REGISTER NUMBER: 91

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 30/03/2006

Case number: 2006/160

Institution: European Commission

Legal basis: article 27-5 of the regulation CE 45/2001(1)

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN(2)

(2) Please attach all necessary backup documents

 1/ Name and adress of the controller

2) Name and First Name of the Controller:EGELUND Elisabeth

3) Title:Head of Unit

4) Directorate, Unit or Service to which the Controller is attached:B.04

5) Directorate General to which the Controller is attached:SCIC

 2/ Organisational parts of the institution or body entrusted with the processing of personal data

26) External Company or Directorate General to which the Processor is attached:
25) External Company or Directorate, Unit or Service to which the Processor is attached:

SCIC.B.04

 3/ Name of the processing

Sickness insurance claims.

 4/ Purpose or purposes of the processing

Transfer of "Sickness insurance claims" of ACIs (Auxiliary Conference Interpreters) by unit B4 in DG SCIC on behalf of all the Institutions, and to provide the necessary information to the insurance company to allow them to pay the compensation referred to in Article 16 of the Agreement.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

Auxiliary Conference Interpreters (ACIs) recruited by the interpretation services in the three Institutions (European Parliament, Court of Justice, Commission).

16) Category(ies) of Data Subjects:

Auxiliary Conference Interpreters recruited by the interpretation services in the three Institutions (European Parliament, Court of Justice, Commission).

6/ Description of the data or categories of data (including, if applicable, special categories of data (article 10) and/or origin of data)*(including, if applicable, special categories of data (article 10) and/or origin of data)*

17) Data field(s) of Data Subjects:
Attention: Please indicate and describe in the answer to this question also data fields which fall under article 10

Name, first name, address, telephones, languages, dates of contracts, bank details, pension fond

18) Category(ies) of data fields of Data Subjects:
Attention: Please indicate and describe in the answer to this question also categories of data fields which fall under article 10

7/ Information to be given to data subjects

15a) Which kind of communication(s) have you foreseen to inform the Data Subjects as described in articles 11 - 12 under 'Information to be given to the Data Subject'

See the attached "Sickness and accident report and compensation claim" under point 15, published on SCICNet, the website of DG SCIC accessible to all ACIs.

A letter is sent to the ACI who introduced a claim either to inform him/her that the claim has been forwarded to the insurance company or that the claim has been refused.

8/ Procedures to grant rights of data subjects (rights of access, to rectify, to block, to erase, to object)*(rights of access, to rectify, to block, to erase, to object)*

15b) Which procedure(s) did you put in place to enable Data Subjects to exert their rights: access, verify, correct, etc., their Personal Data as described in articles 13 - 19 under 'Rights of the Data Subject' :

In order to consult his/her file, the ACI should contact the person who deals with the claims in DG SCIC, unit B4.

9/ Automated / Manual processing operation

7) Description of Processing:
Attention: Please describe in the answer to this question if you process personal data falling under article 27 "Prior-Checking (by the EDPS - European Data Protection Supervisor)"

ACI (Auxiliary Conference Interpreters) who are entitled to the payment of compensation and the reimbursement of medical expenses in case of sickness or accident send their claims, including medical certificates and invoices to the designated person in the ACI payments office of SCIC-B4. This person verifies the dates of assignment and of absence of the ACI and mentions this information in the claim form.

When the head of unit has signed the claim form, the claim is sent by registered mail to the insurance company.

This procedure and system is processing medical data under article 10 of Regulation (EC) 45/2001 and therefore qualifies for a prior-checking by the EDPS under article 27 of the Regulation.

8) Automated Processing operation(s):

To copy the dates and hours of absence for reason of sickness which are available in GRIF (local paymet system) via the function "Malades - Liste" into the "Remarks" area linked to the contract of an ACI in GRIF.

See attachments under point 7.

9) Manual Processing operation(s):

To verify the information on sickness days and hours in GRIF .

To verify if any payment has been made to the ACI concerning the assignment during which the ACI became ill or had the accident.

The person in the ACI payments office of SCIC-B4 who deals with the claims writes this information on the claim form.

The head of unit signs the claim form. A photocopy of the claim is taken and the original documents are sent by registered mail to the insurance company.

The person in the ACI payments office of SCIC-B4 who deals with the claim files the copy in a locked archive room.

10/ Storage media of data

Photocopies of the claims are kept in a locked archive room.
The medical information concerning the type of illness/accident is not stored electronically in DG SCIC.

