



## Draft Opinion 2022-102

in accordance with  
Article 16 'Accelerated procedure' of MB Decision No 18-2015

# Repository of aviation-related information

RMT.0732

### EXECUTIVE SUMMARY

The objective of this draft Opinion is to implement Article 74 of Regulation (EU) 2018/1139 of the European Parliament and of the Council (the 'Basic Regulation'), which requires the Agency, in cooperation with the Commission and the national competent authorities, to establish and manage a repository of information.

That repository is necessary to ensure an effective cooperation between the Agency and the national competent authorities concerning the performance of their tasks relating to certification, oversight and enforcement pursuant to this Regulation.

This proposal contains the necessary requirements as regards:

- the functioning and management of the repository;
- the management of the information, including the classification of information;
- the dissemination and update of the information included in the repository;
- the security management for the protection of the infrastructure and the data;
- data protection concerning the personal data stored in the repository.

<b>Domain:</b>	Repository of information as per Article 74 of the Basic Regulation		
<b>Related rules:</b>	n/a		
<b>Affected stakeholders:</b>	Member States; European Commission; national competent authorities; safety investigation authorities; EASA		
<b>Driver:</b>	Strategy	<b>Rulemaking group:</b>	No
<b>Impact assessment:</b>	No	<b>Rulemaking Procedure:</b>	Accelerated

### EASA rulemaking procedure milestones

<b>Start</b> Terms of Reference	<b>Advisory Body consultation</b> draft Opinion 2022-102	<b>Proposal to the Commission</b> EASA Opinion	<b>Adoption by the Commission</b> Implementing Act	<b>Decision</b> Acceptable Means of Compliance, Guidance Material
20.4.2020	5.4.2022	Q3/2022	Q4/2022	Q2/2023



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## 1. About this draft Opinion

### 1.1. How this draft Opinion was developed

The European Union Aviation Safety Agency (EASA) developed this draft Opinion in line with Regulation (EU) 2018/1139<sup>1</sup> (the 'Basic Regulation') and the Rulemaking Procedure<sup>2</sup>. This rulemaking activity is included in the European Plan for Aviation Safety (EPAS) 2022–2026<sup>3</sup> under rulemaking task RMT.0732.

The text of this *draft* Opinion has been developed by EASA with the support of a dedicated MAB task force (TF). Considering the huge quantity and complexity of information as well as the requirement to take into consideration the data protection legislation, the EASA Management Board (MB) has decided to set up a dedicated TF, within the MAB, to work on the establishment of a repository of information. This TF and EASA have cooperated very closely to define and consensually propose the regulatory approach, which is the subject of this *draft* Opinion.

The *draft* Opinion is hereby submitted for consultation with the Advisory Bodies in accordance with Article 16 'Special rulemaking procedure: accelerated procedure' of MB Decision No 18-2015. EASA has taken the decision to follow the procedure laid down in that Article as this regulatory proposal is expected to affect a limited group of stakeholders. Although the procedure to be followed will be in accordance with Article 16, EASA will consult the MAB only, as agreed during the EASA Management Board (MB) meeting 2018-03<sup>4</sup>.

The major milestones of this RMT are presented on the cover page.

### 1.2. How to comment on this draft Opinion

Please submit your comments via email to [ken.engelstad@easa.europa.eu](mailto:ken.engelstad@easa.europa.eu).

The deadline for the submission of comments is **6 May 2022**.

### 1.3. The next steps

Based on the comments received, EASA will finalise its proposal for a new implementing act and will issue its Opinion to the European Commission. A summary of the comments received, and EASA's responses thereto, will be provided in the Opinion.

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<sup>1</sup> Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1535612134845&uri=CELEX:32018R1139>).

<sup>2</sup> EASA is bound to follow a structured rulemaking process as required by Article 115(1) of Regulation (EU) 2018/1139. Such a process has been adopted by the EASA Management Board (MB) and is referred to as the 'Rulemaking Procedure'. See MB Decision No 18-2015 of 15 December 2015 replacing Decision 01/2012 concerning the procedure to be applied by EASA for the issuing of opinions, certification specifications and guidance material (<http://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-18-2015-rulemaking-procedure>).

<sup>3</sup> <https://www.easa.europa.eu/document-library/general-publications/european-plan-aviation-safety-2022-2026>

<sup>4</sup> Following the MB meeting, the members of this TF were nominated by the EASA Member States' Advisory Body (MAB) during meeting MAB SG3-2018, following a call for nomination in MAB SG2-2018.



The European Commission will use that Opinion as a technical basis to decide on whether or not to adopt an implementing act.

