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Subject: Consultation on the call monitoring data of the unified communication system (UniComm) at the European Union Agency for Fundamental Rights (FRA)

Dear Mr Fikatas,

I am contacting you regarding your consultation on the implementation of a new unified communication system based on Microsoft MS Lync 2010 solution at the FRA, sent to the EDPS on 14 February and 8 June 2012.

This consultation is based on article 27(3) as you ask whether there is a need for prior notification of the processing operations. Your consultation contained, together with the notification to the DPO, a draft information note to the data subjects as well as an excel sheet covering a Peer-to-Peer session detail report (data that are stored).

After examining the data processing operations described in the prior checking notification to the DPO and considering the additional information also provided, we have reached the conclusion that the processing covering the new unified communication system at the FRA **is not subject to prior checking**.

In principle, the EDPS considers electronic communications (and in particular the processing of telephone records) to be subject to prior checking under three main cases: if there is a breach of confidentiality of communication or the processing relates to suspected offences, offences or security[1] measures or it is intended to evaluate personal aspects relating to the data subjects.

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[1] Security measures in the meaning given in the FR version of the Regulation: "mesures de sureté".

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This means that not all electronic communication systems are necessarily subject to priorchecking.

Based on the information provided, the purpose of the processing of the personal data is twofold:
- to ensure the good functioning of the system and best quality of service, there is a logging mechanism of the undertaken calls for 60 days and
- to identify and handle possible security threats against the UniComm system.

This system will also replace the current standard telephone system at the FRA.
It is an ICT solution where the logged information is used for a specific purpose and the access to the data is restricted to IT System Administrators only.

In the present case, it appears that the personal data in question are processed only to ensure the good functioning and identification/handling of security threats against the Unicomm system. Nothing in the notification indicates that the processing is aimed at processing data relating to offences or at the evaluation of personal aspects. We understand that the threat prevention activity does not imply individual monitoring and evaluation of users' behaviour but is carried out on a general/anonymous basis. If monitoring of authorised use is introduced a separate notification is anyway necessary.

At the same time, the processing does not appear to violate the confidentiality of communications, as certain traffic data are solely processed in order to allow data subjects to identify their private calls with no interference with the content of the communications. This corresponds to an established line of EDPS decisions.

The information notes provides information on the use of the system, what is being logged for how long and also the information to be provided to the data subjects (purpose - data controller - data processed - legal basis - recipients - retention period - right of access - recourse). The EDPS considers that the information required by Articles 11 and 12 of the Regulation are provided.

As to the retention policy, the time limit of 60 days is in line with Article 37 of the Regulation.

Finally, as to the Peer-to-peer session detail report, the EDPS considers that the processing of the data covers standard procedures that are needed for management of the service and for troubleshooting.

Should you have any questions or requests for clarifications, do not hesitate to contact us.

Sincerely yours,

(**signed**)

Giovanni BUTTARELLI