

**REGISTER NUMBER: 169**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 27/02/2007

Case number: 2007-134

Institution: Ombudsman

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

*(1) OJ L 8, 12.01.2001*

**INFORMATION TO BE GIVEN<sup>(2)</sup>**

*(2) Please attach all necessary backup documents*

1/ Name and address of the controller

The European Ombudsman  
1, avenue du Président Robert Schuman  
F - 670001 STRASBOURG

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

Administrative Sector of the Administration and Finance Departement

3/ Name of the processing

PERSEO (software developed by the European Ombudsman's Administration Sector)

4/ Purpose or purposes of the processing

Management of annual leave, special leave as well as absences and over-time of the staff and trainees of the European Ombudsman

5/ Description of the category or categories of data subjects

Staff and trainees of the European Ombudsman

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

Data used for the calculation of annual leave entitlements : Grade, Service entry date, Place of origin, Date of birth and Date of end of contract. This data is obtained from the data subject when he takes up his duties

Data used for the management of annual leave : dates of leave requested/taken + place where the staff member can be reached during his annual leave (optional).

Data used to manage special leave : reason for the special leave + proof of the event or for the situation that justified the special leave

Data used to manage absences : reason for the absence; 4 categories justified+reason, not justified, medical with certificate and medical without certificate. The medical certificates are kept, the diagnosis when mentioned on the certificate, is not further processed and safely stored.

#### 7/ Information to be given to data subjects

The data subject is informed of the existence of the processing and of the modalities of it when he takes up his duties. He uses part of the processing software to submit leave requests and may at any time submit a request to get a leave statement for the current year. This statement summarises both the entitlements and the periods of leave and absences for the current year. It also indicates the missions that were authorised for a given staff member.

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

The data subject is requested, on a yearly basis, to correct all personal data kept by the institution in relation to his personal situation. He receives a document which he's invited to modify and to return to the administration, this ensures the data used for the calculation of entitlements is approved by the data subject. On a yearly basis the data subject is also requested to approve a final leave statement which will summarise the leave and absences for the whole year. Regarding annual leave, the data subject may at any time contest the calculation made for each leave request which he submits through PERSEO and which is confirmed to him by e-mail.

#### 9/ Automated / Manual processing operation

Calculation of individual rights for the personnel of the European Ombudsman regarding the annual leave rights on a time span of one year (January to December of the same year). The calculation is based on the start/end of contract, age, grade, distance from place of origin. Agents have the possibility to introduce a leave request through the system. Immediate superiors are informed of leave request by e-mail and are invited to approve or reject the leave request. Leave managers have the possibility to manage annual leave request, special leave requests and absences.

The processing is as far as possible automated except for the calculation of over-time and special leave.

#### 10/ Storage media of data

The data is processed in a password protected Access database and stored on a common drive shared by the office. The access to the tables in the database is granted to the office's informaticians and to the Head of the Administration Sector. The access to the folder containing the databank is granted to all users and is managed through Active Directory. The access for the users to their own data (only annual leave) is granted through PERSEO's user interface on the basis of rights assigned through Active Directory. The access to all the functionalities of PERSEO (annual leave, special leave, absences) is granted to PERSEO's managers for leave and absences through a PERSEO manager interface. The manager group is created with active directory.

#### 11/ Legal basis and lawfulness of the processing operation

The staff regulations and the conditions of employment of other servants of the European Communities.

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

Data will be disclosed to the interested agent while consulting his own leave status, or when requesting a new leave.

Data will also be disclosed to leave managers, whom will control the attribution of rights by the application that are based on contractual and personal data.

Data may be disclosed to the Invalidity Committee.

Finally, data may also be disclosed to the hierarchy and to auditors for management, control and audit purposes.

#### 13/ retention policy of (categories of) personal data

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)*

Time span to store and keep data relating to annual leave is envisaged to be five years for audit purposes.

The data relating to special leave shall be kept during the whole career of the agent. The data may be used by PERSEO's managers to verify the coherence of special leave requests.

The data relating to absences shall be kept during the agent's whole career and may be used by managers to prepare files for the Invalidity Committee (see art. 59(4) of the staff regulations).

#### 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,*

The data kept for statistical purposes does not require identification.

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

Not envisaged

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

AS FORESEEN IN:

Article 27.2.(a)

Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

The processing involves the processing of data relating to the health condition of the data subject and of third parties in case of special leave.

Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject,

Article 27.2.(c)

Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

The processing involves processing operations which allow to verify the reality of certain facts invoked to request special leave or invalidity.

Other (general concept in Article 27.1)

17/ Comments

PERSEO is currently in a test phase and is made accessible to all staff members.

PLACE AND DATE: STRASBOURG - February 2007

DATA PROTECTION OFFICER: JULIEN Loïc

INSTITUTION OR BODY: European Ombudsman