

## Notification to the DPO

### COMPULSORY INFORMATION

1) Date of submission

**12/05/2007**

2) Function and address of the controller

**Head of Division**

**NR5 Performance unit C**

**12 rue Alcide de Gasperi, L-1615 Luxembourg**

3) Unit/Service which is the Controller

**NR5 Performance unit C**

4) Unit/Service of the Processor

**NR5 Performance unit C**

5) Name of Processing + description

**Auditing of milk quotas**

6) Legal basis of processing

**Paragraph 1 and 3 of Article 287 of the "Consolidated version of the Treaty of Functioning of the European Union".  
Chapter 1 of Titel 8 of Council Regulation (EC, Euratom) 1605/2002  
Common Market Organisation for milk and dairy products: 1255/1999  
Council Regulation (EC) No 1788/2003 of 29 September 2003  
Commission Regulation (EC) No 595/2004**

7) Lawfulness of processing. Please retain only the justification(s) which apply for this declaration.

- a) 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
- b) processing is necessary for compliance with a legal obligation to which the controller is subject
- c) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract
- d) the data subject has unambiguously given his or her consent
- e) processing is necessary in order to protect the vital interests of the data subject

**a)**

8) Purpose(s) of Processing

**The purpose of the processing is to assert whether the Paying Agency is carrying out the administration and control of the SAPS in accordance with Community legislation  
Auditing quotas allocated to milk producers, their transfers, conversions and quantities marketed**

9) Data Subjects

**Physical and legal entities having received payments for milk and dairy products**

10) Data fields(s) of Data Subjects;

Attention: Please indicate and describe in the answer to this question also data fields which fall under article 10 (racial or ethnic origin; political opinions; religious or philosophical beliefs; trade-union membership; health or sex life)

**Name, address, payment received, inspections, product, quantities**

If Article 10 applies please specify here:

**N/A**

11) Recipient(s) of the Processing to whom the data might be disclosed

**The officials concerned in the European Commission  
ECA Data Protection Officer (DPO), the European Data Protection Supervisor (EDPS) & Ombudsman in case of complaints  
Member State's Paying Agency concerned  
Member states supreme audit institution  
Member states ministry of agriculture  
OLAF in case of suspected fraude**

12) Retention policy of (categories of) personal data

<b>The data are erased 5 years after discharge, therefore 7 years total</b>		
13) How are Data Subjects informed about the treatment of their personal data, as specified in Articles 11 - 12 of the Regulation?		
<b>By the Commission/Paying agency at the moment the requestor asks for a subsidy</b>		
14) Specify which procedures have been implemented to guarantee the data subjects rights (access; correct; lock; erase; opposition) as specified in Articles 13 - 19 of the Regulation.		
<b>Data subjects can only request access to their data.</b> <b>Rectification, blocking, erase is not possible as the data obtained is part of an audit file and thus audit evidence.</b> <b>Publication of the notification in the DPO's register</b>		
15) Which time limit has been set after which the Data Subjects can't lock/erase data on justified legitimate request.		
<b>N/A</b>		
16) 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		
<b>N/A</b>		
17) Legal foundation of transfer: only transfers to third party countries (outside EU) 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: Recipient(s) of the Processing		
<b>N.A.</b>		
18) Which Category(ies) of Personal Data or Personal Data will be transferred to third party countries (outside EU)?		
<b>N.A.</b>		
19) How will the personal data be stored: paper/digital and if applicable in which information system?		
<b>Digital when obtained in such a format in a shared work space and/or within the audit documentation system.</b> <b>In paper format when obtained in such a way within access controled areas.</b>		
20) Describe the procedures of how the personal data will be treated and if it is a manual/automatic treatment		
<b>In the framework of the Milk Quotas audit, it is envisaged to use personal data only for complementing statistical data related to milk production, processing and consumption. If the auditors use personal data, they will treat them manually and make the results completely anonymous. No automatic treatment is envisaged.</b>		yes
21) The processing presents specific needs which justifies prior checking for data falling under article 27		
a) processing of data relating to health and to suspected offences, criminal convictions or security measures b) processing operations intended to evaluate personal aspects relating to the data subject, including his or her ability, efficiency and conduct c) processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes d) processing operations for the purpose of excluding individuals from a right, benefit or contract		
YES	NO	If YES then which option(s) A B C D
<b>NO</b>		
22) General description of the control measures taken to fulfil Article 22 "Security of processing" and especially preventing any unauthorised disclosure or access, accidental or unlawful destruction or accidental loss, or alteration, and to prevent all other unlawful forms of processing.		
Place and date: <b>Luxembourg 12/05/2007</b>		
Data Controller: <b>Leon KIRCH</b>		
Place and date: <b>Luxembourg 12/05/2007</b>		
Data Protection Officer: <b>Jan KILB</b>		