) of the EUDPR.

3.3.1. Data processing activities related to the management of public relations, marketing, press and media and any other related processing activities.

24. The retention period for data processing related to the management of public relations, marketing, press and media and any other related processing activities is set to three years in the Annex of the draft Decision. **The EDPS deems necessary that Europol clarify what is the set starting date or the activity/event determining the starting date of the retention period, and why they have decided to keep personal data related to those processing activities for such period (Recommendation 10).**

3.3.2. Data processing activities related to handling of data subject's access requests.

25. The EDPS welcomes the approach to set up the retention period for data processing activities related to handling of data subject's access requests for three years in the Annex of the draft Decision, in light of the periods to bring a complaint concerning personal data processing to the data controller and to the EDPS. However, **the EDPS deems necessary that Europol clarify what is the set starting date or the activity/event determining the starting date of the retention period (Recommendation 11).**

3.3.3. Data processing activities related to the monitoring of compliance with Europol data protection legislation, including data protection impact assessments, prior consultations, notifications and communication of personal data breaches, cooperation with the European Data Protection Supervisor, and any other related processing activities.

26. The retention period for processing activities related to the monitoring of compliance with Europol data protection legislation is set for five years in the Annex of the draft Decision. **The EDPS deems necessary that Europol make a distinction between the different processing activities related to the monitoring of data protection compliance, adapt the respective retention periods, and clarify what is their set starting date or activity/event determining their starting date (Recommendation 12).** In addition, **the EDPS recommends that Europol make sure to specify the categories of personal data processed in the corresponding**

records of the processing activities mentioned in this section of the draft Decision (Recommendation 13). In case the nature of the personal data involved in a communication of a personal data breach concerns special categories of personal data, **the EDPS recommends that Europol implement a specific administrative procedure for deleting special categories of personal data before the end of the standard retention period of five years (Recommendation 14).**

3.3.4. Data processing activities related to business continuity management.

27. The retention period for processing activities related to business continuity management is five years in the Annex of the draft Decision. **The EDPS deems necessary that Europol clarify what is the set starting date or the activity/event determining the starting date of the retention period (Recommendation 15).** The EDPS understands the need to retain 'such personal data' in order to ensure the continuity of Europol's operations in case of events that compromise its normal functioning. Since these processing activities may have particular specificities, **the EDPS recommends that Europol assess the specific processing activities related to business continuity management to understand whether any of them could require a shorter retention period.** In particular, it may not be necessary to retain all personal data of every data subject concerned in every case related to business continuity management where any of the personal data may be substituted with a reference to the function or role exercised by the concerned data subject. **(Recommendation 16).**

3.3.5. Data processing activities related to the organisation and management of Europol events, translation services and any other related processing activities.

28. The retention period for processing activities related to the organisation and management of Europol events, translation services and any other related processing activities is set to five years in the Annex of the draft Decision. The EDPS considers that such retention period may be satisfactory where the processing activity has budgetary implications. In particular, where the retention of certain personal data in accordance with specific provisions of the Financial Regulation is necessary for budgetary discharge, control and audit purposes. However, **the EDPS recommends that Europol provide the justification of the assessment on the necessity to keep these files for such period (Recommendation 17).** In addition, **the EDPS deems necessary that Europol clarify what is the set starting date or the activity/event determining the starting date of the retention period (Recommendation 18).**

3.3.6. Data processing activities related to the Internal Audit Capability.

29. The retention period for processing activities related to the Internal Audit Capability is set for seven years in the Annex of the draft Decision. Since Europol is not providing a justification of the need to establish such retention period, **the EDPS deems necessary that Europol make an assessment of the need to retain the related files for seven years and/or explain whether there is a legal obligation to retain the information for that period of time. In addition, Europol should clarify what is the set starting date or the activity/event determining the starting date of the retention period (Recommendation 19).**

3.3.7. Data processing activities related to the implementation of the budget of Europol according to legal obligations: Management Board Decisions (e.g. on the Financial Regulation applicable to Europol), Executive Director Decisions, management of missions and claims, and any other related processing activities.

30. The retention period for processing activities related to the implementation of the budget of Europol according to legal obligations: Management Board Decisions (e.g. on the Financial Regulation applicable to Europol), Executive Director Decisions, management of missions and claims, and any other related processing activities is set for ten years in the Annex of the draft Decision. However, **the EDPS deems necessary that Europol clarify and document the need to keep the related files for ten years**, as it is unclear whether this retention period is based on certain legal requirements or it has been calculated on the basis of business needs, and what those legal requirements or business needs are (**Recommendation 20**).

