

**DECISION ON IMPLEMENTING RULES CONCERNING THE  
TASKS, DUTIES AND POWERS OF THE DATA PROTECTION  
OFFICER**

**THE MANAGEMENT BOARD OF THE AUTHORITY**

Having regard to Article 286 of the Treaty establishing the European Community, which provides that Community acts on the protection of individuals with regard to the processing of personal data and the free movement of such data shall apply to the institutions and bodies set up by, or on the basis of the Treaty;

Having regard to Regulation (EC) No 178/2002<sup>1</sup> of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety and in particular Chapter III thereof;

Having regard to Regulation (EC) N°45/2001<sup>2</sup>; of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ('the Regulation');

Whereas the Authority appoints a Data Protection Officer to carry out the tasks laid down in Article 24 of Regulation 45/2001 in accordance with the provisions of that Article.

**HAS ADOPTED THE FOLLOWING DECISION**

**Article 1**

The Data protection Officer shall be selected on the basis of his or her personal and professional qualities, including expert knowledge of data protection. He/she shall be appointed by the Management Board, on a proposal from the Executive Director.

**Article 2**

The Data protection Officer shall be appointed for a term of 3 years which shall be renewable. With the consent of the European Data Protection Supervisor, the Authority may dismiss a Data Protection Officer who no longer fulfils the conditions required for the performance of his or her duties.

**Article 3**

The Authority shall ensure that there is no conflict of interests between the duties of the Data Protection Officer as such and any other official duties that he or she may perform and that the Data Protection Officer has the time and resources necessary to carry out his or her duties.

**Article 4**

---

<sup>1</sup> Official Journal L 31, 1.2.2002, p.1.

<sup>2</sup> Official Journal L 8, 12.1.2001, p.1.

## **MB 4 24.1.2006 – Implementing rules**

The Data Protection Officer shall maintain, including once he/she has ceased his/her duties, professional secrecy as regards any confidential documents or information he/she obtains in the course of their duties.

### **Article 5**

The duties, tasks and powers of the Data Protection Officer are set out as follows:

1. to ensure that the provisions of the Regulation are applied within the Authority;
2. to ensure that the Authority's data controllers and data subjects are informed of their rights and obligations under the Regulation and to facilitate the exercise of these rights and the fulfillment of these obligations;
3. to respond to any request from the European Data Protection Supervisor and to co-operate with the European Data Protection Supervisor either at the latter's request or on his or her own initiative;
4. to ensure in an independent manner the application of the provisions of the Regulation. The Data Protection Officer shall neither seek nor take instructions in the performance of his or her duties;
5. to maintain a register of the processing operations carried out by the Authority, containing the items of information referred to in Article 25(2) of the Regulation, and to ensure that the register may be inspected by any individual;
6. to notify the European Data Protection Supervisor of any processing operations likely to present specific risks within the meaning of Article 27 of the Regulation;
7. in performing the above tasks, the Data Protection Officer shall have as an objective that the rights and freedoms of data subjects are unlikely to be adversely affected by processing operations of which the Authority is the controller.
8. to respond to requests from the data controllers and individual data subjects on matters concerning the interpretation or application of the Regulation, insofar as it relates to data processing activities of which the Authority is the controller. As far as possible, the Data Protection Officer shall provide information that is understandable without specialist knowledge.
9. to make recommendations to the Authority for the practical improvement of data protection and give advice on matters concerning the application of data protection provisions to data processing activities of which the Authority is the controller.
10. At his or her own initiative or at the request of any member of senior management, data controllers, data subjects or the Staff Committee, investigate matters and occurrences directly relating to his or her tasks and report to the person who requested the investigation. Such investigations shall respect the principle of fairness and the right of persons involved to express

## **MB 4 24.1.2006 – Implementing rules**

their views on facts concerning them. No one shall suffer prejudice as a result of bringing a possible breach of the Regulation to the attention of the Data Protection Officer.

11. In performing his or her duties, the Data Protection Officer shall have access at all times to the data forming the subject-matter of processing operations and to all offices, data-processing installations and data carriers.

### **Article 6**

Activities of the Data Protection Officer shall be reported in the Authority's annual activity reports.

### **Article 7**

This Decision shall enter into force on 1 February 2006 and shall be published on the Authority's website.

Done at Parma, 24 January 2006

Stuart Slorach,  
The Chair