



Driving Innovation in Crisis Management for European Resilience

D95.22 – Ethical Approval 1

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Contributing beneficiaries: submission of ethical approvals by partners indicated below

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Dissemination level:

PU

PP

RE

CO

Release Number	Release date	Released by
0.1	2014-10-22	Mareile Kaufmann (PRIO)
0.2	2014-10-24	Merle Missoweit (FHG-INT)
0.3	2014-10-29	Fernando Kraus (Atos)
1.0	2014-10-29	Mareile Kaufmann

Executive Summary

This deliverable describes how DRIVER partners were informed about the approval procedures; it updates the calendar set out in D95.21 and collects the approvals that are due at this point in time.

The most important approvals needed for selected DRIVER tasks are data protection approvals that are issued by the local data protection agencies of those partners who lead the respective task. These constitute most, if not all approvals within DRIVER. Since research within DRIVER does not foresee testing on human or animal cells, medical approvals are of no need within DRIVER.

It is likely that one of the joint experiments or the final demonstration within DRIVER includes experimental elements of play acting, which may include professional volunteers or citizens. In that case, DRIVER partners have to ensure that no harm is being done to participants and bystanders. It is, however, not yet clear whether DRIVER will include such elements.

All tasks mentioned in this report are in need of approvals by data protection authorities only and since many DRIVER tasks are ongoing, starting in May 2014 (M1), it is very likely that research activities in need of approvals happen at a later stage in the project. Their status is indicated in the table below and relevant communication and documentation is attached in the annex. There are three answer options that are documented in this report 1) Approval received; 2) No data is being collected and 3) Application sent/in process.

All received documents and mails are archived at PRIO and retrievable on request by the Project Coordinator, Ethics and Societal Advisory Board or European Commission Project Officer.

In Section 5, a calendar indicates the tasks which are expected to require an approval by the next Ethical Approval round: round 2 with approvals submitted by October 2015 (M18).

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List of Acronyms

Abbreviation / acronym	Description
D	Deliverable
DoW	Description of Work
M	Month
SP	Subproject
T	Task
WP	Workpackage

1 Introduction

This Deliverable is a collection of the ethical approvals that have to be obtained or that were planned to be obtained within the DRIVER project. This deliverable describes how DRIVER partners were informed about the approval procedures; it updates the calendar set out in D95.21 and collects the approvals that are due at this point in time. It collects, respectively, the approval applications where no answers from the appropriate institutions were obtained yet, as well as mail exchanges, which document that particular tasks are not in need of ethical approvals. In a few cases it also documents the mail exchanges and efforts undertaken by the task leader PRIO to reach task leaders, yet none of the above was obtained. These ethical approvals are still to be resolved.

2 Approvals and Information Procedure within DRIVER

2.1 Kinds of approvals needed in DRIVER

Research conducted in the DRIVER project seeks to maintain high ethical standards. These standards are described on “D95.21 Planning for Ethical Approvals” and “D 91.3 Ethical Procedures, Risks and Safeguards”. Obligations set out by the European Commission are furthermore imbedded in the Grant Agreement of the DRIVER project in a variety of ways, most prominently through the general contractual mechanism put in place in order to assure this high standard of research ethics, known as Special Clause 15.

Special Clause 15 states:

The beneficiary(ies) shall provide the REA with a written confirmation that it has received (a) favourable opinion(s) of the relevant ethics committee(s) and, if applicable, the regulatory approval(s) of the competent national or local authority(ies) in the country in which the research is to be carried out before beginning any REA approved research requiring such opinions or approvals. The copy of the official approval from the relevant national or local ethics committees must also be provided to the REA.

As a result of Special Clause 15 and the discussions in D95.21 and D91.3, research conducted in the DRIVER project can be subject to two kinds of approvals. Research within DRIVER is often termed “experiment”, which combines many research activities under this umbrella term. Most DRIVER experiments and other research activities foresee data collection through, for example, registration in participant portals, interviews, focus groups, the testing of software or desktop simulations, which can or cannot involve human participants. In line with these methods and in order to protect personal data collected in these tasks, the most important approvals needed for selected DRIVER tasks are data protection approvals that are issued by the local data protection agencies of those partners who lead the respective task. These constitute most, if not all approvals within DRIVER.

Since research within DRIVER does not foresee testing on human or animal cells, medical approvals are of no need within DRIVER. It is likely that one of the joint experiments or the final demonstration within DRIVER includes experimental elements of play acting, which may include professional volunteers or citizens. In that case, DRIVER partners have to ensure that no harm is being done to participants and bystanders. It is, however, not yet clear whether DRIVER will include such elements. If these elements will be included at a later stage of the project, approvals will have to be sought from the national ethics committee of the responsible partner. Often, data protection authorities and other ethical committees are gathered in one authority and may issue both kinds of approvals, but not always. Some institutions have their own ethical advisory boards, such as large companies, universities, labs etc. All tasks mentioned in this report are in need of approvals by data protection authorities only.

In addition to that, all DRIVER partners have learned and are asked to conform to general research ethics, which are set out in Deliverables 95.21 and 91.3, as well as respective PowerPoint presentations and an introduction talk to be held at the general assembly in February 2015.

2.2 Information Process

In Deliverable 95.21, delivered in June 2014, PRIO has set out the importance of research ethics, explained what personal data is, how it needs to be protected and the procedure of applying to local data protection authorities in order to obtain approvals (which varies in different countries). D95.21 also contained a calendar that set out which tasks as per DoW may be in need of approval and when such approvals are supposed to be sought.

However, since many DRIVER tasks are ongoing, starting in M1, it is very likely that research activities in need of approvals happen at a later stage in the project. The DRIVER partners had multiple opportunities to communicate these new dates, but it is important to keep in mind that many tasks are still at a planning stage, where concrete facts (Which methodology is being used? Is really personal data collected?) and dates (When exactly is this research happening?) cannot yet be defined.

The information process about the potential necessity to obtain approvals included several stages:

1. The DoW already flags very broadly the tasks that may be in need of approval. In addition to that, PRIO went through the complete DoW to check whether other tasks may also need approval and flagged these in D95.21. Here, it is clearly set out that task leaders are responsible to define whether their activities do involve personal data and that task leaders, in general, are responsible to obtain the respective approvals.
2. The necessity of approvals was also mentioned at the DRIVER Kick-off meeting in Madrid at different points in time. In addition to that, the issue was mentioned at several PMC Telephone conferences.
3. After D95.21 was finalized, all SP leaders, who serve as entry points to task leaders, were contacted by mail on the 15th of June 2014 (with reminders on 25 July, 9 and 30 September and further bilateral contacts) to indicate whether tasks do include the collection of personal data, how this data is being collected and whether some approval processes can be combined. The latter means that several tasks may run under the aegis of one responsible partner (not necessarily as per DoW) *and* include similar methodologies. In that case, the respective partner, if agreeing to bear this responsibility, can combine these tasks to obtain one central approval from their data protection authority, which is then covering clearly indicated tasks that use similar methodologies at a similar point in time. This was an efficient and effective approach to ensure data protection, but to make this aspect of the project a lot more practicable without compromising on the quality of the data protection. A combination of tasks for approval processes was, for example, the case for the tool testing planned for SP4, which combines a range of tasks at one point in time with a similar methodology. Thales was agreeing to take responsibility for these tasks and for the collection, storage, processing and destruction of the resulting data.
4. Every SP leader scheduled telephone conferences with PRIO to discuss the matter and explore potential challenges and the fusion of tasks for of approvals. (Cf. Notes in the attachments)
5. PRIO followed up with individual SP leaders, and when necessary task leaders, to explain procedures where necessary and remind the respective responsible partners of their approval process.

6. D91.3 will further set out research ethics for DRIVER. It will include an easily readable PowerPoint-presentation with central recommendations. A general orientation talk will be held at the general assembly in February 2015.

2.3 Explanation of Approval Statuses

All relevant tasks for approval are listed below. Their status is indicated in the table below and relevant communication and documentation is detailed in next sections.

Some tasks are covered by approvals from another task (cf. combination of approval processes described above). In this case all the tasks that are collected under one approval are listed in the first column.

Besides that, there are three answer options that are documented below.

1. **Approval received:** The needed approval for the task is in the annex.
2. **No data is being collected:** The task does not collect personal data at all, which means that the partners don't need approval. Why they are not collecting personal data is explained and documented in respective emails, which are archived at PRIO and can be forwarded upon request.
3. **Application sent/in process:** An application to the respective data protection authority has been sent, but the answer is still pending, or the authorities generally just need to be notified, not necessarily giving feedback of evaluations. In that case, as agreed with the PO, the application form or registration form is attached in the annex for documentation.

It may happen that a task lasts from M1 to M52. In that case relevant research activities may start at a later stage. In that case the task does not yet need approval and the task is not included in the list below, but transferred to the follow-up calendar (original version in 95.21) to indicate the relevant time for approval.

All received documents and mails are archived at PRIO.

3 Overview of Approval Statuses

Listed task (DoW and calendar)	Partner	Start activity	Approval Received	No data is being collected	Application sent / In process	Cf. Annex Nr.
T21.1	FhG	M1		X		
T21.2	FHG-INT	M2	X			1
T21.3	ARTTIC	M4	X			3
T22.2	ARMINES	M4		X		
T23.2	ATOS	M2		X		
T24.1	FOI	M9		X		
T24.2	TNO	M9		X		
T26.2	MSB	M12		X		
T26.3	THW	M12		X		
T31.2	FHG-IAO	M6		X		
T31.3	ARTTIC	M6	X			3
T32.1	USTUTT	M1		X		
T33.1	BRC	M6		X		
T33.2	TNO	M7	X			2
T34.1	ARMINES	M1		X		
T35.1	Q4PR	M1		X		
T35.2	Q4PR	M1		X		
T36.1	ARC	M1		X		
T41.2	TNO	M2	X			2
T41.3	ARTTIC	M3	X			3
T43.2 T43.3 T43.4 T43.5 T44.1 T44.2 T44.3 T44.4 T44.5 T45.3	TCS	M7			X	6
T51.2	TNO	M6	X			2
T51.3	ARTTIC	M1	X			3
T52.1	FhG – IAO	M7			x	7
T54.3	TNO	M8	X			2

T55.1	TNO	M12	X			2
T55.3	DRC/TNO	M8	X			2
T72.1	ARTTIC	M1	X			3
T72.2	ARTTIC	M1	X			3
T72.7	ARTTIC	M1		X		3
T81.3	FhG - INT	M1	X			4
T82.1	FhG - INT	M1	X			4
T82.2	FhG - INT	M25	X			4
T82.4	ATOS	M1		X		
T83.1	FhG - INT	M1	X			4
T83.1	CSDM	M1	X			5
T85.1	ECORYS	M5			X	8
T85.2	ECORYS	M5			X	8

Table 1 Overview of Approval Statuses

4 No data is being collected

Task	Task partner	Contact person	Mail date	Explanation
T21.1	FhG	Christian Carling (SP2 leader)	01.10.2014	completely internal activities
T22.2	ARMINES	Christian Carling (SP2 leader)	01.10.2014	completely internal activities
T23.2	ATOS	Christian Carling (SP2 leader)	01.10.2014	completely internal activities
T24.1	FOI	Christian Carling (SP2 leader)	01.10.2014	completely internal activities
T24.2	TNO	Christian Carling (SP2 leader)	01.10.2014	completely internal activities
T26.2	MSB	Christian Carling (SP2 leader)	01.10.2014	completely internal activities
T26.3	THW	Christian Carling (SP2 leader)	01.10.2014	completely internal activities
T31.2	FHG-IAO	Wolf Engelback	10.09.2014	No personal data involved
T32.1	USTUTT	Wolf Engelback	10.09.2014	No personal data involved
T33.1	BRC	Nigel Stafford (Task leader)	16.10.2014	No processing and collection of personal data
T34.1	ARMINES	Eric Rigaud (Task leader)	17.10.2014	No need of approval for WP34
T35.1	Q4PR	Peter MacDonagh (Task leader)	20.08.2014	Registration deemed not required or possible for the data being collected in WP35.1 and WP35.2
T35.2	Q4PR	Peter MacDonagh (Task leader)	20.08.2014	Registration deemed not required or possible for the data being collected in WP35.1 and WP35.2
T36.1	ARC	Christian Kloyber	01.10.2014	purely conceptual task
T72.7	ARTTIC	Emmanuelle Da Silva	15.10.2014	Responsibility of the panel organizer – non planned yet
T73.2	ECORYS	Laura Birkman	21.10.2014	The information will be collected in WP85 covered by a request
T82.4	ATOS	Maike Vollmer & Mareile Kaufmann	04.07.2014	No need for approval after discussion between PRIO and FhG-INT

Table 2 No data collected

All mails are archived by PRIO and retrievable on request by the Project Coordinator, Ethics and Societal Advisory Board or European Commission Project Officer.

