REGISTER NUMBER: 246

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 06/06/2007

Case number: 2007-380

Institution: European Commission

Legal basis: article 27-5 of the regulation CE 45/2001(1)

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN(2)

(2) Please attach all necessary backup documents

1/ Name and address of the controller

2) Name and First Name of the Controller: KOLETSOS Antonios

3) Title: Head of Unit

4) Directorate, Unit or Service to which the Controller is attached: C.07

5) Directorate General to which the Controller is attached: JRC

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

26) External Company or Directorate General to which the Processor is attached:

25) External Company or Directorate, Unit or Service to which the Processor is attached:

3/ Name of the processing

ARDOS

4/ Purpose or purposes of the processing
ARDOS is the Security Service Information and Document Archive. All documents requested by and presented to security service are registered within ARDOS.

- Its aim is to support the emission of what is called a Security 'Nulla Osta' for any recruited member of staff (See Point 37).
- Such documentation includes a criminal record/certificate of good conduct for everyone that in one moment in time was issued with a Security 'Nulla Osta' or a staff pass to access the site, and personal photographs used and necessary for printing personalised staff passes as well as sharing such photographs with the Commission Directory or Service Guide.
- Information regarding presence on-site of people is also maintained and collected to be able to apply 72 month On-site Presence rule (Commission Decision C(2004) 1597 - http://www.cc.cec/guide/publications/infoadm/2004/ia04075_en.html) as well as the specific JRC rules.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

Anyone with the intention (i.e. candidate's pre-selected for a job or post) or wanting to work (i.e. Security Service, with the emission of a Security 'Nulla Osta', and Medical Service need to provide a favorable opinion before a candidate is proposed a job) for the Joint Research Centre or staff needing to regularly enter the Ispra Site (i.e. have been issued a 'staff pass'). it should be noted that this does not concern and excludes daily visitors that enter the site on a irregular basis as such data is kept only within SECPAC (DPO-722).

Please note that full documentation for 'Nulla Osta' emission and storing of staff photographs is performed for all JRC staff.

16) Category(ies) of Data Subjects:

Categories concerned are job candidates and all categories of staff.

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

17) Data field(s) of Data Subjects:

Attention: Please indicate and describe in the answer to this question also data fields which fall under article 10

Data fields to consider are mainly related to 2 key subjects PEOPLE and DOCUMENTS and fall mainly under Article 10.

PEOPLE - first_name, real_first_name, last_name, real_last_name, presentation_name, sex, title, birth_date, birth_place, birth_country, nationality, alias, staff_number, source_id, source, email, phone, start_v_date, end_v_date, [universal_id]

DOCUMENTS - doc_type_id, doc_id, [universal_id], doc_name, doc_state_id, doc_content (*), doc_creation_date, doc_descr, doc_note, inserted_by

DOCUMENT_TYPES - Application Form, Autocertification, Authorisation, Contract Extension, Curriculum Vitae, Data Collection Form, Derogation, End of Contract, End of Service Stamps, Foresteria, Identity Document, Nulla Osta, Nulla Osta Request, Old Staff Pass or Photo, On-Site Presence, Parking related Requests, Permesso di Soggiorno, Photograph, Police/Criminal Record, Service Entry, Staff Pass Loss
18) Category(ies) of data fields of Data Subjects:
Attention: Please indicate and describe in the answer to this question also categories of data fields which fall under article 10

Vast majority of data fields and documents fall outside the scope of Article 10.

Certain documentation, including personal photographs, may eventually fall under Article 10 but exemption is provided within point 5 of the same article (i.e. processing of data relating to offences, criminal convictions or security measures may be carried out only if authorised by the Treaties establishing the European Communities or other legal instruments adopted on the basis thereof or, if necessary, by the European Data Protection Supervisor, subject to appropriate specific safeguards) due to the legal obligations associated with the implementation of the 'Physical Protection Plan' which the Joint Research Centre has the legal obligation to implement.

7/ Information to be given to data subjects

15a) Which kind of communication(s) have you foreseen to inform the Data Subjects as described in articles 11 - 12 under 'Information to be given to the Data Subject'

See Privacy Statement. No other explicit communication is foreseen due to the need to comply with varied obligations including those related to the management of Nuclear Sites.

Staff upon recruitment know through Human Resources Managers they have to present certain documentation and are aware their data will be used by Security Service for the emission of a Security 'Nulla Osta' and the application of staff regulations.