If the European Commission decides to adopt an implementing act, EASA will then prepare a decision to issue the related acceptable means of compliance (AMC) / guidance material (GM) to support the application of the related implementing act.



## 2. In summary — why and what

### 2.1. Why we need a repository of information

Article 74 of the Basic Regulation requires EASA to establish and manage a repository of information ('the repository') which is aimed at exchanging safety-related information among the national competent authorities, the European Commission and EASA through a digital platform.

Currently, such a repository does not exist and it is the purpose of this *draft* Opinion to propose one for the affected stakeholders to be able to fulfil their obligations that stem from Article 74 of the Basic Regulation.

Furthermore, Article 14 of Regulation (EU) 2019/947<sup>5</sup> ('UAS Regulation') requires Member States to register drones that operate within their territory in such a repository. This Article is applicable since 31 December 2020, and it is therefore necessary to enable Member States to access and exchange that information through a repository as required by Article 14(4) of this Regulation.

The new regulation will also support EASA's system integration and end-to-end digitalisation ambition as defined in Section 3.2 *Update on the Basic Regulation Roadmap* of Volume I of the 2022–2026 EPAS<sup>6</sup>, which aims to integrate EASA and the aviation system, allowing for a streamlined processing of data and advanced analytics capabilities.

### 2.2. What we want to achieve — objectives

The general objective of this proposal is to define and propose a comprehensive and complete set of rules for the establishment and management of the repository of information.

The specific objectives are to:

- define the rights and obligations for the European Commission, the Member States, and EASA that are necessary to facilitate the exchange of safety-related aviation information among them; this includes data that is relevant for certification, oversight, and enforcement activities;
- facilitate the exchange of information between, the national competent authorities and the aeromedical examiners and aeromedical centres; and
- ensure that any national authority in charge of civil aviation accidents and incidents investigation have access to the repository.

### 2.3. How we want to achieve it — overview of the proposal

Article 1 lays down the subject matter pursuant to Article 74 of the Basic Regulation and frames the applicability of the proposed regulation to the main entities that will operationally manage and exchange information through the repository.

Article 2 defines the objectives of the proposed regulation. Regardless of the fact that these objectives are in a certain manner already defined in the Basic Regulation, it is considered necessary to reflect them in the proposed regulation to bring into focus the roles and responsibilities as regards the

<sup>5</sup> Article 14 of Commission implementing Regulation (EU) 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft relates to the registration of UA operators and certified UASs.

<sup>6</sup> <https://www.easa.europa.eu/document-library/general-publications/european-plan-aviation-safety-2022-2026>



establishment and management of the repository and the exchange of information among the entities concerned.

Article 3 includes some definitions of terms used throughout the proposed regulation and supports the understanding of the provisions, especially those that relate specifically to personal data.

Article 4 clarifies the responsibilities of each of the entities to whom this proposed regulation applies. This Article defines the specific roles for each of them and what they are entitled to do or to have access to. Point 4 underlines the need for a consultation process when a decision needs to be taken for the functioning of the repository. The consultation process is expected to take place in a specific framework which appears important to ensure consensus by all sides. It has been agreed with the TF, therefore, that this future consultation process should be copied from the model used in the ECCAIRS field, which is in operation for years and working to everybody's satisfaction. This model, in analogy, would mean to establish a future 'repository steering group' under the MAB, similar to today's TF. A ToR should detail the composition of the elected members and their term of office. Like in the ECCAIRS field, this steering group would be given the mandate by the MAB to develop and decide jointly with EASA on the necessary future functional changes to the repository.

Article 5 defines the main elements of the repository — the main building blocks that make the repository function. It highlights the digital platforms, one from the Agency (mainly the infrastructure of the repository) and the other from the national competent authorities as well as their supporting technical solution as specified in the functional specifications in accordance with Article 6.

Article 6 relates to the functional specifications of the repository. These specifications are at the core of the system that will allow the repository to be managed and to be operational. These functional specifications contain the business requirements and are developed by EASA.

Article 7 provides a high-level description of the maintenance of the repository, which is a specific requirement that stems from the Basic Regulation. The responsibility to ensure the continuity of operations of the repository and the management of its data lies with EASA.

Article 8 requires EASA to produce two reports to explain how it ensures the functioning of the repository against the requirements of this draft regulation and the performance related to the quality of the services provided.

Article 9 contains the provisions on the classification of information. It implements Article 8(b) and (e) of the Basic Regulation. A common policy is proposed to ensure that the information stored in the repository is managed in a way that provides the assurance that this information will be treated according to the applicable data protection legislation.