5 Calendar

This calendar indicates the tasks which are expected to require an approval by the next Ethical Approval round: round 2 with approvals submitted by M18.

Task	Task partner	Start Activity
T32.2	DRC *	M4
T32.3	DRC *	M4
T36.2	USTUTT	M10
T36.2	AIT	M12
T24.3	FOI	M11
T46.1	TCS	M11
T52.2	FHG-IAO	M11
T61.1	DLR	M11
T64.1	ATOS	M11
T53.1	FOI	M12
T34.2	USTUTT	M13
T35.4	Q4PR	M13
T36.3	FRQ	M13
T27.2	JRC	M15
T46.2	ATOS	M15
T66.1	POLE	M18

Table 3 Calendar of upcoming approvals

*According to the task leader the approvals are needed by month 7 only (Mail from Christian Kloyber to PRIO on 01.10.2014. The mail is archived at PRIO).

Annexes: Collected Approvals and requests

Annex Nr.	Approvals needed (task)
1	Approval – Fraunhofer INT – Task 21.2
2	Approval – TNO – SP3-4-5
3	Approval – ARTTIC – Tasks in SP7 + X1.3
4	Approval – Fraunhofer INT – SP8
5	Approval – CSDM – Task 82.4 + translation
6	Request – Thales – SP4 + Description
7	Request – Fraunhofer IAO – Tasks 52.1 and 52.2
8	Request – Ecorys – WP85

Table 4 Collected Approvals

From: [Missowitz, Merle](#)
To: [Mareile Kaufmann](#)
Cc: [Anne Duquenne](#); [Frech, Isabelle](#)
Subject: AW: Ethical Approval zu einem Task im FP7-Projekt Driver
Date: 14. oktober 2014 20:22:46

Hi Mareile,

it is included in the mail. Just scroll down.
I hope it is ok that it is in German?

Merle

Von: Mareile Kaufmann [markau@prio.no]
Gesendet: Dienstag, 14. Oktober 2014 13:10
An: Missowitz, Merle
Cc: Anne Duquenne
Betreff: RE: Ethical Approval zu einem Task im FP7-Projekt Driver

Hi Merle,
Did you also get an answer from your data protection officer we can attach?
Best,
Mareile

-----Original Message-----

From: Missowitz, Merle [<mailto:merle.missowitz@int.fraunhofer.de>]
Sent: Monday, October 13, 2014 10:50 AM
To: Mareile Kaufmann
Cc: christian.carling@foi.se; Frech, Isabelle; Lieberz, Daniela
Subject: AW: Ethical Approval zu einem Task im FP7-Projekt Driver

Hi Mareile,

below the data protection approval for T21.2. Documents attached. The additional information requested was added.

Merle

Von: ralph.harter@zv.fraunhofer.de [ralph.harter@zv.fraunhofer.de]
Gesendet: Freitag, 10. Oktober 2014 09:54
An: Frech, Isabelle
Cc: Missowitz, Merle; Lieberz, Daniela
Betreff: AW: Ethical Approval zu einem Task im FP7-Projekt Driver

Sehr geehrte Frau Frech,

nach Durchsicht der Unterlagen bestehen datenschutzrechtlich keine Bedenken.
Der Speicherort/ Gesellschaft könnte vollständigkeitshalber noch explizit genannt werden.

Mit freundlichem Gruß

Ralph Harter
Datenschutzbeauftragter

Fraunhofer Gesellschaft
Hansastraße 27c
80636 München
Phone +49 89 1205-2045

-----Ursprüngliche Nachricht-----

Von: Frech, Isabelle [<mailto:isabelle.frech@int.fraunhofer.de>]
Gesendet: Mittwoch, 1. Oktober 2014 13:40
An: Harter, Ralph
Cc: Missowitz, Merle, Dr. rer. nat.; Lieberz, Daniela, Dr.
Betreff: Ethical Approval zu einem Task im FP7-Projekt Driver

Lieber Herr Harter,

Bezug nehmend auf unser nettes Telefonat im August wende ich mich mit unserer nächsten Bitte um "Erlaubnis" für geplante Interviews innerhalb einer EU-Projektes an Sie J

Innerhalb des FP-7 Demonstrationsprojektes Driver - DRiving InnoVation in crisis management for EU Resilience sind innerhalb unseres Aufgabenbereiches Interviews geplant.

Eine Zusammenfassung des Projektes sowie die an die Interviewpartner zu sendende Informend Consent Form finden Sie im Anhang.

Letztere (Deutsch+Englisch) beinhaltet auch eine genauere Beschreibung der Interviews bzw. der angedachten Interviewpartner sowie des Ziels der Untersuchung.

Bitte lassen Sie es mich wissen, wenn Sie hierzu weitere Informationen benötigen bzw., ob eine Übersetzung der Guiding Questions, die als Leitfaden für die Interviews dienen werden, benötigt wird.

Für Rückfragen stehe ich also jederzeit zur Verfügung.

Beste Grüße

Isabelle Frech

Isabelle Frech - Project Manager / Biologist / EU liaison officer

Fraunhofer Institute for Technological Trend Analysis INT Department for Technology Analysis and Strategic Planning (TASP) Unit for International R&T Management (IFT)

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isabelle.frech@int.fraunhofer.de <<https://portal.int.fraunhofer.de/owa/redir.aspx?C=OeenFDFAj0al3C1WAotTvM400wXnc8IxgAWTm0As6g79I4mse0XhQ1OnBhT5XVynVEjxiCqVtU.&URL=http%3a%2f%2fwww.int.fraunhofer.de%2f>>

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Postbus 23
3769 ZG SOESTEREBERG

DATUM 5 juni 2014
ONS KENMERK m1566226
CONTACTPERSOON

UW BRIEF VAN 23-05-2014
UW KENMERK KP7-DRIVER

ONDERWERP Ontvangstbevestiging

Geachte heer van Berlo,

Het College bescherming persoonsgegevens (CBP) ontving van u een melding van de verwerking van persoonsgegevens met de naam: KP7-DRIVER.
Uw melding is in onze administratie opgenomen onder meldingsnummer m1566226.
Wij verzoeken u dit meldingsnummer ook in uw eigen administratie op te nemen.

Het CBP neemt alle meldingen op in een openbaar register op zijn website www.cbpweb.nl. Dit register is door een ieder kosteloos te raadplegen.

Deze brief is een bevestiging van het feit dat u voor deze verwerking aan uw meldingsverplichting conform de Wet bescherming persoonsgegevens (Wbp) heeft voldaan. De brief is geen verklaring van het CBP dat de verwerking rechtmatisch is. De verwerking is door het CBP niet inhoudelijk getoetst. Het blijft de verantwoordelijkheid van degene die meldt om de verwerking op een juiste en volledige wijze te doen en om zich te houden aan de overige bepalingen van de Wet bescherming persoonsgegevens (Wbp).

U bent wettelijk verplicht om een wijziging in de naam of het adres van de verantwoordelijke binnen één week te melden. Wijzigingen in de overige gegevens moeten binnen één jaar gemeld worden voor zover zij van meer dan incidentele aard blijken te zijn.

Indien u vragen heeft naar aanleiding van deze brief kunt u contact opnemen met het CBP via telefoonnummer 070 8888500. Wij verzoeken u om uw meldingsnummer dan bij de hand te hebben. Ook bij eventuele nadere correspondentie omtrent deze melding verzoekt het CBP u dit nummer te vermelden.

Hoogachtend,



Mw. Charoe
Medewerker Informatiebeheer.

RÉCÉPISSÉ

DÉCLARATION NORMALE

Numéro de déclaration

1620342 v 0

du 04-10-2012

Monsieur BAUMHAUER Christian
ARTTIC SAS
58A RUE DU DESSOUS DES BERGES
75013 PARIS

Organisme déclarant

Nom : ARTTIC SAS**Service :****Adresse :** 58A RUE DU DESSOUS DES BERGES**Code postal :** 75013**Ville :** PARIS**N° SIREN ou SIRET :**
344112396 00058**Code NAF ou APE :**
7022Z**Tél. :** 0153945460
Fax. : 0153945470

Traitement déclaré

Finalité : CONSTITUER UNE COMMUNAUTE D'INTERET AUTOUR DE PROJETS DE RECHERCHE EUROPEENS

La délivrance de ce récépissé atteste que vous avez effectué une déclaration de votre traitement à la CNIL et que votre dossier est formellement complet. Vous pouvez mettre en œuvre votre traitement. Cependant, la CNIL peut à tout moment vérifier, par courrier ou par la voie d'un contrôle sur place, que ce traitement respecte l'ensemble des dispositions de la loi du 6 janvier 1978 modifiée en 2004. En tout état de cause, vous êtes tenu de respecter les obligations prévues par la loi et notamment :

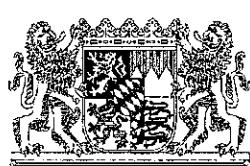
- 1) La définition et le respect de la finalité du traitement,
- 2) La pertinence des données traitées,
- 3) La conservation pendant une durée limitée des données,
- 4) La sécurité et la confidentialité des données,
- 5) Le respect des droits des intéressés : information sur leur droit d'accès, de rectification et d'opposition.

Pour plus de détails sur les obligations prévues par la loi « informatique et libertés », consultez le site internet de la CNIL : « www.cnil.fr »

Fait à Paris, le 4 octobre 2012
Par délégation de la commission



Isabelle FALQUE PIERROTIN
Présidente



Fraunhofer Institute for Technological Trend Analysis (INT), Department TASP
z. Hd. Frau Isabelle Frech
Appelsgarten 2
53879 Euskirchen

Ihr Zeichen Ihre Nachricht vom	Unser Zeichen (Bitte bei Antwort angeben) Ihre Ansprechpartnerin/Ihr Ansprechpartner	E-Mail: manfred.llgenfritz@lda.bayern.de		
		Telefon / Fax 0981 53-	Erreichbarkeit	Datum
11.08.2014	LDA-1085.2-1882/14 Herr Ilgenfritz	1301 / 5301	Zi. Nr. 290	19.08.2014

Bundesdatenschutzgesetz (BDSG);
EU-Forschungsprojekt DRIVER, Driving Innovation in Crisis Management for European Resilience

Sehr geehrte Frau Frech,

wir haben die vorgelegten Unterlagen geprüft und können Ihnen dazu folgendes mitteilen:

1.

