

REGISTER NUMBER: 515

NOTIFICATION FOR PRIOR CHECKING (Leave management)

Date of submission: 9/7/2009

Case number: 2009-455

Institution: EFSA

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

Nicoline Le Gouriérec, Head of Human Resources Unit

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

HR staff in charge of leave management, under the supervision of the Head of HR Unit

3/ Name of the processing

EFSA Leave Management

4/ Purpose or purposes of the processing

The management of all entitlements for annual leave, special leave, sick leave and in general all the related working conditions of Officials, Temporary Agents (TA), Contract Agents (CA) and Seconded National Experts (SNE) at EFSA.

5/ Description of the category or categories of data subjects

There are 2 main categories of data subjects, namely:

- EFSA Staff, including Officials, Temporary Agents (TA), Contract Agents (CA) and Seconded National Experts (SNE) (for a restricted number of leave entitlements)
- In connection to special categories of leave, relatives of EFSA staff, including spouse, children and relatives in ascending line.

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

(1) Identification of the data subject ; (2) As concerns EFSA staff : (2.a) Main employment & career data at EFSA: start date of EFSA employment, category & grade, years of service, termination of contract with EFSA, place of origin, nationality ; (2.b) Justification documents for various categories of specific leave, information on carry-over of not taken annual leave from the previous year, information on missions carried out ; (2.c) Information on the EFSA staff member's family situation, including the relationship to family members ;

(3) Special categories of personal data in the sense of art. 10 (2) of Regulation (EC) 45/2001, especially: (3.a) Health related data, including medical certificates, confirmation on treatment/medical appointments, medical data and health diagnosis information of the EFSA staff and of their relatives, including spouse, children, relatives in ascending line ; (3.b) Information on trade union membership, any political appointment and participation in elections of the EFSA staff member ; (3.c) indirectly: data revealing sex life

7/ Information to be given to data subjects

An Internal Administrative Guidance – Consolidated rules concerning leave & working conditions has been circulated to all staff in June 2009 and is available on the EFSA intranet. Part VI of this document contains a specific note on processing of personal data in the context of leave management (see annex 1). In addition, HR Unit ensures regular communications to all staff, further administrative guidance on specific matters as well as presentation and training sessions on the concept of leave entitlements and on the electronic tools applied and workflow followed. Also a 'Frequently Asked Questions' document is available to all staff ' (see annex 2)

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

All staff members have access to the 1st stage of an electronic leave workflow in Livelink, in order to make a leave request. Staff members can consult their individual leave balance and entitlements via a Business Objects reporting tool.

9/ Automated / Manual processing operation

Mainly electronic / automated processing – documents revealing personal health situation, or containing medical data or health diagnosis information is processed on paper and only disclosed to the EFSA medical adviser ; The document management and workflow is detailed in part V of the internal administrative guidance (cf. annex 1)

10/ Storage media of data

(1) HR database Centurio: the database is stored on the EFSA servers. It is divided into modules and access is granted per module to HR staff working in the field related to any given module (i.e.: the module on leaves is only accessible to HR staff in charge). (2) Electronic leave requests and justification documents are stored in the electronic leave workflow in Livelink on the EFSA server. Only HR staff in charge has access to the complete electronic workflow through Livelink. (3) Time tracking/flexitime system stored on the EFSA servers

11/ Legal basis and lawfulness of the processing operation

A processing operation covered by the mandate of EFSA: The working conditions of officials, applied by analogy to other servants of the European Communities, are defined in Title III & IV of the Staff Regulations; implementing provisions concerning leave and implementing provisions on absence as a result of sickness and accident;

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

The line manager of the data subject and his/her the Head of Unit, the Directors, the Executive Director, HR Unit, the EFSA Medical Adviser, an independent medical doctor, the Invalidity Committee, the IT Unit (for support on the electronic management systems), audit bodies, including the EFSA Internal Auditor, the Internal Audit Service, the European Court of Auditors, European Ombudsman, Civil Service Tribunal, EDPS (to be add also: individuals in the Finance Unit to verify annual leave in connection to mission orders)

13/ retention policy of (categories of) personal data

Annual/Special/Sick and Flexi Leave requests are stored electronically in the Livelink workflow on the EFSA Server. Medical certificates with no indication of the medical diagnosis attached to the electronic leave request form are also retained in the Livelink workflow on the EFSA Server. Such data is kept for a period of 3 years and then for a further 2 years on a CD-Rom in the EFSA archives. Data is disposed of after 5 years. Parental and Family leave requests are stored until the leave entitlement is exhausted plus an additional two years before being disposed of. CCP and Part-time work requests are only disposed of after the staff member is deceased and pension payment to descendents ends. Documents or certificates containing any reference to medical data or medical diagnosis are stored in the staff member's medical file which is kept by the EFSA Medical Adviser. The medical file is handed over to the staff member when he/she leaves EFSA. At that point the staff member may choose to have the medical file forwarded directly to the new place by the EFSA Medical Adviser. If the staff member carried out his/her pre-employment medical visit at the European Commission medical centre in Brussels, EFSA is obliged to return the medical file there. Justification documents concerning family members are stored only until they have been validated by the HR Unit staff and/or the EFSA Medical Adviser. Following validation, the justification documents are returned to the respective staff member.

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)

Data subjects can exercise their rights at any time by contacting HR staff in charge. Justified requests for blocking and erasure will be handled within 5 working days.

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,

The Business Objects reporting tool is used to run several reports deriving from the leave module of Centurio including statistics on sick and special leave.

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

N/A

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

Annexes to this prior checking notification: (1) Consolidated rules concerning leave & working conditions ; (2) Frequently asked questions on leave and working conditions ; (3) DPO notification EFSA leave management ; (4) DPO notification time tracking / flexitime

PLACE AND DATE: Parma, 09/07/2009

DATA PROTECTION OFFICER: Claus Reunis

INSTITUTION OR BODY: EFSA - European Food Safety Authority