

REGISTER NUMBER: 332
NOTIFICATION FOR PRIOR CHECKING
Date of submission: 04/03/2008
Case number: 2008-139
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: 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:
JRC.J.01
JRC.D.Not Applicable
JRC.F.Not Applicable
JRC.E.07
JRC.C.07
JRC.A.05
JRC.B.01
JRC.C.06
JRC.D.01
JRC.E.01
JRC.F.01
JRC.G.01
JRC.H.01
JRC.I.01
INTERIM AGENCIES

<p>3/ Name of the processing</p> <p>SELECTION AND MANAGEMENT OF INTERIM STAFF AT THE JRC</p>
<p>4/ Purpose or purposes of the processing</p> <p>The purpose of processing of personal data in this context is to meet the needs of selection and management of interim contracts at the JRC sites. This is done in compliance with the rules on protecting and processing personal data.</p>
<p>5/ Description of the category or categories of data subjects</p> <p>14) Data Subject(s) concerned:</p> <p>Interims c.q. external subjects who are contracted by the interim agency</p> <p>16) Category(ies) of Data Subjects:</p> <p>Interim staff</p>
<p>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)</p> <p>17) Data field(s) of Data Subjects:</p> <p>Attention: Please indicate and describe in the answer to this question also data fields which fall under article 10</p> <p>Personal: Name, Firstname Financial: Recorded hours Historical: CV in recruitment file Security : police certificate of good conduct</p> <p>The processing falls under Art. 10</p> <p>18) Category(ies) of data fields of Data Subjects:</p> <p>Attention: Please indicate and describe in the answer to this question also categories of data fields which fall under article 10</p> <p>Personal data Financial data Historical data Security data</p> <p>The processing falls under Art. 10</p>
<p>7/ Information to be given to data subjects</p>

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'

The data subjects are informed by the interim agency that their data can be used and submitted to third parties with regard to their eventual employment at the third parties premises (see document attached under point 37). In addition, the data subject will receive copy of the annexed Privacy Statement.

The data subject itself fills in the monthly timesheets and sends them to the interim agency with a copy to the personnel office of the MSU.

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' :

The only personnel data included in the spreadsheet is the name of the subject.

In case the data subject wish to ask for incorrect data to be corrected in his file, he can contact his HR officer or send an e-mail to the functional mailbox address mentioned in the annexed Privacy Statement under "Contact Information".

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)"

This notification deals with the selection and management of interim staff at the JRC. Employment of interim staff is requested to face temporary needs of the JRC (for functions such as secretary, office clerk, huissiers, etc...). This in the context of a framework contract under which interims can be hired on short term basis by the JRC.

The provisioning of interim staff is done in the sites of the Joint Research Centre (JRC) through temporary employment agencies that are authorised to exercise their activity in the corresponding EU Member States (e.g. Belgium, The Netherlands, Germany, Italy, Spain,...). The supply of these services to the JRC Institutes (e.g. IRMM, IPTS, IE, ITU, ISD, IHCP, IPSC, IES,?) is done according to the National Labour Laws.

On request CV's for a given profile are sent by the interim agency to the JRC institute.

A selection is made and (at least) 3 candidates are invited for interview. The recruitment file contains the CV's of the candidates and documents with regard to the selection and the interviews.

For the selected candidate an access application is made and sent together with an extract from the police register to the security service of the JRC institute (same security procedure as all other employees). A request for registration in the personnel database (Sysper2) is sent to the Human Resources unit in Ispra.

The selected candidate starts working at the JRC institute and fills in time sheets for the interim agency with copy to the Institute Management Support Unit (MSU). The personnel office compares the recorded working hours with the hours invoiced by the interim agency. Monthly contract extensions can be applicable.

This processing falls under Art. 27

8) Automated Processing operation(s):

As described under point 7, working databases (spreadsheets) are used at the level of the JRC institutes, on shared drives, available to personnel office staff of the MSUs only.

9) Manual Processing operation(s):

The recruitment files contain the CV's of the candidates and documents (correspondence with the interim agencies/list of interviewed candidates/ evaluation of interviewed candidates) with regard to the selection and the interviews.