Das Bayerische Landesamt für Datenschutzaufsicht ist die zuständige Aufsichtsbehörde nach § 38 BDSG für die Fraunhofer-Gesellschaft zur Förderung der angewandten Forschung e.V. mit dem Sitz in München, einschließlich der verschiedenen rechtlich nicht selbständigen Institute dieser Gesellschaft bundesweit.

2.

Die von Ihrem Institut zu dem EU-Projekt DRIVER vorgesehene Tätigkeit unterliegt im Schwerpunkt den Regelungen von § 40 BDSG - "Verarbeitung und Nutzung personenbezogener Daten durch Forschungseinrichtungen".

§ 40 BDSG schreibt eine strikte Zweckbindung für die in dem Forschungsprojekt anfallenden personenbezogenen Daten aus den Befragungen und eine frühestmögliche Anonymisierung dieser Daten vor. Bis zur vollständigen Anonymisierung müssen Identifikationsdaten und Befragungsdaten gesondert gespeichert werden.

Eine Veröffentlichung der im Rahmen eines solchen wissenschaftlichen Forschungsprojekts erhobenen und gespeicherten personenbezogenen Daten ist nur zulässig, wenn die Betroffenen hierzu eingewilligt haben, § 40 Abs. 3 BDSG.

Eine Meldepflicht oder eine Genehmigungspflicht ist nach dem BDSG für solche Forschungsprojekte nicht gegeben.

3.

Laut Ihren Schilderungen des Sachverhalts werden die fraglichen Daten der Teilnehmer (Teilnahme absolut freiwillig) bei Telefoninterviews erhoben und dabei vorher deren Einwilligung abgefragt. Abhängig von der Zustimmung der Teilnehmer könnte das Telefoninterview auch aufgezeichnet werden.

Die potentiellen Teilnehmer der telefonischen Umfrage erhalten nach Ihren Schilderungen vorher das uns mitübersandte „Informationsblatt zum Datenschutz der Teilnehmer“ zum Lesen, das die Ziele und den Ablauf des Forschungsvorhabens beschreibt sowie die Verarbeitung der Interview-Daten einschließlich deren spätere Löschung erläutert.

Dies entspricht aus unserer Sicht in ausreichender Weise den datenschutzrechtlichen Anforderungen nach dem BDSG.

4.

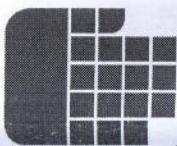
Zu der nach dem BDSG primär vorgesehenen gesellschaftsinternen Überwachung der Einhaltung des Datenschutzes haben wir eine Kopie dieses Schreibens dem Datenschutzbeauftragten der Fraunhofer-Gesellschaft zur Förderung der angewandten Forschung e.V. in München, Herrn Dr. Niklas Speer, zugeleitet.

Unberührt davon bleiben die aufsichtsbehördlichen Kontrollbefugnisse nach § 38 BDSG.

Mit freundlichen Grüßen



Ilgenfritz
Referent



КОМИСИЯ ЗА ЗАЩИТА
НА ЛИЧНИТЕ ДАННИ

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Изх. № П-6091

Дата 26.09.2014

Институт по информационни и
комуникационни технологии-БАН

Вх. № 738.02.10. 201.У.

ДО

ПРОФ. ДМН СВЕТОЗАР МАРГЕНОВ
ДИРЕКТОР НА ИНСТИТУТА ПО
ИНФОРМАЦИОННИ И КОМУНИКАЦИОННИ
ТЕХНОЛОГИИ
БЪЛГАРСКА АКАДЕМИЯ НА НАУКИТЕ
УЛ. „АКАД. Г. БОНЧЕВ“, БЛ. 2
ГР. СОФИЯ, 1113,

УВАЖАЕМИ ГОСПОДИН МАРГЕНОВ,

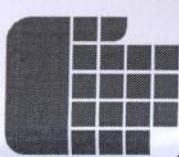
В отговор на постъпило в Комисията за защита на личните данни искане, вх. № П-4927/30.07.2014 г., подадено от Вас, с поставени въпроси, касаещи приложението на Закона за защита на личните данни, приложено Ви изпращаме Становище на КЗЛД.

Приложение: съгласно текста.

ПРЕДСЕДАТЕЛ:

ВЕНЦИСЛАВ КАРАДЖОВ





СТАНОВИЩЕ

НА

КОМИСИЯТА ЗА ЗАЩИТА НА ЛИЧНИТЕ ДАННИ

рег. № П-4927/30.07.2014 г.

гр. София,2014 г.

ОТНОСНО: Искане за становище с вх. рег. № П-4927/30.07.2014 г. от проф.

дмн Светозар Маргенов, директор на Института по информационни и комуникационни технологии (ИИКТ), към Българска академия на науките (БАН), във връзка с приемливостта на изследователската работа по международен проект „DRIVER“ от етична гледна точка.

Комисията за защита на личните данни (КЗЛД), в състав: Председател: Венцислав Караджов, и Членове: Цанко Цолов, Цветелин Софрониев, Мария Матева и Веселин Целков на редовно заседание, проведено на 03 септември 2014 г., разгledа искане с вх. № П-4927/30.07.2014 г. от проф. дмн Светозар Маргенов, директор на Института по информационни и комуникационни технологии (ИИКТ), към Българска академия на науките (БАН), във връзка с приемливостта на изследователската работа по международен проект „DRIVER“ от етична гледна точка. В искането е посочено, че Института по информационни и комуникационни технологии, представен чрез Центъра по мениджмънт на сигурността и отбраната (ЦМСО) към секция „Информационни технологии в сигурността“, участва в международен изследователски проект „DRIVER“ за насърчаване на иновациите при управлението на кризи за резилийнс на Европа, стартиран на 01.05.2014 г. Уточнено е, че консорциумът включва 37 организации, които съвместно ще разработят решения за подобряване на управлението на кризи. Предоставена е и допълнителна информация за проект „DRIVER“ в Приложение, към искането, съгласно което в

проекта DRIVER акцентът ще бъде върху усъвършенстване, вместо върху замяна на съществуващите способности, и ще се цели създаване на цялостно, добре балансирано и рентабилно портфолио от инструменти с използване на високия потенциал от изследванията от последното десетилетие, и особено на проекти от Шеста и Седма рамкови програми на ЕС. Това портфолио ще разглежда не само нуждите на професионални екипи за управление при кризи, но и на обществото, като цяло. Посочено е, че „DRIVER” ще извършва експериментални кампании в три направления: инструменти и методи за професионални екипи за управление при кризи, резилийнс на гражданско общество и организационно усъвършенстване посредством първите две направления. Серията от експерименти ще води към две съвместни експериментални кампании и финална демонстрация, фокусирани върху предизвикателствата, които изискват комплексно взаимодействие между инструментите за управление при кризи.

Разяснено е, че част от проект „DRIVER” ще представлява изследване под ръководството на Isabelle Freeh, Fraunhofer INT; Ben Heyes, CIES; и Тодор Тагарев, ЦМСО, за събиране и структуриране на информация на високо равнище относно възможностите за управление на кризи, цялостната организация, политики и законодателство (COPL), като изследването ще включва две фази: предварително проучване по публично достъпна информация (desk research) и провеждане на интервюта с експерти.

Във връзка с въпроса относно подборът на участниците в интервютата е посочено, че той ще се базира на резултатите от предварителното проучване на управлението при кризи и цялостната организация, политики и законодателство в съответната страна / международна организация, като по този начин интервютата ще служат предимно за попълване на липсващата информация и за избор на допълнителни експерти, в зависимост от вида на липсващата информация. Ще бъдат интервюирани предимно представители на националните организации за управление при кризи, като за всяка държава или международна организация се очакват от 5 до 10 интервюта, в зависимост от това колко и каква информация е събрана при предварителното проучване, като на всеки потенциален интервюиран ще се предоставя детайлна информация относно процедурите за информирано съгласие, как техните данни ще бъдат събиирани, защитавани по време на проекта, и че ще бъдат унищожени след приключването му. Към постъпилото искане за становище е приложено и информирано съгласие за участие в проекта, което ще бъде предоставено за запознаване и съответно, при желание за участие от съответният

кандидат, ще бъде подписано от него (информация за защита на личните данни на участниците в интервюта и потвърждаване на тяхното съгласие, в пълен текст на английски език е представена в Приложение 3 към искането).

Изрично е уточнено, че в проекта „DRIVER” ще се отделя специално внимание на етичните въпроси, така че по никакъв начин да не бъдат накърнени личните права на участниците, като допълнителна информация относно етичния мониторинг, в рамките на проект „DRIVER”, е представена в Приложение 2, съгласно което ръководството за научните изследвания, свързани с човешки субекти, включва следните основни положения:

- Всички експерименти в DRIVER ще бъдат проектирани и проведени в съответствие с легалните и етични норми, осигурени от подпроекти SP8 и SP9. Ако е необходимо, те ще бъдат преразгледани от членове на консултативния съвет по етични въпроси и въпроси от обществен характер (Ethical and Societal Advisory Board).

- Включените участници в експерименталните кампании ще бъдат доброволно ангажирани на база на директни преговори и настройката на изследването, както и потенциалния риск да бъдат засегнати по някакъв начин. Освен това, те трябва да дадат предварително съгласието си да участват в проучването.

- Уважаване и защитаване на поверителните лични данни, отнасящи се до самоличността и личния живот на физическите лица. Всеки доклад, изготвен от консорциума, ще зачита неприкосновеността на личния живот на участниците и поради това при нежелание от страна на участниците да се споменават техните имена и институции, се запазва тяхната анонимност.

- Принципите на Европейската конвенция за защита правата на човека, правилника на Конвенцията на Европа за защита на лицата при автоматизираната обработка на лични данни и Европейска директива 95/46/EC39 за защита на личните данни ще бъдат следвани стриктно при разглеждане на етичните въпроси.

Важна обособена част на DRIVER и под-проект SP9 е свързан с провеждане на независим мониторинг и разглежда начина, по който политиките, практиките и приложенията на управлението при кризи могат да имат както положително, така и негативно влияние върху социалните групи, засегнати от кризи С цел да се смекчат негативните социални въздействия, е посочено, че под-проект SP9 ще идентифицира източници на несигурност и социална дезинтеграция, които биха могли да възникнат от практиките за управление при кризи по време на кризи и ще се разработи

критерий, който може да бъде използван за оценка на тези въздействия. С цел да се постави акцент върху положителното социално влияние, под-проект SP9 ще разработи критерии, свързани със социалното единство и резилианс, които ще бъдат приложени към разработените по SP 2-5 инструменти за управление при кризи. Уточнено е, че под-проект SP9 ще ръководи тези инициативи чрез оценка на специфичните приложения на проект „DRIVER” и цялостно обучение на всички партньори, като се твърди, че това ще установи повтарящ процес, чрез който критериите за социално въздействие ще могат да бъдат тествани и прецизиранi. Разяснено е, че в допълнение към неговите собствени инструменти за управление при кризи, с цел максимална полза за обществото, проектът „DRIVER” ще произведе специален инструментариум, позволяващ на законодателите и практикуващите да интегрират перспективите за социално въздействие в бъдещите операции и дейности, свързани с управление при кризи.