Article 10 introduces the notion of interested parties that may request to receive some information of the repository, as required by Articles 8(d) and 6(2) of the Basic regulation. Article 10 clarifies who these interested parties are.

Article 11 complements Article 10 on the dissemination of information by specifying the process for the information to be disseminated to interested parties. Strict requirements are proposed as regards interested parties and EASA to ensure that the dissemination of information will not be detrimental to the interests of individuals and organisations.



Article 12 relates to the logging of data. The purpose of this Article is to ensure traceability of why, who and when any data has been integrated in the repository. This is a matter of transparency of the data-processing operations, in particular for the protection of unauthorised access to such data.

Article 13 implements Article 8(c) of the Basic Regulation with regard to the update of the information stored in the repository.

Article 14 is meant to ensure that not everyone will be authorised to access the repository. The concept of authorised staff is introduced, and this provision requires documented procedures to grant access to the repository. The objective is to avoid that unauthorised persons access the repository. In addition, for aeromedical centres, it is suggested that their authorised staff be 'endorsed' by their respective national competent authorities so that there is efficient control of the authorised staff nominated by these centres.

Article 15 lays down some requirements related to the security of the repository in terms of protection of the infrastructure of the repository and its data, for both EASA and national competent authorities. To this end, plans for the security management, the business continuity and the disaster recovery plans are expected to be developed by EASA.

Article 16 defines the processing of personal data stored in the repository. Some principles need to be established to protect personal data when facilitating the exchange of information and manage the operational functioning of the repository.

Article 17 lays down some specific processing requirements on how to treat data that falls under special categories of personal data.

Article 18 clarifies who has the data controllership regarding personal data and who are 'joint controllers'.

Article 19 lays down the responsibilities of joint controllers in the framework of their exercise of their rights in accordance with the applicable data protection legislation.

Article 20 relates to the responsibilities of the joint controllers for the management of security incidents, including data breaches. They shall assist and notify each other whenever there is a breach and incident or a risk relating to personal data being processed in the repository and, very important, communicate these risks and breaches to the competent supervisory authorities referred to in Article 23.

Article 21 covers the rights of the data subjects when personal data are processed in the repository. Those rights include the access, rectification, erasure and restriction of such data processing in the repository as well as the possibility to file a complaint when those rights are violated.

Article 22 limits such rights of the data subjects referred to in Article 21. The power of such limitation is given to the national competent authorities, the European Commission and EASA. Such limitations need to be proportionate and can only be exercised under defined conditions.

Article 23 defines the responsibility of the competent supervisory authorities in their supervisory role.

Article 24 covers the situation where interested parties located outside the European Union territory request personal data. It clarifies that the dissemination of personal data from the repository is not possible, but that the Agency and the national competent authorities may provide such data if it is stored in their own systems.

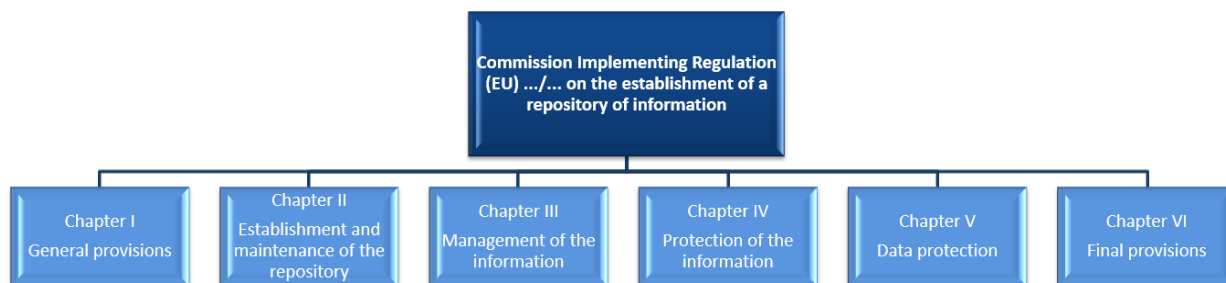


Article 25 requires EASA to retain personal data for a certain period of time and delete it from the repository under certain conditions, except for data that relates to the medical fitness of pilots, which shall be always deleted.

Article 26 lays down the process for the repository to become operational. It is expected that several steps will be necessary before the repository can be operational. These steps include some necessary testing, validation and transfer of data into the repository before its operation can start. Ultimately, it is up to the European Commission, which is responsible for implementing the rules for the repository, to determine the date of operation of the repository.