3.3.8. Data processing activities related to the functioning of the Europol Liaison Bureaux and other related processing activities.

31. The retention period for the processing activities related to the functioning of the Europol Liaison Bureaux and other related processing activities is set for ten years in the Annex of the draft Decision. **The EDPS deems necessary that Europol provide information on when this retention period starts and what criteria have been used to determine it (Recommendation 21).**

3.3.9. Data processing activities related to the day-to-day management of office administration, staff management, implementation of multi-annual programming documents, annual plans and work programmes, management of business contacts, implementation of Europol rules on access to documents, participation in various projects relating to Europol's legal framework and strategic objectives and any other related processing activities.

32. The retention period for these groups of data processing activities is set for ten years in the Annex of the draft Decision. **The EDPS deems necessary that Europol make the relevant distinction between the different categories of day-to-day management related processing activities according to the purpose for which the relevant personal data are processed (Recommendation 22).** The EDPS considers that this will allow Europol to define the corresponding retention period taking into account the context in which the creation of the processing activity happened. Moreover, Europol should clarify and document the need to keep the related files for ten years, as it is unclear whether this retention period is based on certain legal requirements or it has been calculated on the basis of Europol's business needs, and what those legal requirements or business needs are.

3.3.10. Data processing activities related to the management of procurement procedures and contract administration.

33. The retention period for processing activities related to the management of procurement procedures and contract administration is set for ten years in the Annex of the draft Decision. The EDPS understands the need of storing records, which allow documenting the agreements and commitments made during the procurement procedure. However, EDPS considers that this retention period is overly lengthy. In particular, according to the EDPS' procurement guidelines 'personal data contained in supporting documents should be deleted where possible where these data are not necessary for budgetary discharge, control and audit purposes'¹¹. Therefore, **the EDPS deems necessary that Europol provides further information on when the retention period starts and what criteria have been used to determine it, including legal requirements and / or contractual obligations.** For example, it could be indicated that procurement files should be retained for ten years after the end of the contract (**Recommendation 23**).

¹¹ Page 5 of the EDPS Guidelines on the processing of personal data in the context of public procurement, grants as well as selection and use of external experts (23 June 2013).

3.3.11. Data processing activities related to the security and safety services carried out to ensure security and access control for the protection of Europol's premises and key assets (physical assets, persons working at or visiting Europol and information stored by Europol) and any other related processing activities.

34. The retention period for these processing activities is set for ten years in the Annex of the draft Decision. **The EDPS deems necessary that Europol carry out a renewed assessment on the necessity to keep such files for such period, and clarify what is the set starting date or the activity/event determining the starting date of the retention period (Recommendation 24).** The EDPS understands that the retention of such data may be crucial to support any subsequent investigation after a security incident occurred. However, the EDPS considers that this retention period is overly lengthy, unless there is a legal obligation to justify it.

3.3.12. Data processing activities related to the implementation of the EU Staff Regulations and Conditions of Employment of other Servants of the EU, Commission Decisions, Management Board Decisions, Executive Director Decisions and Policies regarding the human resources management and any other related processing activities.

35. The retention period for these processing activities is set for ten years in the Annex of the draft Decision. The EDPS considers that such retention period is satisfactory. The DPO of Europol explained to the EDPS during a call on 5 June 2024 their need of storing the relevant records of the staff members (i.e., payments back home, cost of stay or travel reimbursements) for at least seven years to prove compliance with financial obligations in the context of an audit. The EDPS understands the argument provided by Europol. However, **the EDPS recommends that Europol set this retention period for seven years.** Indeed, the retention period should fit more the time for which they would need to prove compliance with the above-mentioned financial obligations **(Recommendation 25)**. In addition, **the EDPS deems necessary that Europol clarify what is the set starting date or the activity/event determining the starting date of the retention period (Recommendation 26).**

3.3.13. Data processing activities related to the IT governance and IT management of Europol and any other related processing activities.

36. The retention period for data processing activities related to the IT governance and IT management of Europol and any other related processing activities is set for ten years in the Annex of the draft Decision. The EDPS considers that this retention period is overly lengthy, unless there is a legal obligation to justify it. Therefore, **the**

EDPS recommends that Europol carry out a further assessment of the evidence, including any legal obligations of the controller, justifying the retention of the personal data undergoing processing for the proposed period (Recommendation 27). In addition, the EDPS deems necessary that Europol clarify what is the set starting date or the activity/event determining the starting date of the retention period (Recommendation 28).