В тази връзка е посочено, че ще бъдат спазени и следните ръководни принципи:

- Копия от одобрения или уведомления от компетентните местни/национални комисии/ власти по етика ще бъдат представени на Изпълнителната агенция по изследванията на ЕС (REA) преди започването на съответното изследване.
- При кандидатстване за одобрение или уведомление от компетентните местни/ национални комисии/ власти по етика ще бъде предоставена ясна и подробна информация за източника на личните данни, които се използват. Детайлна информация ще бъде осигурена относно процедурите, които ще бъдат проведени за набиране на участници (например брой на участниците, критерии за включване и изключване, преки и косвени стимули за участие, рискът и ползите за участниците и т.н.) и естеството на събираните материали.
- При кандидатстване за одобрение или уведомление от компетентните местни/ национални комисии/ власти по етика трябва да бъде осигурена детайлна информация относно процедурите за информирано съгласие, които ще бъдат изпълнени. Копия от примери за формуляри за информирано съгласие и информационни листи ще бъдат включени. Същите ще бъдат изготвени на разбираеми за участниците език и терминология.
- Участниците трябва да имат правото да: знаят, че участието е доброволно; поставят въпроси и да получават разбираеми отговори, преди да вземат решение; знаят степента на риска, произтичащ от участието; знаят кой ще се възползва от

участието; Да знаят как техните данни ще бъдат събиращи, защитавани по време на проекта, и че ще бъдат унищожени накрая.

- При кандидатстване за одобрение или уведомление от компетентните местни/национални комисии/власти по етика ще бъде осигурена детайлна информация, която се касае до поверителност/конфиденциалност и процедурите, които ще бъдат изпълнени за събиране, съхранение, защита, запазване и унищожаване на данни, както и потвърждение, че те са съобразени с националното и европейското законодателство.

Към постъпилото искане за становище е приложено и информирано съгласие за участие в проекта, което ще бъде предоставено за запознаване и съответно, при желание за участие от съответният кандидат, ще бъде подписано от него.

Правен анализ

На основание чл.1, ал.1 от Закона за Българската академия на науките (БАН) е национална автономна организация за научни изследвания, която обхваща академичните институти и други самостоятелни структурни звена. Институтът по информационни и комуникационни технологии към БАН е създаден на 01.07.2010г. с решение на Общото събрание на БАН на основание чл. 32 от Устава на БАН, като правоприемник на Института по паралелна обработка на информацията, Института по информационни технологии и Института по компютърни и комуникационни системи. Институтът е постоянно научно звено в рамките на БАН и е автономен. Той е юридическо лице, вписан в Регистър „Булстат“ при Агенцията по вписвания на Министерството на правосъдието с ЕИК175905727 и адрес на седалище: гр. София, ул. „Акад. Георги Бончев“ бл. 2. Дейността му се осъществява въз основа на Правилник за дейността на Института по информационни и комуникационни технологии приет от Общото събрание на учените (Протокол № 2), в сила от 14.03.2011г. На основание т. 2. 2 от Правилника, една от основните дейности на Института е извършването на изследователска и експертна дейност по проекти с регионално, национално и международно значение.

При извършена служебна справка в Регистъра на администраторите на лични данни и водените от тях регистри, поддържан от КЗЛД, се установи, че БАН е администратор на лични данни и е вписана в регистъра с идентификационен номер 157090. БАН е заявила поддържането на девет броя регистри: „Човешки ресурси“, „Информационна система на кадрите на БАН“, „Архив“, „Академици и член-кореспонденти“, „Служба Координация и контрол на безопасността на труда“,

„Служба трудова медицина”, „Финанси и счетоводство”, „Деловодство” и „Наематели”. В същото време Институтът по информационни и комуникационни технологии, към настоящия момент, не е подавал заявление за регистрация, като самостоятелен администратор на лични данни, но видно от подаденото заявление на БАН, в регистър „Информационна система на кадрите на БАН”, Институтът по информационни и комуникационни технологии е включен в обема обработвани данни от БАН.

От приложените документи става ясно, че във връзка с осъществяване на проекта „DRIVER” ще бъдат обработвани лични данни на желаещите да вземат участие в него лица-експерти. Участието в проекта „DRIVER” ще бъде напълно доброволно. Личните данни, които ще бъдат обработвани във връзка със проекта следва да бъдат във вид и обем, съобразени спрямо целите на проекта. Индивидуалните участници ще получат също така формуляр за информирано съгласие, който да се прочете, от тях, разбере и подпише, при изявено от тяхна страна за участие в проекта. Образец на информираното съгласие е приложен към постъпилото искане. Във формуляра за информирано съгласие на участниците в проекта е предоставена подробна информация относно: доброволния характер на участието; правото им да оттеглят своето участие в проекта и свързаните с него лични данни по всяко време; информация относно това как ще бъдат събиращи, защитавани и споделяни техните данни по време на проекта и как ще бъдат унищожени в края му. Проучването ще започне през август 2014 г. и се планира да приключи през септември 2016 г., като необработените данни ще бъдат унищожени след тяхната обработка най-късно до края на проектния период на DRIVER, насточен за октомври 2018 г.

Съгласно чл. 2, ал. 1 от Закона за защита на личните данни, лични данни са всяка информация, отнасяща се до физическо лице, което е идентифицирано или може да бъде идентифицирано пряко или непряко чрез идентификационен номер или чрез един или повече специфични признания, т.е. данните, които е посочено, че ще се обработват, във връзка с организирането и провеждането на семинара, влизат в категорията „лични данни” по смисъла на закона.

В параграф 1, т. 1 от „Допълнителните разпоредби” на Закона за защита на личните данни се съдържа легалната дефиниция на „Обработване на лични данни”, а именно: „обработване на лични данни” е всяко действие или съвкупност от действия, които могат да се извършват по отношение на личните данни с

автоматични или други средства, като събиране, записване, организиране, съхраняване, адаптиране или изменение, възстановяване, консултиране, употреба, разкриване чрез предаване, разпространяване, предоставяне, актуализиране или комбиниране, блокиране, заличаване или унищожаване. В настоящият казус, съобразно предоставената информация, може да се направи основателно предположение, че личните данни на участниците в проекта ще бъдат обработвани от администратора на лични данни - Българска академия на науките чрез извършване на действия под формата на тяхното събиране, записване, организиране, съхраняване, употреба, заличаване – в случай на оттеглено заявление за участие и унищожаване, когато целите на проекта са постигнати и необходимостта от тяхното обработване отпадне.

За да е налице обаче добросъвестно и законосъобразно обработване на лични данни, същото следва да се осъществява само и единствено при наличие на поне едно от изрично посочените и дадени алтернативно условия за допустимост на обработването, визирани в чл. 4, ал. 1 от ЗЗЛД и при стриктно спазване на принципите за целесъобразност и пропорционалност на данните, съгласно чл. 2, ал. 2 от същия закон.

След анализ на текста на приложението към преписката проект на информирано съгласие, който ще бъде подписван от всеки един от желаещите да участват доброволно в него физически лица, може да се приеме, че в конкретната хипотеза на обработване на лични данни ще бъде на лице условието за допустимост на обработването им, визирано в чл. 4, ал. 1, т. 2, а именно: Физическото лице, за което се отнасят данните, е дало изрично своето съгласие. Съгласие на физическото лице, съгласно т. 13 от параграф 1 на „Допълнителните разпоредби” на ЗЗЛД е всяко свободно изразено, конкретно и информирано волеизявление, с което физическото лице, за което се отнасят личните данни, недвусмислено се съгласява те да бъдат обработвани.

В чл. 2, ал. 2 от ЗЗЛД са определени принципите, при спазването на които следва да се обработват лични данни или личните данни следва:

1. се обработват законосъобразно и добросъвестно;
2. се събират за конкретни, точно определени и законни цели и да не се обработват допълнително по начин, несъвместим с тези цели; допълнително обработване на личните данни за исторически, статистически или научни цели е допустимо, при условие че администраторът осигури подходяща защита, като гарантира, че данните не се обработват за други цели;

3. бъдат съотносими, свързани със и ненадхвърлящи целите, за които се обработват;

4. бъдат точни и при необходимост да се актуализират;

5. се заличават или коригират, когато се установи, че са неточни или непропорционални по отношение на целите, за които се обработват;

6. се поддържат във вид, който позволява идентифициране на съответните физически лица за период не по-дълъг от необходимия за целите, за които тези данни се обработват; личните данни, които ще се съхраняват за по-дълъг период за исторически, статистически или научни цели, се поддържат във вид, непозволяващ идентифицирането на физическите лица.

Правото на защитата на физическите лица от злоупотреби с личната им информация и неправомерна намеса в техния личен живот се гарантира от горепосочените принципи, които са в основата на действащото законодателство, регулиращо обществените отношения в сферата на защитата на личните данни. За да е налице добросъвестно обработване, администраторът на лични данни – БАН, следва предварително да е уведомил точно и правилно физическото лице за целите на обработката, като не използва данните за цели, различни от обявените. В настоящия казус може да се приеме, че този принцип е спазен с оглед предоставената на лицата – участници в семинара подробна информация.

Обработването трябва да е законосъобразно, т.е. администраторът на лични данни трябва да съблюдава всички разпоредби на законите и подзаконовите актове, свързани със защитата на личните данни и да действа в рамките на притежаваните, съгласно тях, правомощия. Относно спазването на принципите за пропорционалност и целесъобразност на обработваните данни, то личните данни, които ще бъдат обработвани във връзка със проекта следва да бъдат във вид и обем, съобразени спрямо целите на проекта, за които са необходими на администратора на лични данни – БАН и да не надвишават тези цели.

С оглед на гореизложеното и на основание чл. 10, ал.1, т. 4 от ЗЗЛД, Комисията за защита на лични данни изрази следното

СТАНОВИЩЕ:

В конкретния казус, за обработване на посочените в искането данни, е налице, визираното в чл. 4, ал. 1, т. 2 от ЗЗЛД, условие за допустимост на обработването, т.е. обработването ще бъде допустимо само при наличие на свободно изразено,

конкретно и информирано волеизявление, с което физическото лице, за което се отнасят личните данни, недвусмислено се съгласява те да бъдат обработвани от администратора на лични данни – Българска академия на науките за изрично посочените във формуляра за информирано съгласие цели.

Личните данни, които ще бъдат обработвани във връзка със проекта следва да бъдат във вид и обем, съобразени спрямо целите на проекта и да не надвишават тези цели.

Във формуляра за информирано съгласие да бъде добавена информация относно правата на физическите лица по чл. 28а от ЗЗЛД, а именно правото на физическото лице, по всяко време, да поиска от администратора да заличи, коригира или блокира негови лични данни, обработването на които не отговаря на изискванията на Закона за защита на личните данни.

ПРЕДСЕДАТЕЛ:

ВЕНЦИСЛАВ КАРАДЖОВ



ЧЛЕНОВЕ:

ЦАНКО ЦОЛОВ

ЦВЕТЕЛИН СОФРОНИЕВ

МАРИЯ МАТЕВА

ВЕСЕЛИН ЦЕЛКОВ

Commission for Personal Data Protection
Sofia 1592
2 Prof. Tsvetan Lazarov Blvd.
Tel. 3592/915 35 15
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Reg. # П-6091
Date: 26 Sep 2014

TO
Prof. Svetozar Margenov
Director
Institute for Information and Communication Technologies
Bulgarian Academy of Sciences

Introduction

Dear Mr. Margenov,

Further to your request, filed at the CPDP with an incoming number 4927/30.07.2014, concerning the application of the law on Personal Data Protection, attached you will find an Opinion of the CPDP.