Article 27 is linked to Article 26 as the date of applicability of the proposed regulation will depend on when the European Commission will take the decision to start the operation of the repository.

## 2.4. Structure of the draft regulation



### Chapter I — General provisions

- Article 1 Subject matter and scope
- Article 2 Objectives
- Article 3 Definitions

### Chapter II — Establishment and maintenance of the repository

- Article 4 Roles, responsibilities, and governance
- Article 5 Structure of the repository
- Article 6 Functional specifications of the repository
- Article 7 Maintenance of the repository
- Article 8 Monitoring and reporting

### Chapter III — Management of the information

- Article 9 Classification of information
- Article 10 Dissemination of information stored in the repository
- Article 11 Arrangements for the dissemination of information
- Article 12 Logging of data-processing operations
- Article 13 Regular and standardised update

### Chapter IV — Protection of the information

- Article 14 Authorised staff
- Article 15 Security management

### Chapter V — Data protection





—	<i>Article 16 Processing of personal data stored in the repository</i>
—	<i>Article 17 Special categories of personal data</i>
—	<i>Article 18 Data controllership</i>
—	<i>Article 19 Responsibilities of the joint controllers</i>
—	<i>Article 20 Management of security incidents, including data breaches</i>
—	<i>Article 21 Rights of the data subjects</i>
—	<i>Article 22 Restrictions</i>
—	<i>Article 23 Supervision by the competent supervisory authorities</i>
—	<i>Article 24 Transfer of personal data to interested parties located in third countries or international organisations</i>
—	<i>Article 25 Retention periods of personal data</i>

## Chapter VI — Final provisions

—	<i>Article 26 Start of operations</i>
—	<i>Article 27 Entry into force and applicability</i>

### 2.5. Expected benefits and drawbacks of the proposed draft regulation

The expected benefits and drawbacks of the proposed draft regulation are summarised below.

By introducing the main building blocks and defining the necessary rules for the establishment, functioning and management of the repository of information, the proposal should facilitate the exchange of information among the authorised users and, therefore, contribute to the effective cooperation between the Agency and the national competent authorities concerning the performance of their tasks relating to certification, oversight, and enforcement.

The effective access, exchange and management of civil-aviation-related information and data should contribute to the overall safety and efficiency of the aviation system. The repository will facilitate the availability of such information and data across all civil aviation domains and will thus contribute to maintaining a high level of safety.

The proposed draft provisions address the proper level of detail and specifics needed at the level of performance-based rules. Therefore, the proposal cannot holistically cover all the technical elements needed for the future operation of the repository. These technical elements will need to be constantly developed and adjusted, together with the MAB TF, as established, and by using the proposed consultation process in the future.



### 3. Proposed draft regulation

All the articles in Chapter 3 are new. Therefore, no existing implementing act is affected by this draft regulation.

#### 3.1. Draft regulation (draft Opinion)

#### CHAPTER I

#### GENERAL PROVISIONS

##### *Article 1*

##### **Subject matter and scope**

1. This Regulation lays down the rules and procedures for the establishment and management of a repository of information pursuant to Article 74 of Regulation (EU) 2018/1139<sup>7</sup>.
2. This Regulation shall apply to:
  - (a) the European Commission ('Commission');
  - (b) the European Union Aviation Safety Agency ('Agency');
  - (c) national competent authorities;
  - (d) national aeromedical examiners and aeromedical centres; and
  - (e) safety investigation authorities.

##### *Article 2*

##### **Objectives**

The objectives of this Regulation are to:

1. establish the necessary provisions for the functioning and management of the repository of information;
2. facilitate the exchange of information among the authorised users;
3. support the effective cooperation between the Agency and the national competent authorities concerning the exercise of their tasks relating to certification, oversight, and enforcement.

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<sup>7</sup> Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1).



### Article 3

#### Definitions

For the purposes of this Regulation, the definitions of Regulation (EU) 2018/1139, Regulation (EU) 2019/947<sup>8</sup> and Regulation (EU) 2021/664<sup>9</sup> shall apply.