3.3.14. Data processing activities related to the functioning of, and performed by, the Europol Medical Centre.

37. The retention period for data processing activities related to the functioning of, and performed by, the Europol Medical Centre is generally set to thirty years in the Annex of the draft Decision. The EDPS deems necessary that Europol provide more details in regard to the scope of the different processing activities to which this retention period is referring (i.e., medical files of staff members or any other sub-category of medical files). In addition, the EDPS deems necessary that Europol provide further information on when the proposed retention period starts and what criteria have been used to determine it (Recommendation 29).

3.3.15. Data processing activities related to subsisting rights and obligations of staff members.

38. The retention period for data processing activities related to subsisting rights and obligations of staff members is one hundred years in the Annex of the draft Decision. The EDPS deems necessary that Europol clarify since when such retention period would apply (i.e., after the recruitment of the person) as this retention period appears to be excessively long. (Recommendation 30).
39. The EDPS notes that there might be cases for which a retention period of one hundred years could be justified for a specific processing activity. Moreover, the justification for this retention period can also depend on when the one hundred years retention period would start. For example, the one hundred years retention period after the birth of the person could be justified in certain cases, but the one hundred years retention period after the death of the person would not be justified. However, the EDPS considers that general retention periods cannot be established using by reference exceptional cases. Consequently, the one hundred-retention period cannot be established as a general rule since it may contradict the storage limitation principle.
40. In addition, the EDPS deems necessary that Europol make the relevant distinction between different categories of staff members and adapt the respective retention periods, taking into consideration that their subsisting rights and obligations may differ (Recommendation 31). For example, Europol may conclude that there is a need to establish a shorter retention period for staff

members with work contracts of shorter duration. In this respect, the EDPS deems necessary that Europol adopt a granular approach and make relevant distinctions between the different categories of documents related to the subsisting rights and obligations of different categories of staff members.

41. On the other hand, **the EDPS recommends that Europol put in place technical and organisational measures to, where necessary and appropriate, extend retention periods in exceptional circumstances to safeguard the subsisting rights of the staff members.** In addition, **the EDPS recommends that Europol implement the necessary procedure to assess on a regular basis whether they must delete personal data for which Europol decided to extend the retention period, or whether the circumstances that justified such extended retention periods still exist (Recommendation 32).**
42. Therefore, taking into account the comments above, **the EDPS deems necessary that Europol reconsider this specific retention period of one hundred years (Recommendation 33).** Indeed, the EDPS observes that Europol should set out a considerably shorter retention period for data processing activities related to subsisting rights and obligations of staff members.

4. CONCLUSION

As indicated above, in order to ensure compliance of the processing with the EUDPR, the EDPS **deems necessary** that Europol:

1. **Recommendation 1:** include as part of the retention schedule annexed to the draft Management Board Decision the criteria and elements (including possible legal obligations) justifying each retention period.
2. **Recommendation 2:** carry out a review of the respective records of processing operations in order to verify the accuracy of the information in the records regarding the retention periods set.
3. **Recommendation 9:** amend the Annex of the draft Decision in order to set what is the starting date or the action/event that determines the starting date at which each retention period starts to run.
4. **Recommendation 10:** clarify what is the set starting date or the activity/event determining the starting date of the retention period set up for *data processing activities related to the management of public relations, marketing, press and media and any other related processing activities*. In addition, Europol should explain why they have decided to keep personal data related to those processing activities for such period.

5. **Recommendation 11:** clarify what is the set starting date or the activity/event determining the starting date of the retention period set up for *data processing activities related to handling of data subject's access requests*.
6. **Recommendation 12:** make a distinction between the different processing activities related to *the monitoring of compliance with Europol data protection legislation*, adapt the respective retention periods and to clarify what is their set starting date or activity/event determining their starting date.
7. **Recommendation 15:** clarify what is the set starting date or the activity/event determining the starting date of the retention period set up for *data processing activities related to business continuity management*.
8. **Recommendation 18:** clarify what is the set starting date or the activity/event determining the starting date of the retention period set up for *data processing activities related to the organisation and management of Europol events, translation services and any other related processing activities*.
9. **Recommendation 19:** make an assessment of the need to retain the files related to *the Internal Audit Capability* for seven years and clarify what is the set starting date or the activity/event determining the starting date of the retention period.
10. **Recommendation 20:** clarify what is the specific legal instrument that Europol is referring to in order to keep the files related to *the implementation of the budget of Europol according to legal obligations* for such period.
11. **Recommendation 21:** provide information on when the retention period set up for *data processing activities related to the functioning of the Europol Liaison Bureaux* starts and what criteria have been used to determine it.
12. **Recommendation 22:** make the relevant distinctions between the different categories of *day-to-day management related processing activities* according to the purpose for which the relevant personal data are processed.
13. **Recommendation 23:** provide further clarification on when the retention period starts for *data processing activities related to the management of procurement procedures and contract administration*, and what criteria have been used to determine it, including legal requirements and / or contractual obligations.
14. **Recommendation 24:** carry out a renewed assessment on the necessity to keep the files related *the security and safety services* for such period, and clarify what is the set starting date or the activity/event determining the starting date of the retention period.
15. **Recommendation 26:** clarify what is the set starting date or the activity/event determining the starting date of the retention period set up for the *data processing related to the implementation of the EU Staff Regulation*.