Encl: as per text above.

Chairman
/singed/
Ventsislav Karadzhov

OPINION

by

THE COMMISSION ON PERSONAL DATA PROTECTION

Reg. No П-4927/ 30.07.2014

Sofia, 2014

Regarding: A request for opinion, incoming number П-4927/ 30.07.2014 by Prof. Svetozar Margenov, Director, Institute for Information and Communication Technologies, Bulgarian Academy of Sciences, regarding the compliance of the research work within an international project, DRIVER, from an ethical point of view

At a regular meeting of the CPDP, held on 03 September 2014 and attended by Chairman Ventsislav Karadzhov and members Tsanko Tsolov, Tsvetelin Sofroniev, Mariya Mateva and Vesselin Tselkov, the Commission considered a request, incoming number П-4927/ 30.07.2014 by Prof. Svetozar Margenov, filed at the CPDP in his capacity of Director, Institute for Information and Communication Technologies (IICT), Bulgarian Academy of Sciences regarding the compliance of the research work within an international project, DRIVER from an ethical point of view.

... [information on the DRIVER project, provided by us] ...

... [Summary of the opinion to be found below] ...

1/ The document introduces the request by IICT, which, through the Centre for Security and Defence Management, is involved in an international project, DRIVER, aimed at driving innovation in Europe for improving crisis management and resilience, started on 1 May 2014.

Further, the Opinion makes reference to IICT (CSDM) role in the project, namely desk research and expert interviews for collecting and structuring information at high level on crisis management organisation, policies and legislation (COPL).

The Opinion notes that enclosed to the request is an Information Consent Form to be filled by the interviewees.

2/ Legal analysis

The Opinion further provides a legal analysis of the facts, related to the request.

The CPDP notes that IICT is included in the volume of data, processed by the Bulgarian Academy of Sciences, which is a registered personal data controller.

Further, the Opinion quotes art. 2 (1) of the Law on Personal Data Protection, according to which “personal data” shall refer to any information relating to a individual who is identified or identifiable, directly or indirectly, by reference to an identification number or to one or more specific features, and notes that the data to be collected for the purpose of the workshop organisation is “personal data”.

The Document also quotes paragraph 1, art. 1 of the Additional Provisions of the Law, saying that “processing of personal data” shall mean any operation or set of operations which can be performed with respect to personal data, whether by automatic means or otherwise, such as collection, recording, organization, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination, provision, transfer or otherwise making available, updating or combination, blocking, deletion or destruction”. The case presented by IICT makes evident that personal data will be processed by means of their collection, recording, organization, storage, use and deletion – in case of an informed consent withdrawal also destruction – after the project's objectives have been fulfilled and there is no necessity for their processing any longer.

In order personal data to be processed in a lawful manner, this should only be made in cases when at least one of the conditions listed alternatively in art. 4 (1) of the Law is met and respect the principles embodied in art. 2 (2), data to be collected for specific, precisely defined and legal purposes and not be submitted to additional processing in a manner incompatible with such purposes.

After an analysis of the Informed Consent Form, the CPDP draws the conclusion that in the hypothesis of processing personal data as viewed by the case, the condition set by art. 4 (1), p.2, i.e. “the individual to whom such data refer has given his/her explicit consent” shall be fulfilled.

Further, the Document refers to art. 2 (2) of the Law, outlining the principles of processing personal data and stresses that the right to protection from misuse of personal data and the right to privacy is guaranteed by those principles, which lay the foundations of the acting law.

In order data to be processed in a bona fide manner, BAS, as data controller, should fully and precisely inform the participants on the purpose of processing of personal data and do not use data for purposes different than those specified. The CPDP accepts that the above principle if fulfilled by the ICF and the information to be presented to the interviewees.

Personal data should be processed in legal compliance, i.e. BAS shall abide to all acting laws and regulations related to personal data protection and act within the framework, outlined by those. Regarding the principles data to be collected for specific, precisely defined and legal purposes and not be submitted to additional processing in a manner incompatible with such

purposes, the CPDP presumes that the personal data to be processed correspond to the purposes, for the fulfillment of which they are needed by BAS, and do not go beyond those purposes.

With a view to above findings and in fulfillment of art. 10 (1), p.4, namely to “give opinions and issue permissions in the cases provided for in this Law”, the CPDP

CONCLUDES

In the case of processing of personal data, there exists the required by art. 4 (1), p. 2 of the Law on Personal Data Protection condition for admissibility of the data processing, i.e. processing of personal data will only be possible after the individual to whom such data refer has given his/her explicit consent to the data controller – BAS for the the purposes as outlined by the informed consent form.

The volume and type of personal data to be processed with regard to the project should correspond to the purposes of the project and should not go beyond those purposes.

In the information consent form, there should be added information regarding the individual's being entitled, as stipulated by art. 28a of the Personal Data Protection Law, to require, at any time, from the data controller to erase, rectify or block his or her personal data whose processing does not comply with the provisions of the Personal Data Protection Law.

Signatures

Chairman

Members

From: [DUBOST Laurent](#)
To: [gdelcroix@cnil.fr](#); [llim@cnil.fr](#)
Cc: [GUILMIN Gwenael](#); [TRESSE Jochen](#); [LE GARLANTEZEC Denis](#); [Mareile Kaufmann](#); [Anne Duquenne](#)
Subject: TR: DRIVER/ Demande d'autorisation CNIL
Attachments: [2014_06_29_DRIVER& SP4 Description \(French\).docx](#)

Bonjour Messieurs,

N'ayant pas reçu de réponse de votre part, je me permets de vous relancer concernant le projet de R&D DRIVER (description en PJ).

Comme argumenté dans le mail ci-dessous, les expérimentations techniques que nous entendons mener dans ce projet du 24 au 29 Novembre ne nécessitent pas à notre avis d'autorisation formelle de la CNIL. Mais nous tenons à informer la CNIL de l'existence de ces expérimentations et des mesures que nous comptons prendre pour protéger les données personnelles (de nature commerciales) pouvant être manipulées à cette occasion.

Nous serions heureux d'avoir confirmation de la CNIL quant à l'exonération de DRIVER d'obligation de déclaration pour ces expérimentations.

Cordialement,

Laurent Dubost
Fix : (33)1 73 32 18 89
Mobile : (33)6 82 94 51 85

De : DUBOST Laurent
Envoyé : mercredi 30 juillet 2014 15:30
À : 'gdelcroix@cnil.fr'
Cc : 'llim@cnil.fr'; GUILMIN Gwenael; TRESSE Jochen
Objet : DRIVER/ Demande d'autorisation CNIL

Bonjour Monsieur,

Je suis le coordinateur au sein de Thales Communications & Security du projet DRIVER (coordonnée par ATOS au niveau européen), projet européen de R&D sur la gestion de crise dont la description vous est fournie en Pièce Jointe.

Dans le cadre de DRIVER nous avons l'obligation contractuelle de fournir à l'UE les justificatifs des autorisations émanant des organismes compétents en matière d'éthique avant d'entreprendre toute recherche. C'est pour obtenir une autorisation que je vous contacte.

Dans le cadre de ce projet, et plus particulièrement du Sous-Projet 4 (SP4 : Strengthened Responders) dont TCS assure la coordination, nous avons planifié un premier cycle d'expérimentation qui aura lieu à Aix en Provence (donc sur le territoire français) à la fin Novembre 2014 au Pôle Risques sous la direction de TCS qui coordonnera l'ensemble de ces travaux. Ces travaux impliqueront des partenaires de diverses nationalités européennes, et une équipe israélienne.

J'ai tenté d'utiliser votre formulaire en ligne (déclaration normale), mais il se prête mal à la description de notre recherche dont l'objet principal n'est pas les personnes.

Nous sollicitons donc par ce courrier votre autorisation pour cette recherche (Premier Cycle d'expérimentation SP4).

En voici brièvement le contexte. Lors de ces expérimentations, deux types de données susceptibles d'être considérées comme données personnelles seront utilisées :

- 1) les données de jeu du scenario, qui concerne des personnes fictives, inventées pour la circonstance (comme des volontaires, des intervenants, ou des victimes), aucune personne réelle n'étant concernée, il nous semble qu'elles ne devrait pas nécessiter d'autorisation
- 2) les données relatives aux personnes extérieures au projet qui seront impliquées dans l'expérimentation (au titre d'évaluateur) ; Ces personnes (au nombre d'une dizaine) seront des utilisateurs finaux, professionnels de la sécurité civile, pompiers, santé publique, police, ONGs,...

Concernant le second ensemble, les utilisateurs finaux participants aux expérimentations, il est important de noter les modalités suivantes :

- l'expérimentation ne porte pas sur ces personnes elles-mêmes mais sur des objets techniques (tenue de situation, gestion des ressources, prévision d'inondations, gestion de volontaire, logistique...). Les personnes extérieure au consortium sont invitées à participer à cette expérimentation en tant qu'évaluateur, en raison de leur expertise professionnelle.
- seuls les noms et informations professionnelles de ces personnes (mail, tél, organisme, fonction) seront enregistrés au titre de contact professionnel et ne seront conservés que pour la durée du projet DRIVER (ces personnes pouvant être recontactées pour d'autres expérimentations dans le cadre du SP4).
- aucune autre information personnelle concernant ces personnes n'étant nécessaire à nos recherche, nous ne demanderons ni recueillerons, ni rechercherons, ni stockerons ces informations d'une quelconque manière
- ces informations ne seront pas diffusées sur internet et ne seront pas regroupées au sein d'une Base de Données, mais au sein de simple fichiers de contact ou consignés dans des Compte Rendus d'expérimentation. Elle seront stockées sur des ordinateurs disposant d'accès protégés par mot de passe
- ces données donneront lieu à la publication de rapports de synthèse dans lesquels toute mention des noms, coordonnées et fonctions de ces personnes seront absentes
- une déclaration de consentement informé sera demandée à chaque personne extérieure au consortium participant à l'expérimentation, après l'avoir dûment informée de la finalité de la recherche et du traitement qui sera fait des données la concernant

Au regard de ces considérations, il nous semble que :

- 1) la déclaration en France est suffisante,
- 2) ces informations pourraient bénéficier de la dispense N°7 « Fichier de communication non commerciale ».

Qu'en pensez-vous ?

Dans l'attente de votre avis et de vos éventuelles recommandations.

Cordialement,

Laurent Dubost

Project & SP4 descriptions

29 Juillet 2014

DRIVER -*Driving* Innovation in Crisis Management for *European Resilience*-project successfully launched

DRIVER, projet coopératif de grande dimension (37 partenaires de 15 pays, 35 Meuros de subvention) du programme de recherche européen FP7 2012 sur la sécurité, a pour objectif de développer la résilience de la société européenne face aux crises.

