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Please send all correspondence to:
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Dear Mr Placco,

On 25 June 2013, the European Data Protection Supervisor (EDPS) received a consultation pursuant to Article 27(3) of Regulation (EC) No 45/2001 ('the Regulation') regarding the management of digitised personal files at the Court of Justice.

You refer to our letter of 8 May 2013 (files 2013-0417 and -0418) regarding your previous consultation on the digitisation of personal files. In our letter, we confirmed that digitisation itself is not subject to prior checking under Article 27, but drew your attention to the fact that the electronic management of personal files could present specific risks within the meaning of Article 27 of the Regulation.

In the present consultation, you have asked whether or not automated processing as proposed by the Court is subject to the notification requirement under Article 27.

The facts

Once the existing personal files have been digitised, the Court wishes to move to electronic file management¹. Electronic files will be saved on a server which is not connected to the Court's IT network and is only accessible via two computers installed at the office where the paper files are kept. Access to those computers will be restricted to the Director-General of Personnel and Finance (and his secretariat), the Director of Human Resources and Personnel Administration (and his secretariat) and the Head of the Human Resources Unit and about fifteen members of his staff, each with their own personal IT account. Access rights, in particular the rights to read and update the files, will be granted to them on the basis of their respective roles.

¹ Paper files will be kept alongside electronic files.

Moreover, there will be a search function to allow personal files to be located using the name of the official in question.

There will be no linkage with other databases.

Legal analysis

As mentioned above, we have already highlighted the potential risks which the electronic processing of personal files is likely to present.

In our letter of 8 May 2013, we highlighted three relevant issues:

1. **File access and security**

As explained above, access to the electronic files will be restricted to those officials who have access to the paper files. Moreover, logging devices will be used. Compared with the management of personal files on paper, the issue of access and security does not appear to present any additional risks.

2. **Powerful search functions**

There will be only one search function, and it will use the name of the interested party to locate his/her personal file. This is necessary because those responsible for managing personal files do not know the personnel numbers of the officials. Again, compared with the management of paper files, this does not seem to present any additional risks. This would not be the case if the search function were more powerful, for example, if it could be used to conduct searches of the entire contents of the files.

3. **Links with other databases**

There will be no linkage with other databases, so there is no additional risk.

The EDPS also notes that the Court plans to store personal files for 120 years. As you know, this issue has not yet been resolved as it is the subject of talks currently being held between the institutions and the EDPS.

Conclusion

The electronic management of personal files as proposed and described by the Court does not appear to present a specific risk within the meaning of Article 27. **Therefore, there is no need for prior checking.**

Yours sincerely,

(signed)

Giovanni BUTTARELLI