16. **Recommendation 28:** clarify what is the set starting date or the activity/event determining the starting date of the retention period set up for the *data processing activities related to the IT governance and IT management of Europol*.
17. **Recommendation 29:** provide more details in regards to the scope of the activities related to *the functioning of, and performed by, the Europol Medical Centre* to which this retention period is referring. In addition, to provide further information on when the proposed retention period starts and what criteria have been used to determine it.
18. **Recommendation 30:** clarify since when the retention period set up for *data processing activities related to subsisting rights and obligations of staff members* would apply.
19. **Recommendation 31:** make the relevant distinction between the different categories of staff members and adapt the respective retention periods set up for *data processing activities related to subsisting rights and obligations of staff members*, taking into consideration that their subsisting rights and obligations may differ.
20. **Recommendation 33:** reconsider the specific retention period of one hundred years set up for *data processing activities related to subsisting rights and obligations of staff members*.

Moreover, the EDPS **recommends** that Europol:

21. **Recommendation 3:** confirm that information systems are properly updated to ensure that retention periods are implemented accordingly, in a secure and verifiable manner.
22. **Recommendation 4:** amend Article 3.3 of the draft Decision to explicitly mention that the storage of personal data for longer periods for such purposes is in accordance with Article 13 of the EUDPR ('safeguards relating to the processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes').
23. **Recommendation 5:** amend Article 3.4 of the draft Decision to indicate that Europol should document its assessment on the criteria followed to determine the retention periods for each category of data processed.
24. **Recommendation 6:** amend the Article 5.3 of the draft Decision to mention that the controller's documentation includes an analysis of the criteria taken into consideration for the assessment of the necessity of the continued storage of administrative personal data.
25. **Recommendation 7:** amend the Article 5.3 of the draft Decision to specify how regularly the controller should carry out the review of the need for continued storage of administrative personal data.

26. **Recommendation 8:** amend the Article 5.3 of the draft Decision to make clear that controllers shall be aware of and responsible for the correct management of the established retention periods.
27. **Recommendation 13:** specify the categories of personal data processed in the corresponding records of the processing activities related to the *monitoring of compliance with Europol data protection legislation*.
28. **Recommendation 14:** implement a specific administrative procedure for deleting special categories of personal data for processing activities related to the *monitoring of compliance with Europol data protection legislation* before the end of the standard retention period of five years.
29. **Recommendation 16:** assess the specific *processing activities related to business continuity management* to understand whether any of them could require a shorter retention period.
30. **Recommendation 17:** provide the justification of the assessment on the necessity to keep the files related to *data processing activities related to the organisation and management of Europol events, translation services* for such period.
31. **Recommendation 25:** set the retention period for processing activities related to the *implementation of the EU Staff Regulation* for seven years.
32. **Recommendation 27:** carry out a further assessment of the evidence, including any legal obligations of the controller, justifying the retention period set up for the *data processing activities related to the IT governance and IT management of Europol and any other related processing activities*.
33. **Recommendation 32:** put in place technical and organisational measures to, where necessary and appropriate, extend retention periods related to *data processing activities related to subsisting rights and obligations of staff members* in exceptional circumstances to safeguard the subsisting rights of the staff members. Moreover, to implement the necessary procedure to assess on a regular basis whether they must delete the personal data for which Europol decided to extend the retention period, or whether the circumstances that justified such extended retention periods still exist.

In light of the accountability principle, the EDPS expects Europol to implement the above recommendations accordingly and has decided to **close the case**.

Done in Brussels, October 2024

[e-signed]

WOJCIECH RAFAŁ WIEWIÓROWSKI