Pour cela DRIVER s'est fixé deux objectifs majeurs :

- constituer un réseau européen de plateformes d'expérimentations pour la sécurité civile de statures internationales. Ce réseau s'appuiera sur un « test-bed » commun regroupant des aspects méthodologiques, organisationnels et des environnements de stimulation/simulation permettant d'expérimenter des systèmes, méthodes et procédures liées à la gestion de crise. Ce réseau s'appuie sur des plates-formes existantes : en Suède (MSB), Allemagne (THW), Pays Bas (Ville de La Haye), France (SDIS13, ENSOSP, CIREEX, Valabre : toutes situées près d'Aix) et Pologne.
- élaborer un portefeuille d'outil de gestion de crise adressant les différentes phases du cycle dans les domaines de la résilience sociétale, la réponse des primo-intervenants, et la formation.
Pour élaborer ce portefeuille, DRIVER mettra en œuvre sur le « test-bed » une série d'expérimentations d'ampleur croissante.
Finalement ce portefeuille sera expérimenté dans deux expérimentations majeures jouées sur les plates-formes (avec pour scénarios : une tempête de neige et une inondation) et une démonstration finale (scénario : tsunami méditerranéen).

Le consortium DRIVER est constitué de 37 partenaires de 13 pays membres et 2 pays associés. sous la coordination de ATOS (ES) avec pour « core team » THALES (FR), FOI (SE), Le FRAUNHOFER Institute (INT & IAO)(DE), LA CROIX ROUGE AUTRICHIENNE (AT), TNO (NL), le Pole Risques (FR) et PRIO (NO).

Project & SP4 descriptions

29 Juillet 2014,

Au sein du projet DRIVER, TCS est responsable du sous-projet 4 (SP4 : Strengthened Responders dont l'objectif est de fournir des capacités de type C4I (système d'information de commandement)

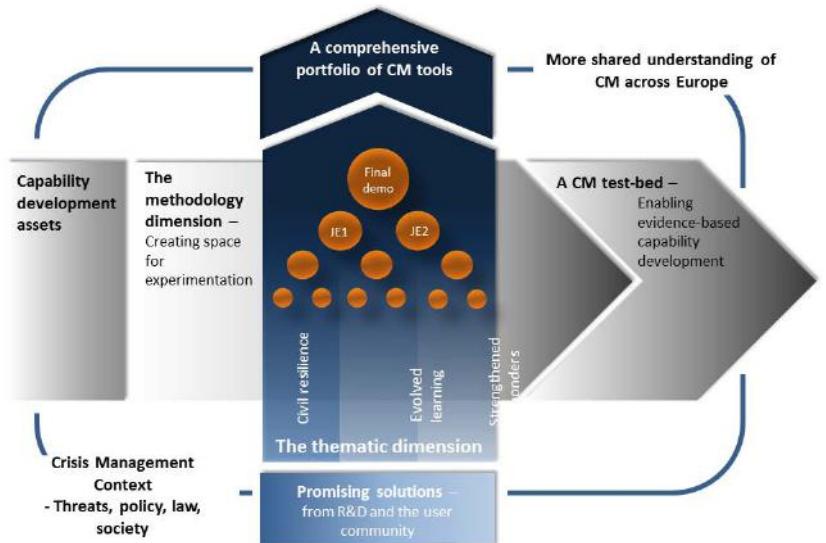


Figure 1 - Overview of the DRIVER concept

SP4. Strengthened Responders

SP4 a pour objectif de renforcer les capacités de réponse aux crises au sein de l'UE, et notamment la coopération entre organismes, en pourvoyant aux besoins principaux identifiés dans le domaine de la gestion de crise au sein de la communauté des intervenants : interopérabilité, partage d'information, tenue de situation, alerte et prévision, gestion et allocation des ressources, développement capacitaire, interaction avec les citoyens.

Le SP4 s'adresse à l'ensemble des organismes de la communauté des intervenants : pompiers, sécurité civile, santé publique, sécurité, ONGs. Il couvre toutes les phases de la gestion de crise: développement, préparation, alerte, réponse, reconstruction et tous les niveaux, du niveau local au niveau européen.

Le SP4 a pour objectif de produire un ensemble d'outils techniques et de procédures adaptées dont l'objectif est de compléter les outils en place et d'améliorer le système de systèmes de gestion de crise existant.

Project & SP4 descriptions

29 Juillet 2014,

De plus, le SP4 permettra de mettre en œuvre l'approche d'expérimentation du projet DRIVER sur les outils du SP4 afin d'évaluer leurs bénéfices opérationnels et d'étudier leur impact potentiel sur le système de systèmes de gestion de crise des intervenants.

Le travail du SP4 sera réorienté en continu de manière à prendre en compte l'évolution des besoins.

Les outils du SP4 sont basés sur des composants existants, assemblés via une architecture de type SOA (Service Oriented Architecture). Les bénéfices apportés par le SP4 seront évalués grâce à une série de trois cycles d'expérimentations d'importance croissantes. Ces expérimentations internes au SP4 seront basées sur des scénarios opérationnels et opérées avec le soutien du Test-Bed et de la Méthodologie d'expérimentation élaborés par le SP2.

Le SP4 permettra d'élaborer une vision combinant des systèmes opérationnels améliorés, des services communs de coopération, des solutions souples d'interopérabilité, et l'accès à des services d'expertise comme la prédition des évolutions.

Les résultats du SP4 seront ensuite expérimentés et démontrés au sein du SP6 (Joint Experimentation and Final démonstration) conjointement avec ceux du SP3 (Societal Resilience) et du SP5 (Learning).

The research leading to these results has received funding from the European Community's Seventh Framework Programme (FP7/2007-2013) under Grant Agreement n°607798.

Your contacts

TCS (SP4 Project Coordinator)

laurent.dubost@thalesgroup.com

ATOS (Project Coordinator)

Fernando [Kraus:fernando.kraus@atos.net](mailto:kraus:fernando.kraus@atos.net)

Phone: + 34 675 592 006

Project & SP4 descriptions

29 Juillet 2014,

Consortium organisations in alphabetical order:

- AIT Austrian Institute of Technology GmbH (Austria)
- ARTTIC (France)
- Association pour la Recherche et le Développement des méthodes et processus Industriels- Armines (France)
- ATOS Spain SA (Spain)
- Austrian Red Cross Research GmbH (Austria)
- Centre for Irish and European Security Limited (Ireland)
- Centro de Innovación Tecnológica para Logística y Transporte Mercancías Carretera (Spain)
- Dansk Røde Kors (Danish Red Cross) (Denmark)
- Deutsches Zentrum für Luft- und Raumfahrt e. V. - DLR (Germany)
- DIN Deutsches Institut für Normung e. V. (DIN German Institute for Standardization) (Germany)
- Disaster Waste Recovery (United Kingdom)
- Ecorys Nederland B.V. (The Netherlands)
- Edisoft (Portugal)
- E-Semble (The Netherlands)
- EPLFM (Entente Pour la Forêt Méditerranéenne) (France)
- European Organisation for Security SCRL (Spain)
- European Union Satellite Centre (Spain)
- Fraunhofer-Gesellschaft zur Förderung der angewandten Forschung e. V. (Germany)
- Frequentis AG (Austria)
- GMV Aerospace and Defence SA Unipersonal (Spain)
- HKV Lijn in Water B.V. (The Netherlands)
- Institute of Information and Communication Technologies (Bulgaria)
- ITTI sp. z o.o. (Poland)
- JRC - Joint Research Centre- European Commission (Belgium)
- Magen David Adom in Israel (Israel)
- Myndigheten för Samhällsskydd och Beredskap (Sweden)
- Nederlandse Organisatie voor Toegepast Natuurwetenschappelijk Onderzoek- TNO (The Netherlands)
- Peace Research Institute Oslo - PRIO (Norway)
- Pole Euroméditerranéen sur les Risques Association (France)
- Public Safety Communication Europe Forum (Belgium)
- Q4PR Limited (Ireland)
- Technisches Hilfswerk THW (Germany)
- Thales Communications & Security (France)
- THG- City of the Hague (The Netherlands)
- The British Red Cross Society (United Kingdom)
- Totalförsvarets Forskningsinstitut (Sweden)
- Universität Stuttgart IAT (Institut für Arbeitswissenschaft und Technologiemanagement) (Germany)
- Westfälische Wilhelms- Universität Münster (Germany)

Application for Research Ethics Approval

Interviews and workshops on competences and competence frameworks in crisis management (WP52.1/WP52.2)

Research conducted within the FP7-funded DRIVER project

« Driving Innovation in Crisis Management for European Resilience »

To be Submitted to Data Protection Office of the Fraunhofer-Gesellschaft, Munich

General Information

- *Fraunhofer IAO*
- *Alexander Karapidis, Bernd Dworschak (WP52)*
- Collection of information on competences and competence frameworks
- *DRIVER partners of WP52*
- *Who of the involved institutions will have data access? – None. Only in an anonymised, clustered, generalised way.*

Sample

- *Approximately 20 interviews and 2 workshops*
- *How are participants/interviewees recruited? Recommended participants will be contacted by e-mail or phone.*
- *Will any legal adult with reduced capacity to legal consent be recruited? No*

Data Collection

- How will the data be collected? Please expand on the selected method.
 - Personal interviews
 - Group interviews, workshops

Data Content

- What is the content of the data? General information on competences and competence frameworks needed in professional groups
- Will directly identifying data be collected (social security number, name, date of birth, email, phone number etc.)? No.
- Will indirectly identifying data be collected (it is possible to deduct from background information who the person is likely to be. Background information can be age, gender, part of a specific group etc.). No.

- Will sensitive information about a person be collected? ("Sensitive personal data includes any personal data consisting of the following information: race or ethnic origin; political opinions; religious or other beliefs; trade union membership; health; sexuality; or alleged or actual criminality."¹) No.
- Will information about third persons be collected (secondary information from which it is possible to deduct the identity of a third person)? If so, in what way will the third person be informed? No.

Informed Consent

- Specify how participants will be informed about the project (verbal, written, will not be informed). See informed consent form provided
- Specify how participants will give their consent (verbal, written, not at all). Verbal consent after presentation of the informed consent.

Information Security

- Is indirectly identifying information replaced by a reference number which refers to a separate list of names? Yes.
- How will the list of names be stored, who will have access to it? Only the leading researchers will have access.
- Is directly identifying information registered together with the other data? No.
- Is indirectly identifying information registered or stored? No.
- How is the data registered, saved and processed? Saved and processed on internal servers of the institute (Fraunhofer IAO), deleted after the project. Servers are saved by passwords.
- Are audio-, video-recordings and /or photographs saved and/or processed on a computer? No. Only audio-recordings of interviews if participants gives consent.
- How is the data safeguarded from unauthorized access? By passwords
- Do you use a portable storage device? If so, why and how will it be used? Not for this data.
- Who will have access to the data? Only the leading researchers.
- Will personal data be transferred through the internet? If so, please specify information. No.
- Will personal data be transferred to anyone outside the project team? If yes, please specify. No.
- Will data be gathered or processed by an external processor? If so, please specify. No.

¹ University of Oxford (2012) "Data Protection and Research" Legal Services Briefing Note, p.4

Approval by Other Regulating Bodies

- Will your project require a dispensation from the duty of confidentiality in order to gain access to the data? (e.g. data from public institutions) If so, you must apply for a dispensation from the duty of confidentiality at the relevant government departments. No.

Duration of the Project

- How long will the project last? This part: Until December 2015
- What will happen to the data when the project is completed? Deleted after the end of the DRIVER project (October 2018)
- Will the data be filed with personal identification? If so, why? No.
- How will the project be financed? The project is financed by the European Commission.

Approved:

Deze ruimte niet beschrijven

E

Meldingsnr.

