

REGISTER NUMBER: 524

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 29/7/2009

Case number: 2009-514

Institution: ECB

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
European Central Bank
Kaiserstrasse 29
60311 Frankfurt am Main
Germany

2/ Organisational parts of the institution or body entrusted with the processing of personal data
Directorate General Human Resources, Budget and Organisation

3/ Name of the processing

Strike-related deductions

4/ Purpose or purposes of the processing

Following a strike lasting for 1 hour and 18 minutes organised by the IPSO (recognised Union at the ECB) on the 3 June 2009, the equivalent period of 78 minutes is to be deducted from the members of staff salary and salary related items.

5/ Description of the category or categories of data subjects

ECB staff members (permanent, fixed term staff)

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

Names of staff members taking part in the strike (including period of time absent due to strike), to allow debit of salary/salary related items

7/ Information to be given to data subjects

Two messages published to all staff (via intranet and email, see below) and message on July 2009 payslip with the following text: For those participating in the strike action of 3 June, a deduction of salary and related elements will be visible in a separate page of your payslip, as a retroactive calculation for June.

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

As defined in Decision ECB/2007/1 of 17 April 2007 (Implementing Rules), in particular Article 9 of the Decision.

9/ Automated / Manual processing operation

Collecting the list of staff on strike was a manual process. Debits were made in a semi-automatic way, by entering the staff IDs into the payroll system for a pre-defined absence type/period. Deduction appears in the system as "unpaid leave for other purposes". Such entry stays as long as the employment relationship lasts (proof for payment being made). The payslip contained a general information to all staff that participation in the strike of 3 June leads to a deduction under "unpaid leave for other purposes". A deletion of the deduction at a later stage is not possible; such a deletion would introduce an error into the system and into all calculations based upon it.

10/ Storage media of data

In ISIS, the ECB enterprise resource management system based on SAP

11/ Legal basis and lawfulness of the processing operation

Article 5(a) and (c) of Regulation 45/2001

Article 1.4.5 of Staff rules:

1.4.5 Unless the Executive Board decides otherwise, the total period of the strike shall be deducted from the salary and salary related payments of the member of staff taking part in a strike.

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

Individual members of staff for their own data; competent members of staff dealing with the administration of remuneration.

13/ retention policy of (categories of) personal data

According to data retention policy, all payroll data, including above deductions, will be kept in the system up to 5 years after data subject has left the ECB (if data subject has no pension rights) or up to 10 years after the last payment to a dependant was made (if the data subject has a right to a differed pension).

What is relevant from the ECB's side is that the ECB keeps a position to prove that a certain salary calculation was correct. Also, such data will be needed even for the future situation in all employment relationships that a pension needs to be calculated and the underlying data be proven to the last cent.

Please see also the explanations in the section "Automated/Manual processing operation".

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)

No time limits apply for blocking or erasing the data.

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,

n/a

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

PLACE AND DATE:

DATA PROTECTION OFFICER:

INSTITUTION OR BODY: