

<b>REGISTER NUMBER: 564</b>
<b>NOTIFICATION FOR PRIOR CHECKING</b>
Date of submission: 02/02/2010  Case number: 2010-075  Institution: CPVO  Legal basis: article 27-5 of the regulation CE 45/2001 <sup>(1)</sup>  <span style="float: right;"><i>(1) OJ L 8, 12.01.2001</i></span>
<b>INFORMATION TO BE GIVEN<sup>(2)</sup></b>
1/ Name and adress of the controller Mr. Carlos GODINHO Community Plant Variety Office 3, Boulevard Foch B.P. 10121, F-49101 ANGERS cedex 02
2/ Organisational parts of the institution or body entrusted with the processing of personal data CPVO Human Resources Service
3/ Name of the processing Management of Leave
4/ Purpose or purposes of the processing

To manage annual and special leave entitlements of the CPVO staff.

**a) Annual leave:** A staff member (permanent official, temporary or contract agent) is entitled to a basic entitlement of 1 day if he/she has worked for 15 days or less, or to a basic entitlement of 2 days if he/she has worked for more than 15 days, per month of service per calendar year. Seconded national experts, however, are entitled to 1,5 days or 2,5 days if they have worked for half a month or the whole month, respectively. The maximum possible annual leave for statutory members are 24 days, and for seconded national experts 30 days. Other than in duly substantiated cases, no annual leave for officials/temporary/contract agents is granted before completion of 3 months' service.

According to the Staff Regulations, annual leave taken by a staff member must include at least one period of two consecutive weeks, unless otherwise agreed with the immediate superior. Any application for annual leave resulting in a negative balance may only be granted, exceptionnally, by the immediate superior or the appointing authority, under his/her own responsibility, if reasoned grounds are given. For a staff member entering service part way through a calendar year, the basic and additional entitlements are calculated pro rata for the number of months to be worked until 31st December.

Additional entitlements are granted to staff members (officials and temporary agents), depending on the grade: AD16-AD15 will be granted with additional 3 days, AD14-AD13 will be granted with additional 2 days, AD12-AD9 will be granted with one additional day and AST11-AST10 will be granted one additional day; and age (applicable to officials, temporary and contract agents). Staff members over 55 years will be granted with additional 6 days, staff members between 50-55 with 5 additional days, from 45-50 with 4 additional days, from 40-45 with 3 additional days, from 35-40 with 2 additional days and from 25-35 with 1 additional days. Staff members under 21 years old will be granted with 2 additional days. However, combining these additional days with the basic entitlement may total no more than 30 days a year.

Travelling time, which is not subject to pro rata calculation from the date of entry into service, is to be granted (except for seconded national experts), up to 6 additional days, once per calendar year, from travel to and from the place of origin, provided that annual leave has been taken and that the date of entry service is before 1 October. Where entry into service takes place on or after 1 October, no travelling time linked to annual leave is to be granted for that year, unless annual leave has been authorized, by the way exception, by the immediate superior, and provided that the number of days granted is equal to or greater than the travelling time and that it does not result in a negative balance on 31 December. The distance taken into account is to be calculated on the basis of the distance by rail between the place of employment and the place of origin. If the place of origin changes during the calendar year, the travelling time initially granted is to be retained for that calendar year.

An additional entitlement of 5 days is to be granted to all staff members who have completed 25, 30, 35, 35, 40 or 45's years service, only in the year in which they complete the years' service, and are to be added by the Human Resources

service to annual leave entitlements.

Officials, other servants and seconded national experts who are fire pickets and who actually take part in the exercises and prevention courses for which they have volunteered and to which they are regularly invited, are entitled to 2 working days' compensatory additional leave.

b) Special leave: In addition to the annual leave, staff members may be granted special leave, which includes family reason and others (outside activities, cure, trade union leave, training, election, etc) (cf. table on page 11 of the "CPVO Decision on introducing implementing provisions on leave"). This leave is granted by way of exception and on the basis of a duly substantiated application. The appointing authority for all the special leave is the Head of Unit in which the staff member is working. Special leave must be taken at the time of the event which generates it. If not used, that leave be added to the staff member's annual leave entitlement in compensation. Special leave may be applied for and granted at any time, even during the first 3 months of service, and may be cancelled in whole or in part. The cancellation request must be submitted via "Centurio congés" (an electronic system for the management of, inter alia, leave), stating the exact period to be cancelled and the reasons for the cancellation. It is mandatory to provided with supporting documents as a proof for the request. For example, in case of marriage, the request to the Human Resources must be accompanied with a copy of marriage/partnership certificate or a certified issue by the relevant national administrative authority.

