

REGISTER NUMBER: 471

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 26/01/2009

Case number: 2009-072

Institution: ECDC

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

Jessica Mannheim, Head of Human Resources Section. Tomtebodavagen 11 A SE 17183 Stockholm,
Jessica.Mannheim@ecdc.europa.eu

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

Personnel administration, Human Resources, Administrative Services Unit

3/ Name of the processing

Time and absence management

4/ Purpose or purposes of the processing

To enable staff members to manage their working time in the frame of the flexi policy and to check working time, annual leaves, sick leaves and special leaves; to make sure supporting documents are provided

5/ Description of the category or categories of data subjects

ECDC statutory staff members (TA, CA) and SNEs. Concerning Trainees, HR receives and keeps only information concerning absences and leaves. Trainees' working-time information is kept by their respecting line manager only.

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 personal data whose processing is prohibited, with exceptions, by Regulation 45/2001 may include: data revealing religious or philosophical beliefs (e.g. switch of holiday), concerning health, concerning sex life (e.g. name of partner). Data likely to present specific risks may include data being used to evaluate personal aspects of the data subject (ability, efficiency, conduct).

Other categories of personal data include data in the form of personal identification numbers, data concerning leave and absences, concerning expenses and medical benefits, concerning telephone numbers and communications. Occasionally data concerning the data subject's private sphere (e.g. sexual orientation), concerning pay and allowances, concerning the data subject's family and/or concerning missions and journeys may emerge in the documents provided in support of leaves and absence justifications.

7/ Information to be given to data subjects

A Data Protection Clause has been developed and is included in the SAP application frontpage for every staff member at ECDC.

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

The Controller (head of HR), one HR assistant, one back-up assistant and HR secretary may be contacted at any time by the data subjects for exercising the right of access, to rectify, to block, to erase, to object basic identity information. However most data on time and absence can be changed by the data subject himself/herself through SAP, which however provides full audit trail.

Sensible data which may be changed upon request include also:

- the holiday flexibility agreement (change of holidays due to private or religious reasons)
- stand-by-duty (HR gathers information about stand-by-duty working times and ensures that financial compensation is paid accordingly).

9/ Automated / Manual processing operation

Processing of data is partly automated (staff members insert their working time through SAP). Supporting documents for absences and leaves are usually processed manually through physical files and paper form (e.g. medical certificates).

The responsible persons in HR for Time Management monitors and makes regular reports (in SAP) regarding:

- Sick leave
- Working time and absences
- Leave entitlements
- Special leave, Maternity leave, Leave on Personal Grounds and all other forms of leave provided in our regulations

The HR responsible collects confidential documents in paper form (folders kept in archive and office), such as

- Medical Certificates (diagnosis is deleted/ blacked-out immediately)
- Special leave justifications (e.g. rental or purchase contracts of property, death certificates of relatives, birth certificates of children, marriage certificates etc.)

HR responsible manages the "Attendance" Email inbox and Attendance archive. All above mentioned

10/ Storage media of data

Hard copies of documents and/or data transferred to HR from the data subject in a closed envelop, via e-mail or handed in person to HR, are filed in a protected cupboard in the HR premises. All electronic data are stored in SAP.

11/ Legal basis and lawfulness of the processing operation

Legal basis (Treaty, Regulation, Decision, etc.) for this processing operation are:

- Internal procedure on working hours (ECDC/ADM/021)
- Commission Decision C(2004)1597 introducing implementing provisions on leave as adopted by ECDC
- Staff Regulations of the European Community (SR), Art. 57-61 and Annex V
- Conditions of Employment of Other Servants of the European Community (CEOS), Art. 16, 17, 57-60, 91
- Director's Decision on Stand-by-duty n. 12/2007

Moreover the processing operation meets a functional need of the service.

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

Head of HR, one HR assistant, one back-up assistant, and HR secretary have access to all time and absence information of all staff.

Head of Unit and one secretary per Unit has access to those data for all staff in their Unit.

Each line manager has time and absence information for all its team members.

13/ retention policy of (categories of) personal data

ECDC Data Retention Time-Limit policy is currently being drafted and is expected to be adopted by the Director of the Centre in 2009.

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)

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,

15/ Proposed transfers of data to third countries or international organisations

No transfer of data is envisaged

16/ The processing operation presents specific risk which justifies prior checking (*please describe*):

The processing operation Time and Absence Management presents specific risks as it relates to health (e.g. processing data on sick leave, medical certificates). Moreover some data are used to evaluate personal aspects, notably the work conduct of the data subjects (e.g. information on working time, absences, leaves and stab-by duty).

Finally the data processing operation may occasionally concern highly sensitive data (e.g. contracts of property, death and birth certificates, religious beliefs, leaves on personal grounds).

AS FORESEEN IN:

Article 27.2.(a)

Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

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,

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

PLACE AND DATE: Stockholm (Sweden), 23/01/2009

DATA PROTECTION OFFICER: Elisabeth Robino

INSTITUTION OR BODY: European Centre for Disease Prevention and Control (ECDC)