

01 - Name of processing	Audio recordings of the Board meetings and Management Team meetings (Management Board, Executive Board)
02 - Reference	26
03 - Submission Date	12-04-12
04 - Last update	22-06-20
05a - Controller	CARR Christopher
05b - Unit-Sector	Executive Office and Communication Unit
05c - Controller's email	managementboard@era.europa.eu
06 - DPO	DataProtectionOfficer@era.europa.eu 120 Rue Marc Lefrancq, 59300 Valenciennes, France Tel.+33 (0) 32 70 96 500
07 - Name and contact details of joint controller (where applicable)	
08a - Who is actually conducting the processing? (Article 31.1(a))	The data is processed by ERA (responsible unit) itself
08b - Name and contact details of processor (where applicable)	
09 - Purpose of processing	<p>The processing of personal data during the audio recordings of the Board meetings is in place solely for transcription purposes of the Board meetings, namely the minutes of the meetings.</p> <p>As regards the Management Team meetings:</p> <p>Organisation and management of meetings with or without outside participants, including management of: lists of contact details, invitations, participants, presentations, photographs/ pictures, live web streaming and/or audio and video recording, reporting, distribution of reports, feedback on reports, meeting follow-up or evaluation, follow-up meetings, follow-up actions, lists and mailing lists for invitation, news, newsletters and publications, including on intranet/internet.</p>
10a - Data Subjects	<p>EB/MB members and observers (representatives of Member States, the European Commission, the Sector representatives and other stakeholders) of each meeting, all ERA staff (including SNEs, trainees and contractors), invited and participating to the meeting.</p>

10b - Personal data

Identification data: Name, First Name, Organisation, Contact Details (e-mail address, business telephone number, business mobile telephone number, fax number, postal address); Vocal data: intervention of the data subject which occurs during the participation in the meetings of the AB.

As regards the Directorate Meetings:

Data necessary for the organisation and management of the meeting, such as Gender (needed for the determination of the title), Name, Surname, Profession, Postal/E-mail Addresses, Phone Number, Fax Number, Live Web Streaming and/or Audio and Video Recording of speakers and participants, presentations of speakers could be processed and published in the context of the meeting (an opt-out notice is provided for in the model privacy statement).

For the purposes of access control by security guards to the Agency's premises (under responsibility of the Administration Unit, see Notification DPO-40): identity/passport number, date of birth.

For the purpose of reimbursement of travel expenses/ allowances: information about the form of transport use and hotel, as well as banking information. The processing of personal data for all the above-mentioned purposes does not involve processing of special categories of data falling under the provision of art. 10 of the Regulation (EC) 45/2001.

11 - Time limit for keeping the data

The recordings shall be destroyed once the corresponding minutes of the meetings are approved and, in any case, no later than six months after the date of the meeting.

As regards the Management Team meetings:

Personal data are kept as long as follow-up actions to the meeting are necessary with regard to the purpose(s) of the processing of personal data, as well as to the purposes of the management of the meeting. All personal data will be deleted from databases 1 year after the last action in relation to the meeting. Reports containing personal data will be archived according to the Agency's legal framework.

12 - Recipients of the data

For the purpose described in detail above, access to personal data contained in the audio-recordings shall be granted only to the ERA Board Secretariat staff members of the Agency in addition to the staff of the ERA supervising authorities (European Court of Auditors, OLAF etc.), if necessary. No transfer to other recipients is foreseen.

As regards the Management Team meetings:

Participants of the meetings and members of ERA staff having access to the respective meeting, without prejudice to possible transmission to the Internal Control Coordinator, the Court of Auditors, the Financial Irregularities Panel, the European Anti-Fraud Office (OLAF) and any other institution or entity with responsibility for audits or investigations.

For transparency purposes, personal data of experts/observers which are members of an agency working Party/Group are published on the extranet for as long as the membership upholds and/or until removal from the site is requested.

The Extranet is under the responsibility of the Head of EXO (see Notification DPO-36).

13 - Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?

N/A

As regards the Management Team meetings:

If personal data are published on a publicly available website (e.g. the Agency website), this means that they are accessible worldwide. Following the opinion of the EDPS (see the EDPS Opinion on the reform package, pp. 18-19, points 108-109, dated 7 March 2012 and the EDPS Position Paper on “The transfer of personal data to third countries and international organisations by EU institutions and bodies”, Brussels, 14 July 2014, p. 6, with reference to the “Lindqvist” case [C-101/01, Lindqvist [2003] ECR I-12971], point 71), this does not, necessarily, amount to a transfer of personal data under art. 9 of Regulation (EC) 45/2001. Anyhow, the participants have to be aware of such a publication and need to be given an adequate opportunity to opt-out on legitimate grounds which are assessed on a case-by-case basis by the organiser.

Therefore the specific privacy statement provides for the possibility of opting out. If a report, including the presence list, is shared between participants and organisations represented in the meeting, in order to keep the network of the participants operational, and as it is an ERA document, it underlies also the Agency’s Decision concerning the Public access to documents (“Arrangements to be applied by the Agency for public access to documents”, as adopted in the ERA AB meeting No. 2 on 28 October 2004 and amended with the ERA AB decision No. 41, adopted during meeting No. 18 on 17 November 2009).

