

EUROPEAN COMMISSION
Employment, Social Affairs and Inclusion DG

The Director-General

Brussels, **19 DEC. 2013**
DG EMPL (2013)

Mr Aris Kolimatsis
[ask+request-916-
6b848fe5@asktheeu.org](mailto:ask+request-916-6b848fe5@asktheeu.org)

Subject: Your request for access to documents – Ref GestDem No 2013/5224

Dear Mr Kolimatsis,

We refer to your e-mail dated 20/10/2013 in which you make a request for access to documents, registered on 20/10/2013 under the above mentioned reference number, as well as the additional information you provide in your e-mail dated 08/12/2013.

Your application concerns the following documents:

1. Documents drafted by the Directorate-General for Employment, Social Affairs and Inclusion (DG EMPL) and concerning the Electronic Exchange of Social Security Information (EESSI) system that were submitted to the Data Protection Officer (DPO) via the on line notification system of article 11 of Decision 597/2008, including all annexes and appendices thereto. The documents directly relate to the EESSI prior notification of article 25 of Regulation No 45/2001.
2. Inasmuch as they are distinct from the documents under (1) above, the documents drafted by DG EMPL concerning EESSI that were submitted to the DPO as the EESSI prior notification and entered in the register of processing operations of article 4 of Decision 597/2008, including all annexes and appendices thereto.
3. Notwithstanding requests #1 and #2 above, the detailed questionnaire the EESSI data controller filled in and dispatched to the DPO, including all annexes and appendices thereto.
4. The documents drawn up by the DG EMPL Data Protection Coordinator about EESSI.
5. The documents the EESSI data controller addressed to the DPO about EESSI - if any, and not falling under the requests #1 - #4 above. Such a document might concern the EDPS prior check about EESSI.
6. Correspondence between the EESSI data controller and the DG EMPL Data Protection Coordinator.

7. Any documents DG EMPL addressed to the Administrative and Technical Commissions overseeing EESSI, as well as any Working Groups under the authority of those two Commissions, about the fundamental right of personal data protection and the EESSI processing operations.

Regarding your request please find below my answer as follows:

- **Your questions no. 1 to 5:**

The EESSI Data Controller (herewith referred to as "DC"), together with the DG EMPL Data Protection Coordinator (DPC), prepared one official document (the so called notification) to notify the EC Data Protection Officer (DPO) about the EESSI personal data processing. The DC entered the notification in the DPO system and it underwent DPO approval. Further to this, the DPO has submitted this notification to the EDPS for the prior checking. In this context, the EDPS has submitted to the Data Controller a number of clarification questions. Documents submitted as reply to the clarification questions were transmitted to the EDPS, and we could not identify any further documents addressed by the EESSI Data Controller to the DPO about EESSI.

The notification is available on the public register of the notification to DPO, freely accessible in the internet:

<http://ec.europa.eu/dpo-register/details.htm?id=26845>

A Privacy Statement that can be found annexed at chapter 11 of the Notification has also been elaborated.

Please also find attached the detailed questionnaire that has been submitted by the DPC to the DPO (attached document "Notification"), together with the relevant annex that was submitted at the time, entitled "EESSI Overview".

- **Your question no. 6.**

I understand that your question refers to the official correspondence between the persons filling the roles of EESSI Data Controller and the DG EMPL Data Protection Coordinator, acting in these capacities.

I would like to inform you that no official correspondence existed between the Data Controller and the DG EMPL Data Protection Coordinator. The searches that my services have performed in the database of registered official correspondence (Ares) did not show any evidence of written correspondence taking place and to the best of our knowledge this correspondence did not exist.

- **Your question no. 7.**

In your e-mail of 08/12/2013 you specify that you refer to documents addressed to the Administrative and Technical Committees. We are assuming however that you are referring to the Administrative Commission as described in Article 71 of Regulation (EC) No 883/2004 and the Technical Commission as described in Article 73 of the same Regulation. Please find attached the following documents that DG EMPL has addressed to the Technical Commission (documents that are also available to the Administrative

Commission) and respectively to the EESSI Security Expert Forum in connection with the personal data protection and EESSI processing information:

Note AC 419/11 and its annex, informing the Technical Commission of the EDPS opinion on EESSI.

Note AC 632/11 indicating the follow up actions to the recommendations included in the EDPS opinion following the prior-checking of the EESSI system.

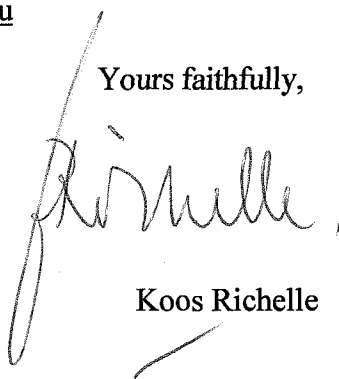
The Annexes to note AC 632/11 cannot be disclosed, in line with the exception laid down in Article 4 (1) b) of Regulation (EC) No 1049/2001. The annexes contain information about how encryption keys will be managed. The disclosure of this information would increase the risk of personal data breaches since it reduces the effectiveness of the countermeasures that are foreseen. Public interest in making the content of the documents public does not outweigh the harm disclosure would potentially cause.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency unit SG-B-5
BERL 5/327
B-1049 Bruxelles
or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,



Koos Richelle

Annexes:

- Notification submitted to the Data Protection Officer
- Annex "EESSI Overview"
- Note AC 419/11 - EDPS Opinion on a notification for prior-checking received from the Data Protection Officer of the European Commission on EESSI and its Annex
- Note AC 632/11 - Reply to the EDPS Opinion on a notification for prior-checking of EESSI system