All data subjects also know that their photograph is necessary to physically produce their staff pass. The Welcome Desk directs and accompanies people in taking their photograph.

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

15b) Which procedure(s) did you put in place to enable Data Subjects to exert their rights: access, verify, correct, etc., their Personal Data as described in articles 13 - 19 under 'Rights of the Data Subject':

Security Service to ensure transparency has envisaged a procedure where data subjects may request and verify what data is registered and associated with them. The JRC SECPAC SUPPORT service (jrc-secpac-support@ec.europa.eu) is the main point of contact and is responsible for providing access or correcting personal data. As an example a special procedure for returning original 'Police Record' has been put in place (see attachment in point 37).

At any given moment in time Data Subjects may request and perform an update of their photograph eventually also using an External Photographic Service (see attached description of such service in point 37).

Personal address and personal contact in case of emergency information is usually updated upon emission, renewal or replacement of a staff pass but may be updated at any time.

9/ Automated / Manual processing operation
7) Description of Processing:
Attention: Please describe in the answer to this question if you process personal data falling under article 27 "Prior-Checking (by the EDPS - European Data Protection Supervisor)"

ARDOS is the Security Service Information and Document Archive. All documents requested by and presented to security service are registered within ARDOS.

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- Such documentation includes a criminal record/certificate of good conduct for everyone that in one moment in time was issued with a Security 'Nulla Osta' or a staff pass to access the site, and personal photographs used and necessary for printing personalised staff passes as well as sharing such photographs with the Commission Directory or Service Guide.
- Information regarding presence on-site of people is also maintained and collected to be able to apply 72 month On-site Presence rule (Commission Decision C(2004) 1597 -

8) Automated Processing operation(s):
Import data from SYSPER to update active staff table and internal service as well as office location details.

9) Manual Processing operation(s):
Reference system for all Security Service Long Term Authorisations (i.e. Staff Passes) or Special Authorisations.
Maintenance of updated list of all 'active' people working on-site.
Emission of Security 'Nulla Osta' and 'On-Site Presences'.
Archiving of all historical information.

10/ Storage media of data
An analysis of present data in ARDOS showed that there are more or less 20000 records related to people (including some companies, dummy or test users, etc. that need to be cleaned-up...) registered in the Security Service Archive. Of these around 16000 individuals have associated documentation, either in scanned or on paper. Of these more than 9200 are scanned completely or partially. This actually means that more or less 60% of our documents can be retrieved in digital format. According to our present data we are sure that a little more than 6400 sets of documentation related to people have to be scanned into the Security Service Archive and that 258 of these don't have any reference to paper documentation. A rough count of the drawer contents of the 20 cabinets Security Service currently has in the 3rd floor of building 5L, a rough estimate that there are between 6600-7000 sets of paper documents, has been made.

Digital documents are currently kept on Direct Access Storage of Security Service Servers connected to the

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:
Euratom Treaty and Directives (see attachment) regarding the need to maintain certain types of information (e.g. dosimeter assignment)
- Italian Law 906/1966 (see attachment) regarding establishment of the Joint Research Centre.
- Physical Protection Plan included in decree of Italian Ministry of Industry (see attachment)
- Internal JRC directive regarding 72 Month Rule (see attachment)
- Financial Regulations
- Italian Safety Regulations 626/1994
12) Lawfulness of Processing:
Answering this question please also verify and indicate if your processing has to comply with articles 20 "Exemptions and restrictions" and 27 "Prior checking (by the EDPS)"

Security Service within the Logistics unit aims at providing:

i) Security measures to protect the persons and premises of the site.

ii) Authorisation of access to site (registration of staff, visitors and vehicles),

iii) Physical protection of the site (guards, alarms, video surveillance, etc.

iv) Protection of Commission information and monitoring of information system security.

Application of Article 28 (c) of the Staff Regulations of Officials of the European Communities concerning recruitment, focusing on appropriate character references as to suitability for the performance of specific duties. This is currently performed by the emission of a Security 'Nulla Osta'. Identical articles are analogously applied for other types of temporary staff.

Processing necessary in order to comply with Italian Law concerning Nuclear Sites and both Commission

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

20) Recipient(s) of the Processing:

ARDOS is for internal use of Security Service. Actual ARDOS data is never directly transferred or accessible from outside Security Service as such information system resides in a physically isolated network.