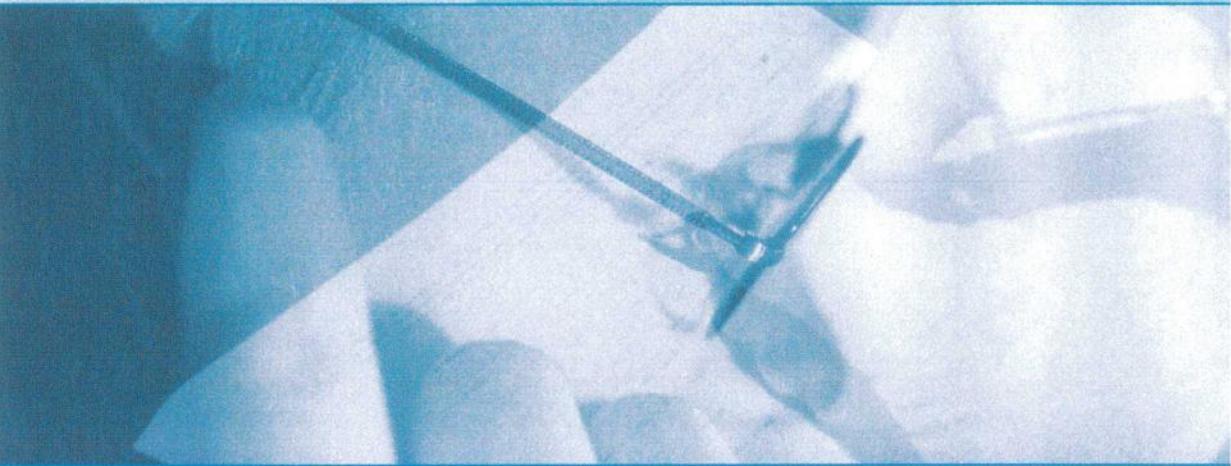
M

Datum

Deze melding betreft een:

Eerste WBP-melding | [ga naar vraag 1](#) |

Mutatie | [vul hier uw toegekende meldingsnummer in](#) |



Meldingsformulier verwerking persoonsgegevens

Met dit formulier kan een verwerking van persoonsgegevens gemeld worden bij het College bescherming persoonsgegevens (CBP). Het betreft de melding bij het CBP die op grond van de Wet bescherming persoonsgegevens (WBP) geldt voor niet van melding vrijgestelde verwerkingen van persoonsgegevens. Tevens kunt u door middel van dit formulier wijzigingen op een eerder gedane WBP-melding doorgeven.

De melding dient te geschieden door of namens de verantwoordelijke. Zijn er meer verantwoordelijken, dan moet de melding geschieden door of namens elk van de betrokken verantwoordelijken. Vergeet u niet in bovenstaand invulvak aan te geven of het een eerste melding onder de WBP of een mutatie inclusief meldingsnummer betreft.

Let bij het invullen vooral goed op de schuingedrukte groene invulinstructies en de instructies | [ga naar vraag ..](#) |



Vraag 1**Verantwoordelijke**

De verantwoordelijke is degene die het doel en de middelen voor de verwerking vaststelt. Dit kan een rechtspersoon of bestuursorgaan of een natuurlijk persoon zijn. Indien er meerdere verantwoordelijken voor een melding zijn, dienen deze apart opgegeven te worden.

*De antwoordvelden die zijn voorzien van een * moeten altijd worden ingevuld.*

| **TOELICHTING VRAAG 1** | Wie is de verantwoordelijke? |
Voorbeelden | Meerdere verantwoordelijken | SBI-nummer |
Vestiging verantwoordelijke in Nederland |

1.1

Hoeveel verantwoordelijken zijn er voor deze verwerking? Om meer dan één verantwoordelijke te kunnen melden, dient u deze bladzijde oningevoeld evenzoveel maal te kopiëren als er verantwoordelijken zijn.

1 | ga naar vraag 1.3 |

meer dan 1, namelijk | | | | kopieer de bladzijde |

1.2

Voor welk deel van de verwerking is de onderstaande (mede) verantwoordelijke verantwoordelijk?

1.3

De verantwoordelijke is: Slechts één van beide categorieën invullen.

Een rechtspersoon of bestuursorgaan

Naam*

Ecorrys Nederland B.V.

Adres*

Watermanweg 44

Postcode en plaats*

3067 GG Rotterdam

Land*

Nederland

Postbus

4175

Postcode en plaats

3006 AD

Land

Nederland

Telefoonnummer*

010 453 8800

Faxnummer

010 453 0768

E-mailadres

netherlands@ecorys.com

SBI-nummer

24316726

Een natuurlijk persoon

Achternaam*

|

Voorvoegsel(s)

| | | | | | | | |

Voorletter(s)*

| | | | | | | | |

De heer of mevrouw*

M V

Adres*

|

Postcode en plaats*

| | | | | | | | |

Land*

|

Postbus

| | | | | | | | |

Postcode en plaats

| | | | | | | | |

Land

|

Telefoonnummer*

| | | | | | | | |

Faxnummer

| | | | | | | | |

E-mailadres

| | | | | | | | |

SBI-nummer

| | | | | | | | |

Vraag 2**Contactpersoon**

Bij deze vraag moet u aangeven wie de contactpersoon is voor deze melding. Alle correspondentie over de melding zal naar de contactpersoon worden gestuurd. Het CBP neemt ook contact op met deze persoon indien er vragen zijn over de melding.

*De antwoordvelden die zijn voorzien van een * moeten altijd worden ingevuld.*

| TOELICHTING VRAAG 2 | Contactpersoon |

2.1

Wie is de contactpersoon voor deze melding?

Achternaam*	Birkman
Voorvoegsel(s)	L
Voorletter(s)*	K
De heer of mevrouw*	<input checked="" type="radio"/> M <input type="radio"/> V
Organisatie*	Ecorys Nederland B.V.
Afdeling	Connectivity - SAT
Functie*	Senior Consultant
Adres*	Watermanweg 44
Postcode*	30676G
Plaats*	Rotterdam
Postbus	4175
Postcode	3006ADI
Plaats	Rotterdam
Telefoonnummer*	0104538800
Faxnummer	0104530768
E-mailadres	netherlands@ecorys.com

Vraag 3

Bewerker

Een bewerker is een persoon of organisatie aan wie de verantwoordelijke de verwerking van persoonsgegevens heeft uitbesteed. Het invullen van deze vraag is niet verplicht, maar is wel van belang om inzicht te krijgen in de wijze waarop de verwerking verloopt. Indien er meerdere bewerkers voor een melding zijn, dienen deze apart opgegeven te worden.

De antwoordvelden die zijn voorzien van een * moeten altijd worden ingevuld, als u de bewerker meldt.

| TOELICHTING VRAAG 3 | Bewerker | Meerdere bewerkers |

3.1

Door hoeveel bewerkers worden de persoonsgegevens die in deze melding worden beschreven, verwerkt?

Om meer dan één bewerker te kunnen melden, dient u deze bladzijde ongevuld evenzoveel maal te kopiëren als er bewerkers zijn.

0 geen | ga naar vraag 4 |

1 | ga naar vraag 3.2 |

meer dan 1, namelijk | | | kopieer de bladzijde |

3.2

De bewerker is: Slechts één van beide categorieën invullen.

Een rechtspersoon of bestuursorgaan

Naam* Ecorys Nederland B.V.

Adres* Watermanweg 44

Postcode* 3067GG

Plaats* Rotterdam

Land* Nederland

Postbus 4175

Postcode 3006AD

Plaats Rotterdam

Land Nederland

Telefoonnummer*

Faxnummer

E-mailadres

Een natuurlijk persoon

Achternaam*

Voorvoegsel(s)

Voorletters*

De heer of mevrouw* M V

Adres*

Postcode*

Plaats*

Land*

Postbus

Postcode

Plaats

Land

Telefoonnummer*

Faxnummer

E-mailadres

Vraag 4

Wat meldt u aan?

Hier dient de verwerking van persoonsgegevens omschreven te worden. Dat kan door de naam van de verwerking of het systeem te vermelden zoals deze binnen de organisatie(s) van de verantwoordelijke(n) bekend is, bijvoorbeeld 'personeelsadministratie' of 'klachtenregistratie'.

| TOELICHTING VRAAG 4 | Wat moet u melden? | Incidentele verwerking |

4.1

Hoe luidt de naam of de omschrijving van de verwerking van persoonsgegevens?

Maximaal 1 verwerking van persoonsgegevens per formulier melden.

- | Analyse van interviewresultaten, workshop uitkomsten en (ingevulde) questionnaires.

Vraag 5

Het doel van de verwerking

Een precieze en duidelijke omschrijving van het doel (of de samenhangende doeleinden) van de verwerking is van belang, omdat aan de hand van het doel van de verwerking de hoeveelheid, de soort, de kwaliteit en de bewaartijd van de gegevens worden getoetsd.

Er kunnen meerdere doelen omschreven worden.

Let op: het doel of de doelen moet(en) betrekking hebben op de bij vraag 4.1 ingevulde naam of omschrijving van de verwerking.

| TOELICHTING VRAAG 5 | Doel of doeleinden van de verwerking | Voorbeelden | Meerdere doeleinden |

5.1

Voor welk doel of voor welke samenhangende doeleinden verwerkt de verantwoordelijke persoonsgegevens?

- 1 | Ecorys is lid van een Europees consortium van organisaties dat een groot EU onderzoeksproject (FP7) trekt genaamd: "Driving Innovation in crisis management".
- 2 | "For European Resilience", of DRIVER in het kort. Totaal budget: 45 mln. euro.
- 3 | Binnen DRIVER zijn een 9-tal sub-projecten geformuleerd met onderliggende werkpakketten.
- 4 | Deze aanvraag gaat over het werkpakket waar Ecorys verantwoordelijk voor is:
- 5 | "Economic aspects of DRIVER solutions".
- 6 | Doel van dit werkpakket (nr. WP85) is om een economisch model met aanhangende business plannen te ontwikkelen binnen het sub-project "Supporting Information and analysis". (SP8)
- 7 | De outputs van dit werkpakket worden gebruikt om een duurzame "Testbed" of platform te ontwikkelen, samen met een "portfolio" van instrumenten/tools dat een Europees crisis management systeem ondersteunt.

Vraag 6

Categorieën van betrokkenen

Indien er meerdere categorieën van betrokkenen zijn, dan dienen alle categorieën van betrokkenen apart volgens de opzet van vraag 6 opgegeven te worden. De oninge vulde bladzijden met vraag 6.1 t/m 6.5 kunnen daarvoor zo vaak als nodig gekopieerd worden en dan voorzien worden van een opeenvolgende letter, beginnend bij een A. Per letter mag maar één categorie van betrokkenen gemeld worden. Bij vraag 6.5 kunt u meerdere antwoorden aankruisen.

Bij deze vraag dient u aan te geven over wie persoonsgegevens worden verwerkt ('de betrokkenen'), welke soorten van gegevens er per categorie van betrokkenen worden verwerkt en voor welk doel of doelen de omschreven soorten van gegevens zijn verzameld. Tevens wordt gevraagd of er zogenaamde 'bijzondere persoonsgegevens' worden verwerkt. Verwerking hiervan is alleen toegestaan in een aantal expliciet in de WBP opgesomde gevallen.

| TOELICHTING VRAAG 6 | [Algemeen](#) | [VRAAG 6.2](#) | [Categorie van betrokkenen](#) | [Meerdere categorieën van betrokkenen](#) |
[VRAAG 6.3](#) | [Persoonsgegevens](#) | [VRAAG 6.4](#) | [Doel van het verzamelen van persoonsgegevens](#) | [VRAAG 6.5](#) | [Bijzondere persoonsgegevens](#) |

6.1

Hoeveel categorieën van betrokkenen zijn er voor deze verwerking?