It is possible to add travelling time (up to 4 days - cf. page 40 of the "CPVO Decision on introducing implementing provisions on leave") to a special leave, provided that it corresponds to the time of travelling from or to the place of employment and that that time is on a working day which is not a CPVO holiday. This travelling time is subject to assessment and decision by the AIPN and may be granted to officials, temporary and contract agents, but not to seconded national experts. Supporting documents showing the journey and schedule and the means of transport used has to be provided by the staff member concerned to the Human Resources service.

The data processed does not, in anyway, contribute to evaluating personal aspects of the staff.

##### 5/ Description of the category or categories of data subjects

All staff employed by the CPVO (officials, temporary and contract agents, seconded national experts). It may also include their families, where information on relatives who are ill or a spouse who is pregnant, is provided.

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

Staff members apply for leave using the "Centurio Congé" system (electronic application). In order to request for leave, the staff member has to click on "Demande de congé/Annulation de congé" which will open a window with the following data: personal number, surname and forename, the leave balance, the cumulative days pending applications, name of the person replacing the staff member while absent. The staff member has also to choose the type of leave: if annual, special or cancellation of a leave request. In case a special leave is requested, the staff member has to indicate the motif for requesting it. The list of reasons is retrieved from Centurio. A document justifying the special leave also has to be transmitted to the HR service. For cancellation of leave a justification is mandatory. Additionally, the staff member may, on a voluntary basis, make some comments or provide with his/her address and telephone number during his/her absence.

The Centurio application also gives access to the summary of the requests. A click on "Récapitulatif des demandes" opens a window with the following data: personal number, surname and forename, all requests for leave/cancellation of leave, sorted in descending order with respect to dates of the leave's requests. Clicking on "Details" displays the current demand for information missing from the summary table, including number of days requested, motif, comments, address and telephone during the leave.

After the staff member validates his/her request, his/her Head of Unit is automatically notified for approval. A click on "Demandes à signer" opens a window with the following data: personal number, surname and forename, all requests for leave / cancel leave to sign, sorted in ascending order relative dates of the leave's requests. The Head of Unit can approve or reject any or all applications. Clicking on "Details" display for the current request the missing information in the summary table, including number of days requested motif, comments, address and telephone during the leave.

Once approved or rejected, the request for leave is stored in "Centurio Congés".

Data subjects may be asked to present supporting documents. The information given on them for special leave, for instance medical certificates, is not included in the "Centurio Congé" system. These documents are not seen by the hierarchy of the person concerned and they are processed only by the HR service. If the medical data have to be checked, for instance in case of special leave for medical consultation abroad, the medical advisor of the CPVO gives authorization for the leave together with the Head of Unit. The Head of Unit is not informed about the specific medical data but receives only general information from the medical advisor about the seriousness of the medical condition.

7/ Information to be given to data subjects

The data subjects are informed by a description of the process and use of the Centurio Congé application ("Centurio-Congé Manuel d'instructions"), which can be found in Centurio (cf. annex 1).

A privacy statement (cf. annex 2) with the name of the controller will be put on the CPVO's web site on the internet. The privacy statement contains information on the identity of the controller, purposes of the processing, types of data processed, legal basis for the processing, recipients of the data, lawfulness of the processing, storage periods, the existence of the right of access and rectification. It also instructs staff to inform their respective family members about processing of their personal data.

Additionally, a copy of the "CPVO decision introducing implementing provisions on leave" (cf. annex 3) has been added to the Vademecum and all the staff members have access.

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

Upon request to the data controller, data subjects have the possibility to access and modify their data. The access is made via the "Centurio Congé" system. This allows the staff member to verify if the data is correct and should this not be the case, to request correction to the HR staff.

Family members whose personal data are processed can also access and modify their data, upon request to the data controller.

#### 9/ Automated / Manual processing operation

The management of leave has been decentralized and is therefore carried out by the unit to which the staff member belongs. Except in cases of force majeure such as sickness or accident, staff members are not permitted to absent themselves from work without the prior authorization of their immediate superior. Therefore, they are not permitted in principle to depart on annual or special leave until they have made sure that their immediate superior has signed their leave application in Centurio Congés. In case of force majeure, they must inform their immediate superior and the HR service. Staff members are also required to enter their leave into Centurio Congés in person. If this is not possible, the HR service has to be requested to introduce the leave in Centurio. When the staff member comes back to the Office, he/she has to introduce the request in Centurio Congés in order for the summary of leave to be correct.