Information provided with a justified 'need to know' basis based on ARDOS data is always processed and edited in a standard document template ('Nulla Osta' or 'On-site Presences' templates available in Point 37). Only key Human Resources people responsible for the recruitment process in all sites may request a Security 'Nulla Osta' to Security Service. ARDOS contains the supporting information and documentation used for the emission of Security 'Nulla Osta' or 'On-site Presences' and to authorised statutory staff that is usually involved in the management of Human Resources.

The Ispra Site Director may ask for extra information in case of an emergency or investigation.

Staff Pass Photographs of Statutory Staff of all JRC sites are exported from ARDOS and then transferred to

21) Category(ies) of recipients:

Vetted Core Security Staff. Within Core Security Service staff there are also several profiles which include Security Officer and Security Archivist and Administrator. Security Officers may access personal data and photographs. Security Archivists may access all registered information including documental information. Administrators have full access to full ARDOS functionality which includes the management of such profiles.

Key authorised Statutory Staff responsible for recruitment process.

13/ retention policy of (categories of) personal data
ARDOS currently holds historical information and all data collected has been kept over time.

For what concerns data collected for candidate’s that give up their job application or are not recruited but have had a Security 'Nulla Osta' processed for them data is kept for a period of 1 year.

Data should always be kept as long as there is a contractual link with the concerned member of staff concerned (i.e. associated with a valid staff pass has been issued) or a need to follow-up actions linked to the 72 months rule, also known as ‘règle anti-cumul de 6 ans’ (please refer to point 7 and 11 for additional details). It should nevertheless be kept for an additional period of 1 year after the certain conclusion of that contractual link.

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)

(On justified legitimate request from the data subject)

22 b) Time limit to block/erase data on justified legitimate request from the data subjects

On a justified request from the Data Subject data will be modified, frozen or eventually erased in a maximum period of 14 days.

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.

22 c) 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

Currently ARDOS is the only reliable reference information system, no others exist, along with existing remaining paper archive, for information regarding ‘on-site presences’.

Security Service is currently eliminating and screening paper documentation that has been kept for more time than mentioned in 22a) and that is no longer needed. Such an action currently depends on available resources. It is estimated that this task with the currently available resources will be completed within the next 48 months.

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

27) Legal foundation of transfer:

Only transfers to third party countries not subject to Directive 95/46/EC (Article 9) should be considered for this question. Please treat transfers to other community institutions and bodies and to member states under question 20.

Not applicable.

28) Category(ies) of Personal Data or Personal Data to be transferred:

Not applicable.
16/ The processing operation presents specific risk which justifies prior checking (please describe):

7) Description of Processing:
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12) Lawfulness of Processing:
Answering this question please also verify and indicate if your processing has to comply with articles 20 "Exemptions and restrictions" and 27 "Prior checking (by the EDPS)"

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Processing necessary in order to comply with Italian Law concerning Nuclear Sites and both Commission
Article 27.2.(a) Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

Article 27.2.(a) Processing of data relating to security measures,

Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject,

Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject,

Article 27.2.(c) Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

n/a
Article 27.2.(d) Processing operations for the purpose of excluding individuals from a right, benefit or contract,

n/a

Other (general concept in Article 27.1)

n/a

17/ Comments

1) Date of submission:

10) Comments if applicable:

ARDOS is the Security Service 'back-office' information system that is complemented by SECPAC.

It is only available to a very restricted user population i.e. vetted Security Service Officers and within a physically separate network, fully controlled and managed by Security Service.

36) Do you publish / distribute / give access to one or more printed and/or electronic directories? Personal Data contained in printed and/or electronic directories of users and access to such directories shall be limited to what is strictly necessary for the specific purposes of the directory. If Yes, please explain what is applicable.

no

37) Complementary information to the different questions if applicable, including attachments to this notification which should not be public:

ARDOS is intimately related with the SECPAC application.

You find in attachment the 'Nulla Osta' document template, similar to the 'On-site Presence' template that is issued by Security Service to Human Resources Managers in all JRC sites (Ispra, Seville, Geel, Petten and Karlsruhe).

Please find attached also the Legal Clauses for Data Transfer under Article 7 concerning ARDOS that specifically cover 'Nulla Osta' as well as the Staff Pass Photo transfer to the Commission Directory or Service Guide.

Attached you also find the 'Nulla Osta' Presentation in support of Point 13.
PLACE AND DATE: 05/06/2007
DATA PROTECTION OFFICER: RENAUDIERE Philippe
INSTITUTION OR BODY: European Commission