

REGISTER NUMBER: 428

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 18/11/2008

Case number: 2008-697

Institution: European Training Foundation

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

Olivier Ramsayer - Head of Administration Department

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

Human Resources Unit

Infrastructure and technology management (ITM) Unit

Line Managers

3/ Name of the processing

Flexitime

4/ Purpose or purposes of the processing

The purpose is to ensure equal and fair treatment on a flexible working approach with a view to supporting staff to better conciliate work and private life. The ETF believes that flexitime can be a very effective tool in allowing staff to balance their professional and private commitments. The ETF's interest in the use of flexitime is the higher motivation of its staff resulting from their greater responsibility for the organisation of their time.

5/ Description of the category or categories of data subjects

All ETF staff covered by the Staff Regulations and by the Conditions of Employment of Other Servants (Contract Agents, Local Agents, Temporary Agents) regardless of function group or grade, and Seconded National Experts.

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

The data collected are: magnetic card number link to a login (meaning link to the name of the person in a second stage), daily events such as arrival and departure, duration of lunch break, leaves, holidays, missions of all staff concerned. On the basis of this data, the system calculates, for each person, a balance (positive or negative) compared to the expected amount of hours per month.

7/ Information to be given to data subjects

Complete information on privacy statement and treatment of data will be included in the relevant policy and will be posted on the ETF Intranet, accessible to all ETF staff at any time.

In addition, the following information will be provided to each "flexi worker":

- the identity of the controller
- the purpose of the processing for which data are intended and the legal basis,
- the recipients of personal data,
- the origin of data,
- the right of the data subject to access and to rectify data concerning him or her,
- the retention period of the data at ETF,
- the right of recourse to the EDPS at any time.

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

Flexitime is managed via a Lotus Notes database and accessible via the ETF Intranet. This database is accessible by each data subject with her/his login and password. Therefore, the data subjects (users of the application) could verify and, if necessary, ask for correction/deletion of the data via electronic request. Requests for corrections after more than 5 days of presence in the office will not be accepted unless in case of force majeure. In addition, data subjects can exercise their rights under Regulation (EC) 45/2001 at any time upon request addressed to the controller.

9/ Automated / Manual processing operation

The ETF services in charge of the flexitime application, will collect personal data only to the extent necessary to help all staff to work the same number of hours they are required to in a flexible manner in order to better conciliate work and private life. Flexitime is based on the principle of time-keeping of worked hours supported by a transparent verification system, which should be easy and fast to use.

The automated processing operations are the following:

- time registration of the swipes for each person (the unique identifier and the time registration),
- transfer of the time registrations to the rest of the application where the link is made between the unique identifier of the Mifare chip and a person. The time registrations of a person will be grouped over one day and the next morning will appear on the personal Intranet flexitime of each person. In case of unreadable data by the system (incorrect badging or else) a red cross will appear on the day when a "problem" has occurred and no working time will be accounted. This allows a quick and clear notification to each staff member to ask for correction.

- calculation of working time, time credits/debits

the link with other applications such as SIC Leave and SIC Mission in order the systems automatically counts a time, time registered out of the office via those databases the expected number of hours to be worked in a month person taking into consideration ETF closing days, week ends, and part time patterns

- reporting linked to the interest of the service and statistical purpose (and therefore anonymous aggregated data)
- requests for correction of working time will be asked via electronic system, to be validated by respective line manager and once validated, the corrected data will be automatically imported in the flexitime system, erasing and replacing incorrect registered one.

Manual processing:

allocating part time workers to their respective part time approved conditions (50%, 60%, 70%, 75%, 80%, 90%)

10/ Storage media of data

The data are stored in a Lotus Notes database. It is transferred from Myfare (where there is no knowledge of the person, only a code number) to Lotus Notes, where it is then associated to each person.

There are 3 clock in/out swipe machines (at the 3 main entrances of the ETF building). The badging can not be accidental as people need to put the card voluntarily on the swipe machines.

11/ Legal basis and lawfulness of the processing operation

Regulation (EC) No 45/2001

Staff Regulations, article 55

<p>12/ The recipients or categories of recipient to whom the data might be disclosed Additionally to the data subjects, Human Resources Unit (Head of HR, Leave Managers) Infrastructure and technology management (ITM) Unit (software developpers) Respective Line Managers</p>
<p>13/ retention policy of (categories of) personal data Flexitime individual data will be stored for the ongoing calendar year. They will be deleted once the transfer of unused days of annual leave to the following year has been closed and at the maximum by end of March of the following year. Agregated data rendered anonymous will be kept for longer time only for historical trend statistics.</p>
<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>In case of request to opt out of flexitime, staff members are requested to do so at the end of a calendar month. Staff member will therefore be requested to continue to register daily working hours, until the end of a calendar month. Opting out of flexitime is possible only if the time balance is at least zero, or positive. Once the person has opted out (with a balance at zero), the data can be completely erased within 2 weeks of the request. Only anonymous data will be kept longer for statistical purpose.</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>For statistical and historical data, only anonymous data will be kept and therefore no association between the name and the data will be possible. Only aggregated data will be kept.</p>
<p>15/ Proposed transfers of data to third countries or international organisations No transfer of data will be done to third countries, or international organisation. The flexitime is only for internal use to the benefit of staff members for better reconciling their private and professional life.</p>
<p>16/ The processing operation presents specific risk which justifies prior checking (<i>please describe</i>): According to article 27.1: processing operations likely to present specific risks to the rights and freedoms of data subjects by virtue of their nature, their scope or their purposes".</p> <p>AS FORESEEN IN:</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Article 27.2.(a) Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject,</p> <p><input type="checkbox"/> <input type="checkbox"/> Article 27.2.(c) Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,</p>

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

The introduction of the Flexitime procedure would allow ETF to combine the requirements of efficient organisation of work with a flexible balance between the professional and private commitments of ETF staff.

PLACE AND DATE: TURIN, 18 November 2008

DATA PROTECTION OFFICER: Liia KAARLÖP

INSTITUTION OR BODY: EUROPEAN TRAINING FOUNDATION