- 1 | [ga naar vraag 6.2](#) |
 meer dan 1, namelijk | | | [kopieer de bladzijden](#) |

6.2

Over welke categorie van betrokkenen verwerkt u gegevens? *Let op: de categorie van betrokkenen moet betrekking hebben op de bij vraag 4.1 ingevulde naam en het bij vraag 5.1 ingevulde doel van de verwerking.*

|

6.3

Welke gegevens of categorieën van gegevens die betrekking hebben op de genoemde categorie van betrokkenen (vraag 6.2) worden verwerkt?

- 1 | *Interviews*
2 | *Workshops*
3 | *Questionnaires*
4 | *Surveys*

- 11 |
12 |
13 |
14 |
15 |
16 |
17 |
18 |
19 |
20 |

6.4

Voor welk doel of samenhangende doeleinden zijn/worden de (categorieën van) gegevens die zijn ingevuld bij vraag 6.3, verzameld? *De nummering correspondeert met die van vraag 6.3.*

- 1 | *De gegevens die verzameld worden via interviews, workshops en surveys, questionnaires worden als input gebruikt om een economisch model en business plannen te ontwikkelen voor een Europees-breed systeem van crisis management.*
2 |
3 |
4 |
5 | *Specifiek gaat het om 'sub-taken binnen werkpakket'*

6 "Economic aspects of DRIVER solutions".
Deze subtaken zijn:

7 [85.1]:

- ontwikkelen economisch en organisatorisch concept voor een duurzaam Europees "Test-bed"
- voor crisis management expertisatie.
- verzamelen relevante economische gegevens dat Test-bed gebruik mogelijk moet maken na DRIVER project (post-2018).
- ontwikkelen business plannen voor specifieke sectoren actief in crisis management.

8 [85.2]:

- ontwikkelen business model en exploratiplaan voor een DRIVER "portfolio of Tools" dat een Europees "Test-bed" kan en zal ondersteunen,

17 De gegevens zullen vanaf februari 2015 tot en met najaar 2018 verzameld worden. (einde DRIVER project).

20

6.5

Welke bijzondere gegevens die betrekking hebben op de genoemde categorie van betrokkenen worden verwerkt?

- Geen | ga naar vraag 7 |
- Gegevens betreffende godsdienst en levensovertuiging
- Gegevens betreffende ras of etniciteit
- Gegevens betreffende politieke gezindheid
- Gegevens betreffende de gezondheid
- Gegevens betreffende het sexuele leven
- Gegevens betreffende het lidmaatschap van een vakvereniging
- Strafrechtelijke gegevens
- Gegevens betreffende onrechtmatig of hinderlijk gedrag in verband met een opgelegd verbod naar aanleiding van dat gedrag

Vraag 7

Verstrekking van gegevens

Bij deze vraag moet worden ingevuld aan welke ontvangers of categorieën van ontvangers de gegevens worden verstrekt. De WBP verstaat onder het begrip ontvanger: degene aan wie de persoonsgegevens worden verstrekt.

| TOELICHTING VRAAG 7 | Ontvanger | Degenen die belast zijn met de verwerking van de gegevens | Leidinggevenden | Bewerker |
Wettelijke verplichtingen tot verstrekking |

U kunt hier meerdere categorieën van ontvangers invullen.

7.1

Aan welke ontvangers of categorieën van ontvangers worden de gegevens verstrekt?

- 1 De verslagen, interviews en uitkomsten
- 2 e.a. gegevens worden verstrekt
- 3 aan Ecorys Nederland B.V.
- 4 die hoofdverantwoordelijk is
- 5 voor werkzaam bij 85 "Economic
- 6 aspects of DRIVER solutions".
- 7 De hoofdonderzoekers verantwoordelijk voor deze het beheer van
- 8 de gegevens zijn: Laura Birkman
- 9 en Dick Mans, beiden senior
- 10 onderzoekers werkzaam bij
- 11 Ecorys. Zij zullen er zorg voor
- 12 dragen dat alle gegevens vertrouwelijk worden behandeld en de
- 13 informatie aggregated zo dat het
- 14 niet meer herleidbaar is naar de
- 15 individuele bronnen van de gegevens.
- 16 De gegevens worden opgehaald uit
- 17 verschillende Europese landen (DRIVER
- 18 is een Europees project), maar het
- 19 onderzoek, alsmede de verwerving van
- 20 de gegevens, zal in Nederland plaatsvinden door genoemde personen.

Vraag 8**Beveiliging van persoonsgegevens**

Bij vragen 8.2 en 8.4 tot en met 8.6 kunt u meerdere antwoorden aankruisen.

Deze vraag is bedoeld om het CBP een indruk te geven van de beveiligingsmaatregelen. De door u ingevulde gegevens worden niet in het openbaar meldingenregister geplaatst.

| TOELICHTING VRAAG 8 | Beveiliging van de gegevens |

8.1

Beveiligt u de persoonsgegevens?

- Nee | ga naar vraag 8.3 |
 Ja

8.2

Welke maatregelen heeft u genomen om de persoonsgegevens te beschermen?

- Vastgesteld beveiligingsbeleid dat ook is geïmplementeerd
 Fysieke maatregelen voor toegangsbeveiliging, inclusief organisatorische controle
 Inbraakalarm
 Kluis voor opslag van gegevensbestanden
 Logische toegangscontrole m.b.v. iets wat iemand weet (wachtwoord of pincode)
 Logische toegangscontrole m.b.v. iets wat iemand bij zich draagt (pasje)
 Logische toegangscontrole m.b.v. iets wat bij iemand hoort (biometrisch kenmerk)
 Overige logische toegangscontrole
 Automatische logging van toegang tot gegevens, incl. een controleprocedure
 Controle van toegekende bevoegdheden
 Overige beveiligingsmaatregelen | a.u.b. specificeren |

8.3

Is er sprake van een bewerker? Slechts één antwoord mogelijk.

- Nee
 Ja, en er zijn met de bewerker(s), d.w.z. met elke bewerker, schriftelijke afspraken gemaakt over beveiliging
 Ja, en er zijn géén schriftelijke afspraken over beveiliging gemaakt met de bewerker of met één van de bewerkers

8.4

Wie heeft toegang tot de persoonsgegevens?

- Personeel dat onder leiding van de verantwoordelijke staat
 Personeel dat onder leiding van de bewerker staat
 Derden | a.u.b. specificeren |

8.5

Verzendt u gegevens langs elektronische weg?

- Nee
 Ja, via een eigen netwerk
 Ja, via een publiek netwerk

8.6

Gebruikt u encryptie?

- Ja, de persoonsgegevens worden versleuteld tijdens verzending
 Ja, de gegevensopslag is versleuteld
 Nee

Vraag 9

Doorgifte naar landen buiten de Europese Unie

Deze vragen gaan over doorgifte van gegevens naar landen buiten de Europese Unie.

N.B.: doorgifte naar landen buiten de Europese Unie is alleen toegestaan in bepaalde gevallen. Zie de toelichting.

| **TOELICHTING VRAAG 9** | *Doorgifte van persoonsgegevens binnen de Europese Unie* | *Doorgifte van persoonsgegevens naar landen buiten de Europese Unie* |

9.1

Geeft u bij uw gegevensverwerking persoonsgegevens door naar één of meer landen buiten de Europese Unie?

Nee | *ga naar vraag 10* |

Ja

9.2

Worden persoonsgegevens uitsluitend doorgegeven naar landen buiten de Europese Unie waarvan de Minister van Justitie heeft bepaald dat die landen een passend beschermingsniveau waarborgen?

Nee

Ja

Vraag 10

Voorafgaand onderzoek

Voor een beperkt aantal categorieën van gegevensverwerkingen vereist de WBP dat er, voordat u met de verwerking start, een onderzoek plaatsvindt: het voorafgaand onderzoek. Het gaat daarbij om gegevensverwerkingen die specifieke risico's met zich meebrengen voor de rechten en vrijheden van de betrokkenen. Aan de hand van onderstaande vragen kunt u bepalen of daarvan sprake is. N.B.: de inlichtingen die zijn verkregen aan de hand van deze vragen worden niet in het openbaar meldingregister geplaatst.

| TOELICHTING VRAAG 10 | [Algemeen](#) | [Nader onderzoek?](#) |
[Opschorting van de gegevensverwerking](#) | [Persoonlijk identificatienummer](#) | [Heimelijke waarneming](#) | [Strafrechtelijke gegevens en gegevens over hinderlijk of onrechtmatig gedrag](#) |

Bij vraag 10.6 moet u de juiste conclusie aankruisen.

10.1

Bent u van plan om een persoonlijk identificatienummer van de betrokkenen(n) te verwerken voor een ander doel dan waarvoor het nummer specifiek is bestemd, met het doel de gegevens in verband te brengen (te koppelen) met gegevens die door een andere verantwoordelijke worden verwerkt?

- Nee | [ga naar vraag 10.3](#) |
 Ja | [ga naar vraag 10.2](#) |

10.2

Is het persoonlijk identificatienummer voorgeschreven bij wet en gebruikt u het nummer alleen ter uitvoering van die wet of een andere wet?

- Nee | [ga naar vraag 10.3](#) |
 Ja | [ga naar vraag 10.3](#) |

10.3

Bent u van plan gegevens van de betrokkenen(n) vast te leggen die u door eigen waarneming hebt verkregen, zonder de betrokkenen(n) van die vastlegging op de hoogte te stellen?

- Nee | [ga naar vraag 10.4](#) |
 Ja | [ga naar vraag 10.4](#) |

10.4

Bent u van plan voor derden strafrechtelijke gegevens of gegevens over onrechtmatig of hinderlijk gedrag van de betrokkenen(n) te verwerken?

- Nee | [ga naar vraag 10.6](#) |
 Ja | [ga naar vraag 10.5](#) |

10.5

Heeft u een vergunning op grond van de Wet particuliere beveiligingsorganisaties en recherchebureaus?

- Nee | [ga naar vraag 10.6](#) |
 Ja | [ga naar vraag 10.6](#) |

10.6

Wat is de conclusie aan de hand van bovenstaande vragen?

Voor het bepalen van de juiste conclusie geldt onderstaande keuzetabel.

vraag 10.2 = Nee
vraag 10.3 = Ja
vraag 10.5 = Nee

en/of
en/of
in alle andere gevallen

Conclusie 1

- U vraagt het CBP om een voorafgaand onderzoek.
Dit verzoek geschiedt automatisch door het aankruisen van dit hokje en het inzenden van dit formulier.

Conclusie 2

- U vraagt het CBP niet om een voorafgaand onderzoek.

Ondergetekende verklart bevoegd te zijn tot het doen van deze melding en dat de in de melding verstrekte inlichtingen juist zijn.

Alle velden moeten worden ingevuld.

Naam : Dr. Koen Berden
Functie : Algemeen Directeur
Plaats : Rotterdam
Datum : 21-10-2014

Handtekening



Dit formulier na invulling en ondertekening zenden aan het CBP, t.a.v. Afdeling Bestandsbeheer, Postbus 93374, 2509 AJ Den Haag.

Let op: u dient het meldingsformulier op te sturen, voorzien van de handtekening van de verantwoordelijke(n) of een persoon die door de verantwoordelijke(n) is gemachtigd. Zonder een volledig ingevuld en ondertekend meldingsformulier kan de melding niet als verricht beschouwd worden.