

REGISTER NUMBER: 291

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 13/09/2007

Case number: 2007-558

Institution: EMCDDA

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

Mr. Dante Storti, Head of Unit Administration (EMCDDA. Rua da Cruz de Santa Apolonia 23-25. 1149-045. Lisboa)

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

Human Ressource Service (a Sector within the Unit Administration)

3/ Name of the processing

Initial grading and determination of rights

4/ Purpose or purposes of the processing

Ensure a proper grading of EMCDDA staff and a proper determination of staff member's pecuniary and non pecuniary rights.

5/ Description of the category or categories of data subjects

All members of EMCDDA staff (officials, temporary and contract agencts)

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

Categories of data are: Personal data (Name, surname, personal adress, last fiscal adress, social security, mother tongue, sex, start of probationary period, star of contract end of contract, grading, job title, banc accounts, surname, given name adress and tel n° of person to be contacted in case of accident, name at birth, country, town, present nationality, if it is the same nationality since the birth, if not, since when, place of residence before taking up present position, civil status etc...). Information concerning spouse (name at birth, given names, place of birth, nationality, does the spouse work or not, if yes, spouse professions, name and adress of the employer...), information concerning the children (surname, given names, date and place of birth, nationality, nature of studies or professional training), information concerning former residences, place of recruitment, place where father and mother reside... previous professional activities (position, employer, country, place of work), and information concerning other allowance received. See Annex "determin-droits" and Annex "Form 1- determination of statutory rights"

Upon recruitment staff member shall hand over supporting documents to prove education and professional experience required for the recruitment and with the view to allow the EMCDDA to determine the staff member's grading and rights, in accordance with the relevant staff regulations and their implementing rules (EMCDDA applies by analogy the corresponding impelling rules of the European Commission). The supporting documents are enclosed to specific standard forms to be completed by the concerned staff member and handed over to the EMCDDA human resources management sector (HRMS). Information is kept in each concerned personal file. Necessary information is sent to PMO (EC) for producing salary slip.

The present notification is subject to prior-checking by the European Data protection Supervisor under Article 27 of Regulation (EC) 45/2001.

7/ Information to be given to data subjects

The staff members are requested to start the process filling in specific forms to provide the EMCDDA with the necessary information. The process is fully explained in writing by the HR staff. The staff member is requested to sign the completed forms.

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

Staff member are informed about their rights to access, consult, copy the concerned information. The process is renewed every year as to keep up-to-date information on every member of the staff. Once by year staff members are asked to verify and confirm/correct/update personal data relevant for the determination of their rights.

A special mention concerning rights and duties of data subjects is also inserted in the form "fixation des droits pecuniaires a l'entree en service" (annex: "determin-droits) which shall be signed by the EMCDDA staff member :

"Cadre réservé à l'agent concerné

Je déclare avoir pris connaissance :

- *de mes droits, tels qu'ils ont été fixés ci-dessus sur la base des informations et des documents justificatifs que j'ai fournis à l'OEDT lors de mon recrutement,*
- *de mon obligation de communiquer sans délai au secteur de gestion des ressources humaines de l'OEDT tout éventuel changement pouvant affecter la fixation desdits droits,*
- *de la faculté d'introduire, le cas échéant, une réclamation contre la fixation des droits en question, conformément à l'article 90, §2 du statut des fonctionnaires des Communautés européennes.*
- *que l'information fournie sera traitée conformément au Règlement (EC) 45/2001 sur la protection des individus relatif au traitement des données personnelles par les Institutions et organes communautaires et à la libre circulation de telles données.*
- *que le règlement (EC) 45/2001 sauvegarde mon droit d'accès aux données ainsi que mon droit de demander au Contrôleur de rectifier sans délai des données inexactes ou incomplètes. Je reconnais également avoir le droit de requérir auprès du Contrôleur l'effacement de données dont le traitement serait frauduleux.*
- *que j'ai le droit de contacter le DPO (Data Protection Officer) pour d'autres questions relatives à la protection des données personnelles et sur les moyens d'exercer mes droits.*

Lu et approuvé, le .../.../...

Signature de l'agent concerné :

9/ Automated / Manual processing operation

automated: n.a., manual: Procedures for recruitment and management of EMCDDA human resources (grading and determination of rights)

10/ Storage media of data

Paper based documents

11/ Legal basis and lawfulness of the processing operation

Staff Regulations of officials and Conditions of employment of other servants of the European Communities. The processing is lawful and necessary under Article 5.(a), (b), (c), (d) and (e) of Regulation (EC) 45/2001.

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

EMCDDA staff member concerned, HR officer in charge, head of unit, appointing authority and EC PMO staff.

13/ retention policy of (categories of) personal data

In accordance with article 26 of the Staff Regulations data are kept in the individual file of the concerned staff member until he/she or his/her having rights exhausted the remedies at law (appeals), after termination of the service.

<p>13 a/ time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject) <i>(Please, specify the time limits for every category, if applicable)</i></p> <p>Without delay from the acceptance of the request</p>
<p>14/ Historical, statistical or scientific purposes <i>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,</i></p> <p>n.a</p>
<p>15/ Proposed transfers of data to third countries or international organisations</p>
<p>16/ The processing operation presents specific risk which justifies prior checking <i>(please describe)</i>:</p> <p>AS FORESEEN IN:</p> <p>Article 27.2.(a) Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,</p> <p>Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject,</p> <p>Article 27.2.(c) Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,</p> <p>Other (general concept in Article 27.1)</p>
<p>17/ Comments</p>
<p>PLACE AND DATE: Lisbon, 13.09.2007</p> <p>DATA PROTECTION OFFICER: Cecile MARTEL</p> <p>INSTITUTION OR BODY:EMCDDA</p>