The dates of the incapacity to work are imported into GRIF (the ACI payments system) from a programme used by DG SCIC unit C2.

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

The agreement on working conditions and financial terms for freelance interpreters recruited by the EU Institutions : "CONVENTION FIXANT LES CONDITIONS DE TRAVAIL ET LE REGIME PECUNIAIRE DES INTERPRETES DE CONFERENCE AUXILIAIRES DE SESSION (I.A.S.) ET FREE-LANCE (I.F.L.) (AGENTS INTERPRETES DE CONFERENCE) RECRUTES PAR LES INSTITUTIONS DE L'UNION EUROPEENNE". The French version is the original document.

The insurance contract and the policy which have been concluded with the insurance company Vanbreda international.

12) Lawfulness of Processing:
Answering this question please also verify and indicate if your processing has to comply with articles 20 "Exemptions and restrictions" and 27 "Prior checking (by the EDPS)"

The processing operations on personal data of the "Sickness insurance claims" procedure and system is necessary and lawful under article 5 (b) of Regulation (EC) 45/2001.

12/ The recipients or categories of recipient to whom the data might be disclosed

20) Recipient(s) of the Processing:

Manual processing : the claims are sent to the insurance company Vanbreda International.

Only the person who deals with the claim forms keeps a copy in his archives. No other receipients in DG SCIC.

21) Category(ies) of recipients:

13/ retention policy of (categories of) personal data

5 years.

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13 a/ time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject) (Please, specify the time limits for every category, if applicable)
(on justified legitimate request from the data subject)
(Please, specify the time limits for every category, if applicable)

22 b) Time limit to block/erase data on justified legitimate request from the data subjects

Only claim forms that have not been processed for payment by the insurance company may be anulled.

The note in the remarks area of GRIF (see point 8) may be deleted or modified by DG SCIC, unit B4.
The information which is imported into GRIF from the programme used by DG SCIC unit C2 may not be deleted of modified by DG SCIC unit B4.

14/ Historical, statistical or scientific purposes
If you store data for longer periods than mentioned above, please specify, if applicable, why the data must be kept under a form which permits identification,

22 c) Historical, statistical or scientific purposes - If you store data for longer periods than mentioned above, please specify, if applicable, why the data must be kept under a form which permits identification

Not applicable.

15/ Proposed transfers of data to third countries or international organisations

27) Legal foundation of transfer:

Only transfers to third party countries not subject to Directive 95/46/EC (Article 9) should be considered for this question. Please treat transfers to other community institutions and bodies and to member states under question 20.

Not applicable.

28) Category(ies) of Personal Data or Personal Data to be transferred:

Not applicable.

16/ The processing operation presents specific risk which justifies prior checking (please describe): *(please describe)*):

7) Description of Processing:
Attention: Please describe in the answer to this question if you process personal data falling under article 27 "Prior-Checking (by the EDPS - European Data Protection Supervisor)"

ACI (Auxiliary Conference Interpreters) who are entitled to the payment of compensation and the reimbursement of medical expenses in case of sickness or accident send their claims, including medical certificates and invoices to the designated person in the ACI payments office of SCIC-B4. This person verifies the dates of assignment and of absence of the ACI and mentions this information in the claim form.

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12) Lawfulness of Processing:
Answering this question please also verify and indicate if your processing has to comply with articles 20 "Exemptions and restrictions" and 27 "Prior checking (by the EDPS)"

The processing operations on personal data of the "Sickness insurance claims" procedure and system is necessary and lawful under article 5 (b) of Regulation (EC) 45/2001.

Article 27.2.(a) Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

The processing operations on personal data of the system "Sickness insurance claims" related to ACIs (Auxiliary Conference Interpreters) are falling under article 10 and therefore submitted under this paragraph of Article 27.

Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject,

Not applicable

Article 27.2.(c) Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

Not applicable

Article 27.2.(d) Processing operations for the purpose of excluding individuals from a right, benefit or contract,

Not applicable

Other (general concept in Article 27.1)

Not applicable

17/ Comments

1) Date of submission:

10) Comments if applicable:

36) Do you publish / distribute / give access to one or more printed and/or electronic directories?
Personal Data contained in printed and/or electronic directories of users and access to such directories shall be limited to what is strictly necessary for the specific purposes of the directory.
If Yes, please explain what is applicable.

no

37) Complementary information to the different questions if applicable, including attachments to this notification which should not be public :

PLACE AND DATE:30/03/2006

DATA PROTECTION OFFICER: HILBERT Nico

INSTITUTION OR BODY:European Commission