REGISTER NUMBER: 587

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 16/04/2010

Case number: 2010-292

Institution: European Commission

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

2) Name and First Name of the Controller:BABELOT Jean-Francois
3) Title:Head of Unit
4) Directorate, Unit or Service to which the Controller is attached:DG.E
5) Directorate General to which the Controller is attached:JRC

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

26) External Company or Directorate General to which the Processor is attached:
25) External Company or Directorate, Unit or Service to which the Processor is attached:

 3/ Name of the processing

LOCAL TIME ACCOUNTING SYSTEM AT JRC-ITU IN KARLSRUHE

 4/ Purpose or purposes of the processing

The LOCAL TIME ACCOUNTING SYSTEM facilitates the differentiation of absences/presences, not explicitly covered in Sysper2, but which need detailed recording for their financial implications on compensations due (such as special leave and special allowances) in following cases:

1. Accident insurance [Unfallversicherung] within the grantholder scheme
2. Allowances for arduous working conditions
3. Documentation of absences/presences with regard to:
a) Staff on mission in a controlled area in other nuclear plants
b) Head of Emergency Response [Einsatzleiter]
c) Radiation protection staff on Stand-by duty [AGS Bereitschaftsdienst]
d) Fire & Rescue Team
4. Flexi-time
5. Time management for external companies
A detailed description of the need for work time recording is in the attachment under this point

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

- All statutory personnel at JRC-ITU (Officials, Temporary staff, Contract agents and Auxiliary agents).
- Seconded national experts and Grant holders.
- External contract staff (only on demand by the contractor).

16) Category(ies) of Data Subjects:

- All statutory personnel at JRC-ITU (Officials, Temporary staff, Contract agents and
  Auxiliary agents).
- Seconded national experts and Grant holders.
- External contract staff (only on demand by the contractor).

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

17) Data field(s) of Data Subjects:
Attention: Please indicate and describe in the answer to this question also data fields which fall under article 10

Surname, first name, identification number featured on the local time accounting system badge (ZEUS), unit, date (year, month, day, time of arrival, time of exit), calculation model (normal hours, part-time, telework, weekend work), type of absence (holiday, special leave, flexitime, sick leave), deviations (remarks), gross working hours, balance/overtime, monthly work time total.
Article 10 applies.

18) Category(ies) of data fields of Data Subjects:
Attention: Please indicate and describe in the answer to this question also categories of data fields which fall under article 10

Surname, first name, identification number featured on the local time accounting system badge (ZEUS), unit, date (year, month, day, time of arrival, time of exit), calculation model (normal hours, part-time, telework, weekend work), type of absence (holiday, special leave, flexitime, sick leave), deviations (remarks), gross working hours, balance/overtime, monthly work time total.
Article 10 applies.

7/ Information to be given to data subjects

15a) Which kind of communication(s) have you foreseen to inform the Data Subjects as described in articles 11 - 12 under 'Information to be given to the Data Subject'

- See annexed privacy statement.
- Flexitime guide (Administrative Notice No. 62 of 21.12.2006)

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

15b) Which procedure(s) did you put in place to enable Data Subjects to exert their rights: access, verify, correct, etc., their Personal Data as described in articles 13 - 19 under 'Rights of the Data Subject' :

All data subjects can address or may send an e-mail to the Head of Unit of ITU MSU, who acts as controller of this processing of personal data, using the following mailbox: JRC KARLSRUHE-MSU@ec.europa.eu

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9/ Automated / Manual processing operation

7) Description of Processing:
Attention: Please describe in the answer to this question if you process personal data falling under article 27 "Prior-Checking (by the EDPS - European Data Protection Supervisor)"

The LOCAL TIME ACCOUNTING SYSTEM is a management system for the recording of work time at ITU. It serves also as a decentralised application for flexitime processing. Work time is recorded exclusively by the person in question via a badge.
Data has been collected using the badge since the system was introduced in 1987. It records working hours. Correction of data already encoded or the entry of exceptions to the normal rules, such as work outside of working hours, is carried out manually.

The ITU Management Support Unit (MSU) is in charge of the management of the system. The ITU flexitime guide and flexitime request forms that need to be completed are to be found in the annex under point 37.
For technical information concerning the badge-reading system see annex under point 37.
Art. 27 applies.

8) Automated Processing operation(s):

Work time is recorded by a badge at the entry building of the ITU. The data is automatically transmitted from the card reader to the data recording system. The data is stored in a database. For technical information see point 37.
9) Manual Processing operation(s):

Data is processed manually when new staff members are entered in the database or staff members are deleted from the list on termination of their contract. The recording of special types of absences and presences, the manual introduction and/or correction of exceptional occurrences and the validation of registrations are performed manually on instruction by the relevant Head of Unit of ITU or his/her deputy.

10/ Storage media of data

Paper and electronic media.

