ACER
Agency for the Cooperation of Energy Regulators

Data Protection Tool

Data Protection Notification

dpn01763

1. Controller

Name of creator	Robert Cultrara
Supervisor	Tomaz Zaplotnik
Department	Market Integrity and Transparency
Head of department	Volker Zuleger
Version of the notification	

2. Processing Operation(s)

2.1 Name	RRM Registration, Collecting, storing, analysing and sharing of d...
2.2 Short process description	The DCI is a module of ARIS that enables the RRM Registration, Collecting, storing, analysing and sharing of trade and fundamental data.
2.3 Purpose(s) (why is the personal data collected and processed)	

The purpose of personal data processing in DCI is the following:
• Registration of RRMs in order that RRMs can report trade and/or fundamental data to the Agency in line with Article 6, 8 and 9 of the Implementing Acts;
• Data collection/reporting purpose under Article 8(1) and (5) of Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency ('REMIT').
On 17 December 2014, the European Commission adopted the Commission Implementing Regulation (EU) No 1348/2014 on data reporting implementing Article 8(2) and Article 8(6) of REMIT (the 'Implementing Acts'). The Implementing Acts provide that data reporting under Article 8 of REMIT can be

2.4 Type of processing

- [x] Electronic
- [ ] Paper

2.4.1 Where Electrocnic data is stored

- [ ] Stand alone PC
- [x] Agency's network server
- [ ] Internet
- [ ] Intranet
- [ ] Other

2.5 Internal compliance check foreseen in 18/11/2019

2.6 Is any further processing for historical, statistical or scientific purposes envisaged? (•) Yes ( ) No

The data is made anonymous? ( ) Yes (•) No

If no, specify why data must be kept in the form which permits identification

Subject to Article 12 of REMIT.

if no, specify which safeguards have been put in place to ensure that the data are not processed for other purposes?

Subject to Article 17 of REMIT.

3. Categories of personal data collected

	Retention Period
[x] Name	Select...
[x] contact information	Select...
[x] Identification numbers	Select...
[ ] Pay/allowance/bank account	

- [ ] Recruitment and contracts
- [ ] Career
- [x] Telephone number & communications — Select...
- [ ] Social security/pension
- [ ] Expenses
- [ ] Health/medical expenses
- [ ] Physical characteristics
- [ ] Private sphere
- [ ] Leave/absences
- [ ] Mission/journey
- [ ] Location data
- [ ] Device used
- [ ] Online identifier
- [ ] Websites visited
- [x] IP address — Select...
- [x] Other — Select...

The Agency will process the following personal data of the Contact Person and Admin:
CP: First name and surname, Professional address (Street, City, Postal Code, State), Role details, Professional contact details (Email, phone and fax

3.2 Justification for retention period

The data retention period for data subjects is foreseen for 10 years.

3.3 Collection of personal data with specific risks to the rights and freedoms of data subjects (subject to prior checking by EDPS)

- [ ] Data related to health and to (suspected) offences, criminal convictions or security measures
- [ ] Data being used to evaluate personal aspects of the data subject (ability, efficiency, conduct)
- [ ] Data allowing linkages between data processed for different purposes
- [ ] Data collected for the purpose of excluding individuals from a right, benefit or contract
- [x] Not relevant

3.4 Special categories of personal data (only to be processed under certain conditions)

- [ ] Data revealing racial or ethnic origin
- [ ] Data revealing political opinions
- [ ] Data revealing religious or philosophical beliefs
- [ ] Data revealing trade-union membership
- [ ] Data concerning sex life
- [ ] Data concerning health
- [x] Not relevant
- [ ] Other

4. Persons whose personal data is processed

- [x] Staff member
- [ ] Visitor
- [ ] Candidate
- [x] External Person
- [x] Stakeholder
- [ ] Contractor
- [ ] Applicant
- [ ] Delegate of Member State
- [ ] Delegate of EU Institution
- [ ] Tenderer
- [ ] Other

5. Information to data subjects

5.1 How are subjects informed

- [x] Information is provided on ACER website
- [ ] Information is provided on Intranet
- [ ] Information is provided on
- [x] Standard data protection notice
- [ ] Individual written notice
- [ ] Training(s)
- [ ] Procurement Documents
- [ ] Other

Additional information

5.2 Data subject's rights:

To have access	◉ Yes	○ No	○ Always	○ Limited
To rectify	◉ Yes	○ No	○ Always	○ Limited
To block	◉ Yes	○ No	○ Always	◉ Limited Depending on the te...
To erase	◉ Yes	○ No	○ Always	◉ Limited Depending on the te...
To object	◉ Yes	○ No	○ Always	○ Limited

5.3 How can data subjects exercise their rights (describe the procedure you have put in place)

To have access: yes, as a holder of a user account the DS has full visibility of the data processed in the system
To rectify: as a holder of a user account the DS has the right to change the data by themselves; alternatively, and as per exception, the CSD may facilitate the access by the DS (for instances when they accidentally blocked their account) by coping in the DS's public key.
To block: no (the user account of the DS can be modified so that it becomes inactive in the DCI, however, the data inserted by the DS upon registration remain stored in the system).
To erase: Partially. Depending on the technical capabilities of the system.
To object: Partially. Depending on the technical capabilities of the system.
The rights of data subjects are defined by Regulation (EC) No 45/2001. In particular, data

6. Legal Basis of the Processing Operation(s)

☑ Article 5(a) of Regulation 45/2001
("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 the other legal instruments adopted on the basis thereof [...]")

Legal Instrument: **REMIT**

☑ Article 5(b) of Regulation 45/2001
("processing is necessary for compliance with a legal obligation to which the controller is subject")

☐ Article 5(c) of Regulation 45/2001
("processing is necessary for the performance of a contract to which the data subject is party [...]")

