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ASSISTANT SUPERVISOR

Ms Emily O'REILLY  
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correspondence

**Subject: Opinion on the notification for prior checking from the Data Protection Officer of the European Ombudsman on requests to work part-time**

Dear Ms O'Reilly,

On 15 May 2013, the European Data Protection Supervisor ("EDPS") received from the Data Protection Officer ("DPO") of the European Ombudsman a notification for prior checking concerning the processing of the requests to work part-time. Also attached to the notification were the application form to request part-time work, the template used to consult the Medical Service (where necessary), and the part time decision template.

The purpose of the processing is to record applications by staff members, as well as the individual decisions relating to part-time work in the Ombudsman's office.

The DPO sent this notification to the EDPS following the adoption on 20 December 2012 of the Guidelines on Leave and Flexitime (the "Guidelines"). The EDPS sent the draft for comments on xx 2013 and these were received on x 2013.

### **Legal aspects**

This Opinion deals with the already existing part-time procedures at the European Ombudsman. It is based on the Guidelines, which allows the EDPS to focus on the European Ombudsman practices that do not seem to be compliant with the Guidelines and the principles of Regulation n. 45/2001.

After analysing the notification and attached documents, the EDPS would like to make the following comment about the procedure:

In the case where a part-time request is linked to the health situation of a family member, the notification/privacy statement does not foresee the communication of information to this family member whose personal data are processed. If the EDPS admits that direct provision of such information would involve disproportionate efforts by the European Ombudsman, he considers that the European Ombudsman, amongst other appropriate steps, could at least ask staff members submitting such data to inform the family members concerned about the processing of their personal data and their rights in that respect.

The EDPS therefore recommends that the European Ombudsman modifies the privacy statement on data protection by adding that family members may have access to data concerning them, and at least ask that officials/staff members providing such data inform the persons concerned of those rights.

### **Conclusion**

In view of the above, the EDPS recommends that the European Ombudsman amends the information provided in the privacy statement as explained above.

The EDPS would like to invite the European Ombudsman to inform him about the implementation of this recommendation within three months after receipt of this letter.

**(signed)**

Giovanni BUTTARELLI

Cc: Ms Rosita Agnew, Data Protection Officer, The European Ombudsman