The following definitions shall also apply:

1. 'repository' means a digital platform, based on a centralised system, which enables the exchange of information and data among the authorised users;
2. 'authorised users' means those organisations to whom this Regulation applies pursuant to Article 1(2) of this Regulation;
3. 'personal data' means any information that relates to an identified or identifiable natural person (i.e. 'the data subject'); an identifiable natural person is one that can be identified, directly or indirectly, in particular by reference to an identifier such as name, identification number, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;
4. 'data subject' means the natural person that can be identified or that can become identifiable through the processing of information;
5. 'controller' means any organisational entity which determines the purposes and means of the processing of personal data;
6. 'joint controllers' means two or more controllers that jointly determine the purposes and means of the processing of personal data;
7. 'processor' means a natural or legal person, public authority, agency or other body that processes personal data on behalf of the controller;
8. 'data concerning health' means personal data related to the physical or mental health of a natural person, including the provision of healthcare services, which reveal information about their health status;
9. 'data-processing operation' means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as the insertion, change, deletion, login, collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making personal data available, alignment or combination, restriction, erasure or destruction;
10. 'restriction of processing' means the marking of stored personal data with the aim of limiting their processing in the future;

<sup>8</sup> Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft (OJ L 152, 11.6.2019, p. 45).

<sup>9</sup> Commission Implementing Regulation (EU) 2021/664 of 22 April 2021 on a regulatory framework for the U-space (OJ L 139, 23.4.2021, p. 161).



11. 'competent supervisory authority' means an independent public authority which is established by a Member State or by the Union, and which is responsible for overseeing compliance with the applicable data protection legislation;
12. 'interface' means the point at which independent and often unrelated systems meet and act on or communicate with each other;
13. 'authorised staff' means staff that are authorised by the national competent authority to access the repository.

## CHAPTER II

### ESTABLISHMENT AND MAINTENANCE OF THE REPOSITORY

#### *Article 4*

##### **Roles, responsibilities, and governance**

1. The Agency shall be responsible for the operational management of the repository, and shall securely retain approved information stored in the repository.
2. The national competent authorities and the Agency shall be responsible for the processing operations of their own data in the repository using the interfaces provided by the Agency and ensuring a secure connection between their system(s) and the repository.
3. The national aeromedical examiners and aeromedical centres shall be responsible for transmitting information through the national competent authorities. They shall be granted access to retrieve information from the repository concerning the medical fitness of pilots.
4. Safety investigation authorities shall be granted access to the repository to retrieve information that is necessary to perform their tasks.
5. The Agency shall, in cooperation with the Commission and the national competent authorities, take any decision regarding the operational management of the repository. In that regard, the Agency shall establish a consultation process with the national competent authorities.

#### *Article 5*

##### **Structure of the repository**

The repository shall consist of:

1. a digital platform where the information referred to in Article 74 of Regulation (EU) 2018/1139 shall be stored;
2. the Agency's technical solutions;
3. the digital platform's interfaces to connect the Member States' technical solutions.



*Article 6***Functional specifications of the repository**

1. The Agency shall define the functional specifications of the repository.
2. The functional specifications shall contain the business requirements for the Agency's technical solutions referred to in Article 5(2) of this Regulation.

*Article 7***Maintenance of the repository**

1. The Agency shall maintain the repository and ensure that it functions appropriately in terms of availability and technical quality.
2. The Agency shall systematically back up the repository and its data.

*Article 8***Monitoring and reporting**

1. The Agency shall monitor the functioning of the repository.
2. The Agency shall provide to the authorised users:
  - (a) an annual report in relation to the implementation of this Regulation;
  - (b) a quarterly report in relation to the quality of service of the repository.

## CHAPTER III

**MANAGEMENT OF THE INFORMATION***Article 9***Classification of information**

1. The Agency and the national competent authorities shall establish a common policy for the classification of information.
2. The common policy shall ensure that:
  - (a) the information is classified according to:
    - (i) data confidentiality, data integrity, data availability, and data protection requirements;
    - (ii) the impact categories: low, moderate, and high;
  - (b) the objectives and the potential impact of such classification are described;
  - (c) the classification is associated to technical and organisational security requirements applied to the different processing types and stages of the information, in particular the



information concerning the medical fitness of pilots or involving the processing of special categories of data are specifically addressed as required by Article 17 of this Regulation;

- (d) the information retention and archiving principles are defined.
3. The Agency and the national competent authorities shall, whenever they deem it necessary, re-evaluate the classification of information to ensure that it is still appropriate based on the changes in the use of data.

#### Article 10

##### Dissemination of the information stored in the repository

1. The interested parties listed in point 2 may request access to certain information stored in the repository.
2. The Agency may inter alia disseminate the information to:
  - (a) EU public authorities;
  - (b) natural and legal persons that hold a certificate issued or a declaration made pursuant to Regulation (EU) 2018/1139 and its implementing and delegated acts;
  - (c) qualified entities accredited pursuant to Article 69 of Regulation (EU) 2018/1139.
3. Before disseminating any information, the Agency shall ensure that the policy on the classification of information referred to in Article 9(1) of this Regulation is followed.

