

DECISION n° 77

of the Administrative Board of the European Railway Agency adopting a procedure on audio recording of its meetings

THE ADMINISTRATIVE BOARD OF THE EUROPEAN RAILWAY AGENCY,

Having regard to Regulation (EC) No 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European Railway Agency¹ (hereinafter referred to as "the Agency") as amended by Regulation (EC) No 1335/2008 of the European Parliament and of the Council of 16 December 2008² hereafter (the ERA Regulation), and in particular article 25 and 28 thereof;

Having regard to the Rules of Procedure of the Administrative Board adopted on 15 July 2004 and in particular article 11 thereof;

Having regard to Regulation (CE) n° 45/2011 of the European Parliament and 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 and in particular article 5a) and 27§1) thereof³;

Whereas:

- 1) The ERA Regulation foresees in article 28 that the Administrative Board shall meet at least twice a year;
- 2) The rules of procedures of the Administrative Board foresee in article 11 that a summary of the decisions taken at each meeting shall be drafted as well as the minutes of each meeting;
- 3) For the sole purpose of transcription of the minutes of the Board meetings, it is deemed necessary to use the facilities of audio recordings in order to facilitate the minutes drafting;
- 4) The processing of personal data is necessary for the performance of a task carried out in the public interest on the basis of the Treaty on the Functioning of the European Union or other legal instruments adopted on the basis thereof or in the legitimate exercise of official authority vested in the EU institution or body or in a third party to whom the data are disclosed;
- 5) Processing operations of personal data likely to present specific risks to the rights and freedoms of data subjects by virtue of their nature, their scope or their purposes shall be subject to prior checking by the European Data Protection Supervisor.

HAS ADOPTED the following decision:

¹ OJ L 164, 30.04.2004, p. 1.

² OJ L 354, 31.12.2008 p.51.

³ OJ L 8, 12.1.2001, p. 1-22

Article 1 – Scope

- 1.This decision shall apply to all audio recordings carried out during the meetings of the Administrative Board of the Agency.
- 2.The decision does not apply to any private recordings carried out during the Board meetings nor to any private recordings carried out by any third parties.

Article 2- Audio recording of meetings

- 1.The meetings of the Board may be audio -recorded. The recordings are made for transcription purposes exclusively.
- 2.The recordings shall be destroyed once the corresponding minutes of the meetings are approved and in any case, no later than six months after the date of the meeting.
- 3.When the meetings are declared confidential the discussions shall not be recorded unless the Board decides otherwise.

Article 3- Right to access the audio recordings

- 1.The requests for right to access to the Board meetings audio recordings are governed by Regulation 45/2011.
- 2.The requests shall be addressed to the Chair of the Board through the Board Secretariat managed by the Agency.

Article 4 -Information to data subjects

- 1.The Agency staff shall be informed on the entry into force of the present decision.
- 2.The participants in the meetings of the Board shall be informed, through a privacy statement, in advance and at the latest at the time of the invitation to the meeting, of the fact that the meeting is audio-recorded as well as of the provisions of the present decision. In order to ensure better access to this information, an announcement related to meeting, audio -recording shall be posted in the entry of the room where the Board meetings are held.
- 3.The participants in the meeting of the Board shall receive a privacy statement together with the invitation to the meeting with information on the conservation period of the recordings, provisions on access, person responsible for the recordings, transfers, possibility to object to the processing.

Article 5 -Transfer of information

The transfer of the audio recordings, partly or in whole to non- authorized third parties within the framework of the present is prohibited.

Article 6- Implementation

The Executive Director is mandated to ensure the implementation of the present decision.



Article 7– Personal data Protection

The processing of the audio recording is subject to the general provisions applicable regarding the processing of personal data by the EU institutions and bodies as well as the specific provisions on the subject matter foreseen in the present decision.

Article 8-Entry into force

This decision enters into force on on the day following that of its adoption. It will be published on the Agency website.

Done in Lille on 26/06/2012

For the Administrative Board

The Chairman

MICHAEL HARTING