The procedure is completely automated using the Centurio system. This system is designed to:

- enable every staff member to enter, amend or cancel data necessary for a leave application;
- make a summary in order to find out how many days of leave a staff member has left in the current year;
- enable managers (head of units, president) to monitor leave for their administrative entities;
- enable leave administrators (HR staff) to manage leave entitlements;
- enable administrators to register and monitor documentation submitted in connection with special leave;
- enable leave administrators (HR staff) to manage staff absences (other than absence on leave);
- send leave application forms for approval electronically, via the approval chain;
- print out leave application forms so that they can be filled in by hand if necessary;
- carry forward excess leave at the end of the year, if appropriate.

Manual processing operations may, however, occur in case supporting documents are attached to the leave request.

#### 10/ Storage media of data

Data will be stored on the Centurio Congé system. It can be stored on paper in the personal file of each staff member, in case of supporting documents justifying the leave.

#### 11/ Legal basis and lawfulness of the processing operation

Articles 40-42a and 57-60 of Staff Regulations;

Annex V of Staff Regulations;

Article 16, 58 and 91 of CEOS;

Article 5(a) of Regulation 45/2001;

Article 10(1) and (2)(b) and (d) of Regulation 45/2001 (special categories of data are processed);

CPVO Decision introducing implementing provisions on leave;

Decision on the policy and the procedures governing the engagement and use of SNE at CPVO;

Decision of the President on the maximum of days of annual leave which could be taken above the annual granted entitlements.

12/ The recipients or categories of recipient to whom the data might be disclosed  
The data are disclosed to the Heads of Unit, the Appointing Authority and the Human Resources service. Members of the IT service also have maintenance access to the Centurio Congés system. Therefore, they can access such documents. However, they are instructed that that is strictly prohibited.

13/ retention policy of (categories of) personal data  
In accordance with the "*Decision of the President on the conservation of personal files*", of 1 September 2008 (cf. annex 4), all personal data will be destroyed after a period of 10 years from the date of the end of contract of the staff member. These provisions do not apply to administrative data stored in the "pension" part of the personal file containing a summary of the employment history of the staff member at the CPVO as well as all correspondence related to the staff member with the Pension Unit of the Commission. For these data, the conservation period is extended to 10 years after the date of retirement of the (former) 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)*  
No procedure adopted. A request to block or erase data would be dealt with on a case by case basis.

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*):  
Health-related data are processed in connection with leave for medical, dental and antenatal appointments, maternity leave, as well as various types of special leave. Data are also processed which could reveal the sexual orientation of that staff member and his/her partner where he/she applies for leave to care for them. It is a procedure that deals with very sensitive personal data. If this data would not be processed in a controlled manner and to a restricted number of persons, the integrity of individuals would be at risk.

**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

## INFORMATION TO BE GIVEN<sup>(2)</sup>

*(2) Please attach all necessary backup documents*

1/ Name and address of the controller

Mr. Carlos GODINHO  
Community Plant Variety Office  
3, Boulevard Foch  
B.P. 10121, F-49101 ANGERS cedex 02

2/ Organisational parts of the institution or body entrusted with the processing of personal data  
CPVO Human Resources Service

3/ Name of the processing

Management of leave on personal grounds and unpaid leave

4/ Purpose or purposes of the processing

In accordance with article 40 of the Staff Regulations and Articles 11 and 81, an established official and temporary/contract agent may, in exceptional circumstances and at his own request, be granted unpaid leave on personal grounds.

The purpose of the processing is to manage those requests for leave on personal grounds/unpaid leave.

5/ Description of the category or categories of data subjects

Data subjects are officials, temporary and contract agents employed by CPVO.

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

When requesting a leave on personal grounds, the staff member concerned must fill in an application form (cf. annex 1), that contains the following data:

- Identification data of the staff member concerned (name and surname, personnel number, date of birth, telephone, fax and e-mail);
- Date of entry into service at CPVO;
- Administrative data of the staff member concerned: administrative status, function group/grade and unit;
- Duration of the period of leave;
- Reason for leaving;
- Type of application (if it is a first request or a renewal);
- Description of duties in the CPVO;
- Address during absence;
- Outside activity's data (in case the staff member undertakes an activity while his/her absence, the following data is collected: name of the organisation, address, telephone, fax, email, period of employment, description of work, position within the organisation, if the organisation has any link with CPVO, etc);
- Signature from the staff member concerned;
- Opinion and reason of the hierarchical superiors for accepting/accepting under conditions/rejecting the request;
- Signature from the hierarchical superiors;
- Opinion and reason of the Appointing Authority for accepting/accepting under conditions/rejecting the request;
- Signature from the Appointing Authority.

Data may also be collected from supporting documents, in case those are requested from the staff member.