Request for access and introduction in the personnel database are made and sent out to the appropriate services (see point 7 and attached forms under point 37).

The data subject fills in the monthly timesheets and sends them to the corresponding interim agency with copy to the JRC Institute personnel office.

The control of the 6 year rule for presence on site is made in the context of payments and budgetary follow up.

The follow up of the invoices from the interim agency is made by the JRC contract office.

10/ Storage media of data

Paper and electronic media

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

- Treaties establishing the European Communities or other legal instruments adopted on the basis thereof.
- Subsidiarily the framework contract under which cover interims can be hired.
- Internal Directive of the Director General for the JRC applicable to the maximum period on site of Staff of companies providing services on site.
- Commission decision C(2004) 1597 of 28.4.2004 on the 6 year rule
- the national labour law and the "droit civil national":
 - * for Belgian "Wet van 8 december 1992 tot bescherming van de persoonlijke levenssfeer ten opzichte van de verwerking van persoonsgegevens. Gecoördineerde versie (augustus 2003).."
 - * for Germany: the following sources of law related to German working contracts are:
 - a) Sozialgesetzbuch (social security ? health insurance, unemployment insurance, pensions etc.); b) Mindesturlaubsgesetz für Arbeitnehmer (annual leave); c) Bürgerliches Gesetzbuch § 616 (special leave); d) Gesetz über die Zahlung des Arbeitsentgelts an Feiertagen und im Krankheitsfall (continued payment of salary on public holidays and in case of illness); e) Gesetz zum Schutz der erwerbstätigen Mutter (maternity protection).
 - * for Spain: "Real Decreto Legislativo? 1/1995 of the 24th of March approving the revised "Texto Refundido del Estatuto de los Trabajadores" (Official Spanish Bulletin B.O.E. 29-03-1995)"
 - * for The Netherlands: "ARBO-wet - Arbeidsomstandighedenwet","Flexwet ? Flexibiliteit en zekerheid" is dealing with "Uitzendkrachten / Interimaires" (zipfile Flexwet?..) (see attachment).
 - * for Italy: "Decreto Legislativo n. 276/2003 sul lavoro ? Legge Biagi " ? "legge 196/1997 relativi al lavoro interinale" ? "contratto di somministrazione?"
- Financial Regulation

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)"

Art. 5 a) is applicable as the processing is necessary for the performance of a task carried out in the public interest on the basis of the Treaties establishing the European Communities or other legal instruments adopted on the basis thereof or in the legitimate exercise of official authority vested in the Community institution or body .

Art 5 c) is applicable as the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.

This processing falls under Art. 27

<p>12/ The recipients or categories of recipient to whom the data might be disclosed</p> <p>20) Recipient(s) of the Processing:</p> <p>At recruitment of subject:</p> <ul style="list-style-type: none"> - Institute MSU and scientific units looking for interim (during recruitment procedure) - JRC Human Resources office for introduction in personnel database (Sysper2) - JRC site Security office for access request <p>During interim work of subject:</p> <ul style="list-style-type: none"> - Institute financial department for payment of invoices <p>Due to transfer of personal data, Art. 7 and 8 are of application</p> <p>21) Category(ies) of recipients:</p> <p>JRC MSU services JRC Human Resources JRC Site Security office</p>
<p>13/ retention policy of (categories of) personal data</p> <p>The selection files are archived for 5 years. The data in the database are kept for the duration of the employment at the JRC Institute and then archived for 7 years to allow auditors to verify recruitment and financial control procedures.</p>
<p>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)</p> <p>22 b) Time limit to block/erase data on justified legitimate request from the data subjects</p> <p>Upon a justified request by the data subject the personal data will be modified within 14 days.</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>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</p> <p>not applicable</p>
<p>15/ Proposed transfers of data to third countries or international organisations</p> <p>27) Legal foundation of transfer:</p> <p>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.</p> <p>Not applicable</p>

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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This processing falls under Art. 27

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

Article 27.2.(a) Processing of data relating to security measures,

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

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,

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)

n/a

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 :

see 3 attachments linked to JRC IRMM in Geel.

PLACE AND DATE:04/03/2008

DATA PROTECTION OFFICER: RENAUDIERE Philippe

INSTITUTION OR BODY:European Commission