#### Article 11

##### Arrangements for the dissemination of information

1. A request for dissemination of information contained in the repository shall be submitted in a form and manner established by the Agency.
2. When receiving a request for dissemination of information, the Agency shall verify that:
  - (a) the request is made by an interested party;
  - (b) the interested party is provided only with information that relates to their own operations or field of activity.
3. The Agency shall evaluate whether the request is justified and may provide the interested party with the information they have requested.
4. The Agency may provide the information to the interested party provided the information requested:
  - (a) relates to the interested party's own operations or field of activity;
  - (b) does not give the interested party access to the entire content of the repository;
  - (c) relates only to anonymised information.
5. The interested party shall:
  - (a) use the information only for the purpose specified in the request form;



- (b) not disclose the information received without the authorisation of the Agency;
- (c) take the necessary measures to ensure the confidentiality of the information received.

#### Article 12

##### **Logging of data-processing operations**

1. The Agency shall ensure that all data-processing operations are logged.
2. In that regard, the Agency shall ensure that the following information is provided:
  - (a) the purpose of the request for access to the repository;
  - (b) the identification of the national competent authority that retrieves the data;
  - (c) the date and exact time of the data-processing operations;
  - (d) the identification of the authorised staff that carry out the search.
3. The Agency shall use the logs of the data-processing operations only for monitoring the lawfulness of data, and for ensuring data integrity and security.
4. The Agency shall ensure that only logs that contain non-personal data may be used for the monitoring of the repository. It shall protect the logs against unauthorised access and erase them when they are no longer required for monitoring purposes.
5. The national competent authorities shall be granted access to the logs at their request for the purpose of assessing the admissibility of the requests, monitoring the lawfulness of the data-processing operations, and ensuring data integrity and security.

#### Article 13

##### **Regular and standardised update**

The Agency and the national competent authorities shall regularly update:

1. all the information that is stored in the repository using an appropriate methodology to ensure that it is done in a standard manner;
2. the object structures and taxonomy, on the basis of which the data can be exchanged.

### CHAPTER IV

#### **PROTECTION OF THE INFORMATION**

#### Article 14

##### **Authorised staff**

1. The authorised users referred to in Article 1(2)(a), (b) and (c) shall ensure that only authorised staff have access to the repository.
2. The authorised users shall establish and maintain:
  - (a) a list of authorised staff;



- (b) procedures regarding access to the repository; such procedures shall document the terms and conditions for authorised staff to access the repository.
3. The staff of the authorised users referred to in Article 1(2)(d) and (e) shall be authorised by the national competent authority in accordance with point (1) and (2).

#### Article 15

### Security management of the repository

1. The Agency shall protect the infrastructure of the repository and its data, and shall develop:
  - (a) a security management plan;
  - (b) a business continuity plan; and
  - (c) a disaster recovery plan.
2. In particular, the Agency shall prevent:
  - (a) the unauthorised processing of data and any unauthorised reading, copying, modification or removal or deletion of data;
  - (b) in particular, the unauthorised inspection, modification or deletion of recorded personal data;
  - (c) the unauthorised reading, copying, modification or deletion of personal data during the dissemination of personal data to or from the repository or during the transfer of data, in particular by means of appropriate encryption techniques.
3. The Agency shall also ensure that:
  - (a) the persons authorised to access the repository have access only to the data covered by their access authorisation, by means of individual user identities and confidential access modes only;
  - (b) it is possible to verify and establish what data has been processed in the repository, when, by whom, and for what purpose;
  - (c) in the event of interruption, installed systems can be restored to normal operation;
  - (d) any errors in the functioning of the repository are properly reported.
4. The national competent authorities shall manage the security of their data before and during the transmission to the repository, and shall protect their national infrastructure by ensuring:
  - (a) the establishment of interfaces between the national competent authorities' systems and the repository;
  - (b) the operation and maintenance of the interfaces;
  - (c) that authorised staff are properly trained on data security, applicable data protection legislation and fundamental rights of staff before they are allowed to process data stored in the repository.





5. The Agency and the national competent authorities shall cooperate to ensure the security management of the repository.

## CHAPTER V DATA PROTECTION

### *Article 16*

#### **Processing of personal data stored in the repository**

1. Any personal data stored in the repository shall be processed only for the purposes defined in Article 2 of this Regulation.
2. The personal data stored in the repository shall be processed according to the following principles:
  - (a) personal data is collected lawfully, with due respect for human dignity and fundamental rights of the data subjects and in accordance with the applicable data protection legislation;
  - (b) unless otherwise required by the applicable national and/or Union law, the mass of personal data processed in the repository shall be kept to the minimum necessary to fulfil the operational or technical purposes it serves;
  - (c) processed personal data is kept accurate and up to date;
  - (d) personal data is only processed by authorised staff pursuant to Article 15(4)(c) of this Regulation.

