

REGISTER NUMBER: 284

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 03/09/2007

Case number: 2007-503

Institution: Commission européenne

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

2) Name and First Name of the Controller: RICHARDS Megan

3) Title: Official

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

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

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:

3/ Name of the processing

Time accounting system (TAS)

4/ Purpose or purposes of the processing

The purpose of the processing is the integrated management of the activities of the JRC. JRC operates an activity based management structure, and an associated activity based budget. To assure analytical accounting, and particularly to allow for the correct accounting of competitive activities requires that the time of all staff is correctly accounted for. TAS fulfils this function.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

All statutory and non-statutory staff paid by the JRC.

16) Category(ies) of Data Subjects:

All staff paid by the JRC: Officials, temporary agents, auxiliaries, contractual agents, detached national experts, grantholders - categories 20 and 30, visiting scientists, trainees.

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

- Personal data: name and first name, personal number, userid
- Organisational data: Directorate / Unit
- Declaration data: assigned Action, complementary activities, absences (includes sickness, holidays, maternity leave, CCP, other types of special leave);
- Time declarations are made on a half day basis, and closed on monthly basis by individual staff members.

This processing of personal data is subject to art. 10

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

Declarations are divided into three main parts:

- Core Activities (All Actions described in the JRC's Annual Work Programme),
- Complementary Activities (corporate activities, training),
- Absences.

This processing of personal data is subject to art. 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'

A privacy statement has been developed in relation to the processing of personal data. Please see attachment.

The TAS mission statement is published on the front page of the TAS. The privacy statement will also be published on the front page of the TAS.

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' :

On the basis of a justified question by the data subject to the Controller, the requested data change will be implemented within 14 working days.

Staff can modify their time declarations until they close their declarations for a given month. Declarations can be viewed by staff even when the declaration process is closed. If needed, staff can request their hierarchy to re-open their TAS declarations for a given month in order to make corrections.

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)"

The TAS is a time accounting system. It is based on the declarations of individual staff members. These data are used by the JRC to fully account for the allocation of its staff resources and to manage those resources against the planning of the activities.

The processing of personal data is subject to art. 27.

The TAS User Manual is attached for information. A print screen of the data entry table is also attached.

Time declarations are blocked following the validation by the hierarchy. They can be opened again if a valid request is sent to the Controller by the data subject.

8) Automated Processing operation(s):

Calculation of time declared against the various planned activities of the JRC.

9) Manual Processing operation(s):

Management of the staff resources of the JRC, with particular reference to the management of competitive activities.

All JRC staff encode their own declarations manually. These are then manually validated by their hierarchy.

The system is administered manually.

10/ Storage media of data

Electronic storage on the servers located in JRC Data Centre

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

The JRC is required by Council Decision to compete for a part of its income; this is recognised in the Financial Regulations under art. 161. To manage the resources of the JRC in this context requires that a full and proper activity based accounting is in place across all activities of the JRC in order to ensure that the amounts charged to such competitive activities reflect the effort expended on them, in particular with respect to the time of JRC staff.

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 is necessary and lawful under art. 5(a) of Regulation (EC)45/2001

The foreseen processing falls under art. 27 of Regulation (EC)45/2001, treatment absence.

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

20) Recipient(s) of the Processing:

Managers of the JRC: Director General, Deputy Director General, Directors, Unit Heads (via the Directors meeting ? the Directoire)
(and via the meeting of the Management Support Units ? the Management Support Network)

(Reports are all summaries, and do not deal with individuals, however the raw data can be seen by the direct hierarchy).

Unit Heads, Action Leaders: for Action management and competitive activities execution.

Competitive activity customers in terms of the invoices for payment.

Analytical Accounting and Finance Unit, for accounting purposes.

Management support Unit competitive management staff to prepare invoices for payment.

Selected reports are also published on the JRC's Intranet, and are available to all JRC staff (these reports are all summaries, and do not deal with individuals).

Parts of data from TAS will be transferred to the processing operation "Datapool" (notification DPO-668) (transfer article 7).

21) Category(ies) of recipients:

JRC management.

JRC competitive activity administrators.

JRC competitive activity customers (the number of hours charged by that person to the work carried out - not leave etc.)

13/ retention policy of (categories of) personal data

Data are stored for a minimum of 5 years or the duration of a Framework Programme for Research and Technological Development, to permit historical analysis and audit.

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

Upon a justified request by the data subject the personal data will be modified, blocked or erased within 14 days.

Time declarations can be changed by individual staff members until they close the monthly declaration. Once closed staff can request to change declarations to their hierarchy.

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

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)*:

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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)"

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The foreseen processing falls under art. 27 of Regulation (EC)45/2001, treatment absence.

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

n/a

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

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

n/a

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

n/a

Other (general concept in Article 27.1)

27 3. ...in case of doubt as to the need for prior checking, DPO shall consult the EDPS

17/ Comments

1) Date of submission:

10) Comments if applicable:

None.

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:28/08/2007

DATA PROTECTION OFFICER: RENAUDIERE Philippe

INSTITUTION OR BODY:European Commission