☐ Article 5(d) of Regulation 45/2001
("the data subject has the unambiguously given his or her consent")

☐ Article 5(e) of Regulation 45/2001
("processing is necessary in order to protect the vital interests of the data subject")

Additional information

Regulation (EU) No 1227/2011 of the European Parliament and the Council of 25 October 2011 on wholesale energy market integrity and transparency ("REMIT"), Commission Implementing Regulation (EU) No 1348/2014 of 17 December 2014 on data reporting implementing Article 8(2) and Article 8(6) of Regulation (EU) No 1227/2011 of the European Parliament and the Council of 25 October 2011 on wholesale energy market integrity and transparency

7. Recipient(s)

Please describe recipients within the Agency

In line with the purposes of data processing, personal data in ARIS might be disclosed to the following recipients or categories of recipients:
For the NRAs' staff data (Group 1) :
o Authorised staff of the Agency working in the field of Market Monitoring.

For Agency's staff data (Group 1): personal data will remain internal and be only disclosed to authorised staff of the Agency

8. Processor

8.1 Is part of processing performed by an external processor (contractor)

(●) Yes ( ) No

8.1.1 Please specify what part of the processing

Maintenance of ARIS application (Lutech), hosting of ARIS infrastructure (Telekom/SRC/IBM), end-user support (S&T),Security (AITSA),Database (Oracle)

8.1.2 Specify the name and contact details of the processor

Lutech, Telekom Slovenije, S&T Slovenije, Oracle, SRC,IBM,AITSA

8.1.3 If the processing operation is carried out by external processor has the controller chosen a processor that provides sufficient guarantees in respect to organizational and security measures required in Article 22 of Regulation 45-2001?

(●) Yes ( ) No

Additional Information

8.1.4 Was a written contract concluded?

(●) Yes ( ) No

Additional information

8.1.4.1 Has data protection and confidentiality clause been added in the contract with the processor?

(●) Yes ( ) No

Additional information

8.1.4.2 Does the contract envisage instructions that will be given from controller to processor?

(●) Yes ( ) No

Additional information

8.1.4.3 Copy of contract attached to the notification?

○ Yes ◉ No

Additional Information

8.1.4.4 If the processing operation is carried out by external processor, is the processor obliged by a written contract to ensure application of Article 21-23 of Regulation 45-2001?

◉ Yes ○ No

Additional Information

9. Transfer to 3rd Parties

9.1 Is personal data transferred within or between EU Institutions, agencies or bodies?

◉ Yes ○ No

9.1.1 Specify the recipient name, seat, address, directorate and contact details

According to the provisions of REMIT - Article 10

9.1.2 Specify the data transmitted

All data covered by this notification.

9.1.3 Specify the purpose of transfer

If appropriate, access will be given to the European Court of Auditors, the European Ombudsman, the European Data Protection Supervisor, the General Court of the European Union, the European Court of Justice and the Civil Service Tribunal. If requested, personal data can also be disclosed to the European Anti-Fraud Office (OLAF).

9.1.4 Are the transferred data necessary for the legitimate performance of a task covered by the competence of the recipient?

○ Yes ◉ No

Additional information

If applicable, left to their own mandate.

9.1.5 Have the data been transferred following a request from the recipient?

○ Yes ◉ No

Additional information

9.1.6 Has the data controller verified the competence of the recipient and made a

○ Yes ◉ No

Additional information

provisional evaluation of the need for the transfer of data?

9.1.7 Has the recipient been informed of his obligation in respect of the transfer?

○ Yes ◉ No

Additional information

9.2 Is personal data transferred to recipients subject to Directive 95/46/EC (e.g. private sector companies) ?

○ Yes ◉ No

9.3 Is personal data transferred to recipient outside EU?

○ Yes ◉ No

11. Inspection Policy

11.1 Notification classification

☐ Public
(data will be disclosed on ACER intranet or website)

☑ Restricted
(data will not be disclosed on ACER intranet or website)

11.2 Grounds for restriction

☑ Article 4.1.(a) of Regulation 1049/2001
(protection of public interest)

☑ Article 4.1.(a) of Regulation 1049/2001
(protection of privacy)

☐ Not Relevant

☐ Other

Additional information

12. Controller Comments

1. The section 2.6 to be elaborated further.
2. Section 7: To be updated in case the working arrangements with the contractors would change when the new contract with the system integrator is awarded in 2018.
3. Section 8.1.2: Contact details to be updated (see point 2.)
4. Section 8.1.: To check the contracts (see point 2.)
5. Two points were not covered by the form, i.e. public disclosure of personal data (natural persons acting as MPs) and disclosure of personal data to NRAs (e.g. details of MPs registered in one country are visible to NRA from another country)

13. Supporting Documents

Other

DCI documents.zip
2.89 MB

Insert Document

Signatures

	Name	Sig.	Date
Creator	Robert Cultrara	✓	2017-10-27

I hereby declare that the information provided and statements made in this notification are true and in accordance with EU Regulation 45/2011 to the best of my knowledge and belief

DPC

(EDPS case number)

I hereby declare that i have assisted the controller in practice in preparation of this notification and informed the controller in practice, as appropriate, of obligations pursuant to EU Regulation 45/2001

Stakeholder	Tomaz Zaplotnik	
Stakeholder	Marko Rous	
Stakeholder	Jan Sorli	
Stakeholder	Savvas Savvides	
Stakeholder	Daniele De Marco	
Stakeholder	Aleksandra Jercinovic	
Stakeholder	Patricija Paradiznik	

Insert Stakeholder

Supervisor

Head of Department

Save