### *Article 17*

#### **Special categories of personal data**

1. Data that falls under the special categories of personal data in the meaning of Article 9 of Regulation (EU) 2016/679<sup>10</sup> and of Article 10 of Regulation (EU) 2018/1725<sup>11</sup> shall be subject to specific processing requirements as defined in Article 9(2)(c) and (d) of this Regulation.
2. These specific processing requirements shall include the detailed technical, organisational and procedural measures applied to:
  - (a) the security of the data and associated documentation;
  - (b) the definition of special access rights and related attribution process;
  - (c) the data transfer process;

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<sup>10</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

<sup>11</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).



- (d) retention and archiving.
3. Aeromedical examiners and aeromedical centres that access and process information concerning the medical fitness of pilots shall be subject to the specific requirements defined in point 2.

#### Article 18

##### Data controllership

1. The national competent authorities, the Agency and the European Commission shall be regarded as the data controller of the personal data they process under their responsibilities, pursuant to Article 4(7) of Regulation (EU) 2016/679 or to Article 3(8) of Regulation (EU) 2018/1725, as applicable.
2. The Agency and the European Commission shall be regarded as joint controllers pursuant to Article 28(1) of Regulation (EU) 2018/1725, and competent authorities shall be the joint controllers pursuant to Article 26(1) of Regulation (EU) 2016/679 as regards the processing of personal data in the repository.
3. The Agency shall be regarded as the data controller of the personal data that is necessary to monitor, maintain and update the functionality of the system and its infrastructure.

#### Article 19

##### Responsibilities of the joint controllers

1. The joint controllers shall process personal data stored in the repository in accordance with the Agency's technical solutions.
2. Each joint controller shall designate:
  - (a) a point of contact with a functional mailbox for the communication among the joint controllers and between the joint controllers and the processor;
  - (b) a point of contact to support data subjects in the exercise of their rights according to the applicable data protection legislation.
3. Each joint controller shall act as the point of contact for the data subjects whose data it processes and shall handle the requests relating to the exercise of their rights in accordance with the applicable data protection legislation.
4. When a joint controller receives a request from a data subject that does not fall under its responsibility, it shall promptly forward the request on to the responsible joint controller. If requested, the joint controllers shall assist each other in handling data subjects' requests and shall reply to each other without undue delay and at the latest within 15 days from the date on which the request for assistance was received.
5. If a joint controller needs information from another joint controller, it shall send a specific request to the designated functional mailbox.



*Article 20***Management of security incidents, including data breaches**

1. The joint controllers shall assist each other in the identification and handling of any security incident, including personal data breaches, linked to the processing of the information stored in the repository. In particular, the joint controllers shall notify each other of the following:
  - (a) any potential or actual risk to the availability, confidentiality and/or integrity of the personal data being processed in the repository;
  - (b) any security incidents that are linked to the data-processing operation in the repository;
  - (c) any personal data breach, the likely consequences of the personal data breach, and the assessment of the risk to the rights and freedoms of natural persons;
  - (d) any measures taken to address the personal data breach and mitigate the risk to the rights and freedoms of natural persons;
  - (e) any breach of the technical and/or organisational safeguards of the data-processing operation in the repository.
2. The joint controllers shall communicate any personal data breaches with regard to the data-processing operation in the repository to the competent supervisory authorities and, where required, to the data subjects, pursuant to Articles 34 and 35 of Regulation (EU) 2018/1725 and Articles 33 and 34 of Regulation (EU) 2016/679.

*Article 21***Rights of the data subjects**

1. Each data controller that processes personal data in the repository shall provide data subjects whose personal data is collected with the information required under Articles 13 and 14 of Regulation (EU) 2016/679, and Articles 15 and 16 of Regulation (EU) 2018/1725. The data controller shall provide the information at the time that such data is collected in plain language.
2. Any data subject whose personal data is processed in the central repository shall have the right to access, rectify, erase and restrict the processing of their personal data as provided for in the data protection legislation applicable to the data controller.
3. The data subjects shall exercise their rights before the competent authority that has initially processed their personal data.
4. Any data subject shall have the right to lodge a complaint and the right for a remedy against the controller's Member State which has refused their right of access to or the right of rectification or erasure of data relating to them, in accordance with national or Union law.

*Article 22***Restrictions**

1. National competent authorities, the Agency and the European Commission may limit the exercise of the rights of data subjects only to the extent it is necessary to achieve their objectives. The exercise of data subjects' rights may only be limited in the following situations:



- (a) ongoing investigations, inspections or monitoring activities performed by the Agency within the remit of its responsibilities as they are defined in Article 75(2)(e) of Regulation (EU) 2018/1139, or by the competent authorities as provided for by national or Union law;
  - (b) ongoing IT security investigations with a direct or indirect impact on the functioning of the repository;
  - (c) ongoing proceedings before the Court of Justice of the European Union or any other competent court under national or international law;
  - (d) when the disclosure of data subjects' rights would represent a serious and material risk to aviation safety;
  - (e) impeding imposition of legal obligations on the data controller.
2. All limitations shall be subject to a necessity and proportionality test, and shall be implemented accordingly.
  3. The natural person whose personal data rights are limited shall be informed of the grounds and the extent of the limitation.
  4. Any natural or legal person shall have the right to lodge a complaint and the right to a remedy in the controller's Member State which has refused their right of access to or the right of rectification or erasure of data relating to them, in accordance with national or Union law.

#### Article 23

##### **Supervision by the competent supervisory authorities**

1. The competent supervisory authorities designated pursuant to Regulation (EU) 2018/1725 and Regulation (EU) 2016/679 shall monitor the lawfulness of the processing of personal data in the repository, including their transfer to and from the repository.
2. The European Data Protection Supervisor shall monitor that the personal-data-processing activities concerning the repository are carried out in accordance with this Regulation.

#### Article 24

##### **Transfer of personal data to interested parties located in a third country or to international organisations**

1. The Agency shall not grant access to nor transfer personal data from the repository to interested parties located in a third country or to international organisations.
2. The Agency and the national competent authorities may grant access to or transfer personal data processed in their own systems.
3. Any transfer of personal data from the competent authorities to third countries, international or private organisations shall comply with Chapter V of Regulation (EU) 2018/1725 and with Chapter V of Regulation (EU) 2016/679, as applicable.



## Article 25

**Retention periods of personal data**

1. The Agency and the national competent authorities shall:
  - (a) retain personal data within the repository for as long as the information is required to fulfil their obligations in accordance with the applicable national and/or Union law; the retention period shall be defined in each data controller's records in accordance with Regulation (EU) 2018/1725 and Regulation (EU) 2016/679;
  - (b) delete personal data from the repository as soon as the retention period elapses, unless personal data is considered essential information that shall be kept for archiving purposes for the interest of the public, historical research or statistical purposes.
2. The repository shall have the technical means to enable:
  - (a) the automated deletion of personal data upon expiry of the retention period;
  - (b) the automated pseudonymisation, or other technical solutions with equivalent effect, of personal data retained for archiving purposes.
3. Personal data that relate to the medical fitness of pilots shall always be deleted.
4. The retention and archiving principles shall be subject to appropriate safeguards for the rights and freedoms of the data subject pursuant to Regulation (EU) 2018/1725 and Regulation (EU) 2016/679.

CHAPTER IV  
**FINAL PROVISIONS**

## Article 26

**Start of operations**

1. The European Commission shall determine the date from which the repository shall start operations once the following conditions have been met:
  - (a) The Agency has declared the successful completion of a comprehensive test of the repository;
  - (b) Member States have validated the technical and legal arrangements to collect and transfer the data stored in the repository and have notified them to the European Commission.
2. Member States shall use the repository as from the date determined by the European Commission in accordance with point 1.
3. Authorised users shall use the repository as from the date determined by the European Commission in accordance with point 1.
4. The European Commission's decision referred to in point 1 with regard to the start of operations shall be published in the *Official Journal of the European Union*.



*Article 27*

**Entry into force and applicability**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply on the date determined by the European Commission pursuant to Article 23(4) of this Regulation.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, ...

*For the Commission*

*The President*

Ursula VON DER LEYEN



#### 4. Proposed actions to support implementation

- Focused MAB communication/consultation
- Optionally, a dedicated thematic workshop/session, as found necessary



## 5. References

### 5.1. Related EU regulations

- Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018. p. 1)
- Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018. p. 39)
- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L119, 4.5.2016. p. 1)
- Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft (OJ L 152, 11.6.2019, p. 45)
- Commission Implementing Regulation (EU) 2021/664 of 22 April 2021 on a regulatory framework for the U-space (OJ L 139, 23.4.2021, p. 161)

### 5.2. Related EASA decisions

n/a

### 5.3. Other references

n/a

