

REGISTER NUMBER: 280

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 3 September 2007

Case number: 2007-498

Institution: EMEA

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 address of the controller

Surname: Pott First Name: Andreas
E-mail: andreas.pott@emea.europa.eu
Function: Head of Administration Unit
Administrative Address: 7 Westferry Circus, E14 4HB, London, UK

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

Administration / Personnel Sector
Place of work: 7 Westferry Circus, E14 4HB, London, UK

3/ Name of the processing

Family Leave/Compel/EDMS

4/ Purpose or purposes of the processing

Collect data from the data subject in order to allow family leave (for a period that cannot exceed 9 months), in the case of a medically certified serious illness or handicap of staff member's spouse or relatives.

5/ Description of the category or categories of data subjects

EMEA Staff Members (Contract Agents, Auxiliary Agents and Temporary Agents)

6/ Description of the data or categories of data

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

In the application form for Family request, personal data concerning:

- Health (including disabilities) of a third person like relatives or spouse of the staff members;
- Sex life (name of the partner);
- personal identification numbers;
- data subject private sphere;
- data subject's family;
- leave and absence;
- telephone numbers and communications;
- date of birth of relatives or spouse of the data subject.

7/ Information to be given to data subjects

Information are provided during a checklist briefing.

An individual data protection letter is also sent to the data subject and a consent to the treatment is signed by staff members.

8/ Procedures to grant rights of data subjects

(rights of access, to rectify, to block, to erase, to object)

Procedures to grant rights of data subject are stated in the EMEA Executive Director Decision on the adoption of implementing rules relating to the protection of individuals with regard to the processing of personal and on the free movement of such data.

Practical measures in order to make these provisions effective have been taken by the Agency, namely:

- on-line request of access to personal data (form available on EMEA website to be addressed to the EMEA Data Controller)
- right to address complaints relating to the un-authorized processing of their personal data to the European Data Protection Supervisor.

9/ Automated / Manual processing operation

The processing of data is both automated and manual. Forms are collected in hard copies and subsequently the data of each staff member are entered in the COMPEL database.

10/ Storage media of data

The data are stored in house: both electronically and in hard copies. The data are stored until family leave entitlement is exhausted, plus two years further.

11/ Legal basis and lawfulness of the processing operation

Legal base:

Art 16 of CEOS

Art 42 a and Art 42 b of Staff Regulations

Commission decision (15.06.2004) concerning family leave

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

Head of Unit and Head of Sector of the applying staff member, Personnel & Budget Sector Staff, Information Technology Sector Staff, Infrastructure Service Sector Staff, Security and Reception Staff.

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)

In case a request for blocking of data is accepted, it shall be implemented within 45 working days from receipt of a valid request.

In the case of a request regarding the erasure of data, the Data controller shall reply within 15 working days from the request. The erasure shall follow without delay once a motivated request has been accepted.

(Please, specify the time limits for every category, if applicable)

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:

Further processing for historical, statistical or scientific purposes is envisaged on anonymous basis. Data are processed anonymously in the form of statistics.

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

the only transfer of data which is actually in place is within the Community Institutions. Data related to the Part Time requests are in fact transferred to the Pay Master's Office.

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

AS FORESEEN IN:

- Article 27.2.(a) X

Processing of data relating to health.

The data provide by the data subject may allow to identify the health status of a third party, namely a relative of the data subject

- Article 27.2.(b) X

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,

- Other (general concept in Article 27.1)

17/ Comments

PLACE AND DATE:

London, 12.07.2007

DATA PROTECTION OFFICER:

Vincenzo Salvatore

INSTITUTION OR BODY:

European Medicines Agency (EMA)