7/ Information to be given to data subjects

The data subjects are informed via the publication of the "*Commission Decision on measure concerning leave on personal grounds for officials and unpaid leave for temporary and contract staff of the European Communities*" (cf. annex 2) and of the "*Decision of the President of the CPVO on the adoption of implementing rules to the Staff Regulations*" (cf. annex 3) on the CPVO intranet.

A privacy statement (cf. annex 4) with the name of the controller will be put on the CPVO's web site on the internet. The privacy statement contains information on the identity of the controller, purposes of the processing, types of data processed, legal basis for the processing, recipients of the data, lawfulness of the processing, storage periods, the existence of the right of access and rectification. It also instructs staff to inform their respective family members about processing of their personal data.

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

Upon request to the data controller, data subjects have the possibility to access and modify their data, in accordance with the Regulation (EC) 45/2001, even after having submitted their request for leave.

9/ Automated / Manual processing operation

The processing is basically manual.

When requesting for leave on personal grounds/unpaid leave, the staff member has to fill in an application form (cf. annex 1), that can be found in the intranet. The leave on personal grounds/unpaid leave may be granted by the Appointing Authority at the request of the staff member concerned. The Appointing Authority takes a decision on granting leave after consulting the applicant's hierarchical superiors, having examined the request in detail and taken into account all relevant factors, in particular the reason for the leave, its duration and the immediate needs of the service. The staff member is notified of his/her precise obligations when the decision is taken to grant or extend leave on personal grounds.

The duration of leave on personal grounds for an official cannot be less than one month. However, for family reasons, leave on personal grounds may be granted for a period of 15 days if there are no other possibilities of reducing working time (parental leave, family leave or part time working). The duration of the leave provided for in the Staff Regulations is restricted to one year, extendable several times for one year.

The total duration of leave on personal grounds may not exceed fifteen years over an official's whole career. In accordance with Article 17 of the Conditions of Employment of Other Servants, the duration of unpaid leave requested by a temporary staff member shall not exceed one quarter of the length of time already worked by the servant or three months if the servant's seniority is less than four years or twelve months in other cases; such leave may not exceed twelve months over the whole of his or her career. For a temporary staff member on a fixed term contract, the period of unpaid leave may not exceed the duration of the employment contract still to run.

If the staff member, during leave on personal grounds, envisages engaging in a professional activity or changing from the professional activity already authorized, he/she must obtain prior authorization from the Appointing Authority, filling in the correspondence section on the application form.

10/ Storage media of data

Data will be stored in the personal file of each staff member and in Docman (tool to manage documents by electronic means).

11/ Legal basis and lawfulness of the processing operation

Articles 15, 37 and 40 of the Staff Regulations;  
Articles 11, 17 and 81 of the CEOS;  
Article 5(a) of Regulation 45/2001;  
Article 10(1) and (2)(b) and (d) of Regulation 45/2001 (special categories of data are processed);  
Commission Decision on measure concerning leave on personal grounds for officials and unpaid leave for temporary and contract staff of the European Communities;  
Decision of the President of the CPVO on the adoption of implementing rules to the Staff Regulations (cf. annex 3).

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

The data are disclosed to the Appointing Authority (which is the President), the hierarchical superiors, the staff member concerned and the Human Resources service.

IT administrators, in their capacity as IT administrators, can access such documents. However, they are instructed that that is strictly prohibited.

The data is also disclosed to the Office for the administration and payment of individual entitlements and the Joins Sickness Insurance Scheme.

13/ retention policy of (categories of) personal data

In accordance with the "*Decision of the President on the conservation of personal files*", of 1 September 2008 (cf. annex 5), all personal data will be destroyed after a period of 10 years from the date of the end of contract of the staff member. These provisions do not apply to administrative data stored in the "pension" part of the personal file containing a summary of the employment history of the staff member at the CPVO as well as all correspondence related to the staff member with the Pension Unit of the Commission. For these data, the conservation period is extended to 10 years after the date of retirement of the (former) 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)

No procedure adopted. A request to block or erase data would be dealt with on a case by case basis.

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

The office for the administration and payment of individual's entitlements is informed about the duration of leave, because the leave on personal grounds is not paid. The Joint Sickness Insurance Scheme is also informed because the staff member has to decide if he/she wants to pay the sickness contributions during the leave.

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

When requesting for a leave on personal grounds/unpaid leave data concerning health and other sensitive data can be revealed. If this data would not be processed in a controlled manner and to a restricted number of persons, the integrity of individuals would be at risk.

**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: Angers,

DATA PROTECTION OFFICER: Martin Ekvad

INSTITUTION OR BODY: CPVO