14 - How is data stored? What are the security measures implemented?

The audio recording takes place by means of a stand-alone recording equipment not connected to the Agency's network. An external contractor is providing the material for the recording. No copies are kept in the contractor's equipment. The recording files are transferred directly in the specific drive of the Board Secretariat. The collected personal data are only accessible by the Agency staff working for the ERA Board Secretariat. The access to the specific folder is done by logging on to the PC through a login name attributed to each staff member, along with a password. Members on security systems are defined in the Electronic Information Security Policy adopted by the Agency.

As regards the Management Team meetings:

The processing complies with the Agency's Electronic Information Security Policy.

In case the meeting is organised by an external company, the collected personal data and all information related to the above-mentioned event, are stored on a computer of the external contractor [SM(T2)] (considered as the processor) who has to guarantee the data protection and confidentiality required by Regulation (EC) 45/2001.

15 - For more information, including how to exercise your rights to access, rectification, object and data portability (where applicable) see the data protection notice

The personal data subjects will be requested to give their free and explicit consent each time at the moment the meeting is convened and shall have the possibility to object to the audio recording. The objection shall be mentioned in the minutes of the meeting. Normally, a privacy statement is sent to the data subjects with each invitation to a meeting. Through this privacy statement, the data subjects are informed not only of the contact details of the ERA Board Secretariat in case they wish to verify which personal data are stored or have them modified, corrected or deleted and of the DPO of the Agency for any questions related to their rights, but also of their right of recourse to the EDPS, in case they consider that their rights under Regulation (EC) 45/2001 have been infringed as a result of the processing of their personal data by the ERA.

15a - Data subject rights

Right to have access; Right to rectify

16 - Legal Basis

art. 11 of the Rules of Procedure of the ERA Administrative Board (Consolidated version adopted during the 34th Meeting of the ERA AB as Annex to the Administrative Board Decision No. 108); 3;#Art. 25 and 28 of the Regulation (EC) 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European railway agency; ;#Decision No. 105 of the ERA Administrative Board appointing the members of the Sub-Committee of the Board and repealing Decision No. 86, adopted during the 34th Meeting of the ERA AB on 26.11.2014;#111;#Decision No. 33 of the ERA Administrative Board establishing a Sub-Committee on financial, budgetary and staff-related issues (adopted on 23.6.2009); 5;#Decision No. 38 of the ERA Administrative Board modifying the Terms of Reference (ToF) of the Sub-Committee on financial, budgetary and staff-related issues, and appointing the Members and the Chairperson of the Sub-Committee (adopted on 17.11.2009); 6;#Decision No. 65 of the ERA Administrative Board modifying the Terms of Reference (ToR) of the Sub-Committee on financial, budgetary and staff-related issues and appointing members, alternate members and Chairperson of the Sub-Committee; 7;#Decision No. 77 of the ERA Administrative Board adopting a procedure on audio recording of its meetings (adopted during the ERA AB Meeting No. 26 on 26.7.2012); 4;#Decision No. 85 of the ERA Administrative Board establishing a Sub-Committee of the Board and repealing Decision ERA AB No. 33 of 23 June 2009 adopted during the 28th Meeting of the ERA AB on 20.3.2013; 9;#Decision No. 86 of the ERA Administrative Board appointing the members of the Sub-Committee of the Board adopted during the 28th Meeting of the ERA AB on 20.3.2013;#110;#Minutes of the 23d Meeting of the ERA Administrative Board held in Lille on 24.6.2011;#112;#Minutes of the 26th Meeting of the ERA Administrative Board held in Lille on 26.6.2012 on the adoption of a procedure on audio-recordings of the Administrative Board meetings;#113;#Minutes of the 27th Meeting of the ERA Administrative Board held

17 - Lawfulness of processing

The processing of personal data is necessary for the performance of a task carried out in the public interest on the basis of the Treaty on the Functioning of the European Union (TFEU) or other legal instruments adopted on the basis thereof or in the legitimate exercise of official authority vested in the EU institution or body or in a third party to whom the data are disclosed (art. 5 (a) of the Reg. (EC) 45/2001). This processing operation are not likely to present specific risks to the rights and freedoms of the data subjects, by virtue of their nature, their scope or their purposes, thus it shall not be subject to prior checking by the EDPS.

As regards the Directorate Meetings:

Similarly, the processing operations of personal data for the organisation and management of the Directorate Meetings are lawful under article 5 (a) of Regulation (EC) 45/2001, since they are necessary for the legitimate exercise of the Agency's official authority. Articles 20 "Exemptions and restrictions" and 27 "Prior checking (by the EDPS)" are not applicable.

18 - Data minimisation

19 - Accuracy

20 - Access and other rights of persons whose data is processed

21 - Special category data

22 - DPIA

23 - Link to the Threshold assessment-Risks

24 - Other related documents