

REGISTER NUMBER: 387

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 08/07/2008

Case number: 2008-428

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 address of the controller

2) Name and First Name of the Controller: KENT Gail

3) Title: Head of Unit

4) Directorate, Unit or Service to which the Controller is attached: C.01

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

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:

Members of COMPAS

3/ Name of the processing

Coordination of medical, psychosocial and administrative support (COMPAS)

4/ Purpose or purposes of the processing

COMPAS allows the coordination of the provision of help to staff in active employment, covered by the Staff Regulations, encountering serious health or serious social difficulties from either private or professional origin, which interfere with staff's presence or performance at work. COMPAS contributes to facilitate HR management, both in the interest of the administration and the staff member in difficulties.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

Officials and agents in activity and covered by the Staff Regulation of the Commission who encounter a serious health or serious social difficulty, which requires a multidisciplinary initiative.

16) Category(ies) of Data Subjects:

Officials and agents in activity and covered by the Staff Regulation of the Commission who encounter a serious health or serious social difficulty, which requires a multidisciplinary initiative.

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

Administrative, medical and/or social data (see attached documents)
Article 10 of Regulation (EC) 45/2001 applies.

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

See point 17

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 is transmitted to the data subject when the requesting service (see point 7) informs the data subject in writing that his/her situation is being presented to COMPAS at the time the service requests a COMPAS intervention.

This privacy statement (see attachment) is also available on the Commission Intranet on the pages dedicated to the Medical Service.

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' :

Please see the annexed Privacy Statement.

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)"

With reference to the Commission Communication "A management policy on absence for medical reasons and invalidity", SEC(2006) 501/3 a consultative structure named COMPAS was created to allow finding the most suitable solution for a staff member in difficulty within the existing structure of the Institution.

COMPAS coordinates the provision of help to staff in serious health or serious social difficulties, whether from private or professional origin, which interfere with staff's presence or performance at work, through the coordination of a multi-disciplinary approach. Staff in this context is understood as active staff covered by the Staff Regulations.

COMPAS is usually seized to open a COMPAS procedure by one of the services concerned (see point 9) using the COMPAS Request Form (this service is then called the "requesting service"). Only DG Admin

8) Automated Processing operation(s):

The COMPAS Case Request, Case Journal and Recommendation are created as Word documents, as are any annexes. E-mail correspondence is secured by using the SECEM encryption system.

Statistics could be produced in Excel using anonymous data .

Paper and electronic files are identical. All paper and electronic files are kept secured and only accessible to the President, the Secretariat and the Director General of DG Admin.

9) Manual Processing operation(s):

The COMPAS Procedure is opened by sending a COMPAS Case Request to the COMPAS Secretariat. Possible actors can be those who are mentioned below:

- ? The direct hierarchy of the staff member in difficulty,
- ? The human resources (HR) units of the DG concerned,
- ? Admin C.2 or Admin C.3 The Medical Services and Psychosocial Interventions - Brussels and Luxembourg,
- ? Admin A.2 The Central Career Guidance Service (SCOP),
- ? Admin A.4 Officials and external staff ? Administrative procedures,
- ? ADMIN B.4 "Equal opportunities and non-discrimination and
- ? The Commission?s Mediator.

The requesting service shall inform in writing the staff member that his/her situation is being presented to COMPAS, with a copy to the COMPAS secretariat. A privacy statement shall be attached to the letter.

The secretariat creates the COMPAS Case Journal with the Case Request Form and the information note mentioned above.. At the end of all meetings, the President formulates the conclusions which are noted by

10/ Storage media of data

The COMPAS Case Journal is kept locked in a filing cabinet of the COMPAS Secretariat and only accessible by it. The identical electronic version of the COMPAS file is stored on a secured drive only accessible for the President, the COMPAS secretariat and the Director General of DG Admin. The file can only be consulted by the habilitated persons described above in the presence of the secretariat.

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

Communication from the Commission "A management policy on absence for medical reasons and invalidity", SEC(2006) 501/3 (see attachment)

Modus operandi COMPAS

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)"

Articles 5.a, 5.e, 27.2 a and 27.2.b of the Regulation (EC) 45/2001 apply.

Article 20 does not apply.

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

20) Recipient(s) of the Processing:

The recommendation of COMPAS, which does not contain any medical data, is sent to the specific services in charge of implementing it, the requesting service and the data subject.

As the COMPAS is an ad hoc structure it is not possible to provide an exhaustive list of possible services to whom the recommendation is addressed. No information beyond what has already been disclosed in the preliminary meeting will be included. The recommendation will contain no sensitive information but is the final administrative act after a case has been dealt with by COMPAS.

21) Category(ies) of recipients:

Please see point 9

13/ retention policy of (categories of) personal data

In order to facilitate the procedures as foreseen in SEC(2006) 501/3 and to ensure transparency for the data subject concerned, records shall be kept.

Cases submitted to COMPAS are kept for a maximum of three years after treating the situation.

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

15 working days after justified request to the President of the COMPAS.

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

N/A

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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Article 20 does not apply.

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 health

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)

social measures

17/ Comments

1) Date of submission:

10) Comments if applicable:

N/A

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 :

N/A

PLACE AND DATE:08/07/2008

DATA PROTECTION OFFICER: GEORGES Louis

INSTITUTION OR BODY:European Commission