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

Legal basis for annual leave entitlements:
Commission Decision of 28 April 2004 introducing implementing provisions on leave (C(2004) 1597/12) - A.N. 102-2004 of 28 July 2004.
Commission Decision of 28 April 2004 introducing implementing provisions on absences as a result of sickness or accident (C(2004) 1597/11) - A.N. 92-2004 of 6 July 2004.
Articles 57 to 61 of the Staff Regulations of Officials of the European Communities.
Annex V to the Staff Regulations.
Legal basis for part-time work:
Article 55a and Annex IVa to the Staff Regulations. Commission Decision of 14 April 2004 laying down the entitlements and detailed rules for part-time work.
Legal basis for parental leave:
Article 42a of the Staff Regulations. Commission Decision of 15 April 2004 laying down the entitlements and detailed rules for parental leave.
Legal basis for family leave:
Article 42b of the Staff Regulations. Commission Decision of 14 April 2004 laying down the entitlements and detailed rules for family leave.
Legal basis for flexitime:
Article 55 of the Staff Regulations
"Guide to Flexitime", SEC(2006) 1796 (Commission Decision of 19 July 2006 and final adoption on 19 Decemb 2006); see annex).
Legal basis for German accident insurance:
Artikel 165 der SGB VII Nachweise. Deutsches Sozialgesetzbuch, über die Verpflichtung als Arbeitgeber / Unternehmer der Berufsgenossenschaft einen Lohnnachweis einzureichen.
Legal basis for allowances for arduous working conditions:
Article 93 of the Staff Regulations
Legal basis for financial regulation:
Council Regulation (EC, Euratom) No. 1605/2002 of 25 June 2002 on the Financial Regulation applicable to th general budget of the European Communities.
Article 60(4) ? Keeping of supporting documents by authorising officers.

12) Lawfulness of Processing:
Answering this question please also verify and indicate if your processing has to comply with articles 20 "Exemptions and restrictions" and 27 "Prior checking (by the EDPS)"

Processing is lawful according to Article 5a and Article 5b.

Article 27 applies.

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

20) Recipient(s) of the Processing:

Depending on their role and their responsibility the following players will have access to the specific data (paper copies) necessary for the processing to be performed:
- Internal officers of the HR group within the ITU-MSU.
- Immediate superiors of the data subject (head of unit, director) and the superiors of
  the immediate superiors (up to the appointing authority)
- Internal officers responsible for contractor management
- Contractors who request the recording of attendance times of their staff and their
  staff (through employees working at ITU)

21) Category(ies) of recipients:

Depending on their role and their responsibility the following players will have access to the specific data (paper copies) necessary for the processing to be performed:
- Internal officers of the HR group within the ITU-MSU.
- Immediate superiors of the data subject (head of unit, director) and the superiors of
  the immediate superiors (up to the appointing authority)
- Internal officers responsible for contractor management
- Contractors who request the recording of attendance times of their staff and their
  staff (through employees working at ITU)

13/ retention policy of (categories of) personal data

Time recording data of ITU-JRC data subjects, with financial implications, has to be stored for 5 years (or longer in the case of appeals) .
Time recording data of ITU-JRC data subjects, who underlie the "Deutsches Sozialgesetzbuch", has to be stored for 5 years (or longer in the case of appeals) .

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)
(on justified legitimate request from the data subject)
(Please, specify the time limits for every category, if applicable)

22 b) Time limit to block/erase data on justified legitimate request from the data subjects

Upon a justified request by the data subject the personal data will be modified, blocked or erased within 14 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,

22 c) 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

None

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

27) Legal foundation of transfer:

Only transfers to third party countries not subject to Directive 95/46/EC (Article 9) should be considered for this question. Please treat transfers to other community institutions and bodies and to member states under question 20.

Not applicable.
28) Category(ies) of Personal Data or Personal Data to be transferred:

Not applicable.

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

7) Description of Processing:
Attention: Please describe in the answer to this question if you process personal data falling under article 27 "Prior-Checking (by the EDPS - European Data Protection Supervisor)"

The LOCAL TIME ACCOUNTING SYSTEM is a management system for the recording of work time at ITU. It serves also as a decentralised application for flexitime processing. Work time is recorded exclusively by the person in question via a badge.
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The ITU Management Support Unit (MSU) is in charge of the management of the system. The ITU flexitime guide and flexitime request forms that need to be completed are to be found in the annex under point 37. For technical information concerning the badge-reading system see annex under point 37.
Art. 27 applies.

12) Lawfulness of Processing:
Answering this question please also verify and indicate if your processing has to comply with articles 20 "Exemptions and restrictions" and 27 "Prior checking (by the EDPS)"

Processing is lawful according to Article 5a and Article 5b.

Article 27 applies.

   Article 27.2.(a) Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

Article 27.2.(a) Processing of data relating to health

   Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject,

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,

n/a

   Article 27.2.(d) Processing operations for the purpose of excluding individuals from a right, benefit or contract,

n/a

   Other (general concept in Article 27.1)

n/a

 17/ Comments

1) Date of submission:

10) Comments if applicable:

ITU needs to keep the local time accounting system, currently being supported by the ZEUS application.

36) Do you publish / distribute / give access to one or more printed and/or electronic directories?
Personal Data contained in printed and/or electronic directories of users and access to such directories shall be limited to what is strictly necessary for the specific purposes of the directory.
If Yes, please explain what is applicable.

no

37) Complementary information to the different questions if applicable, including attachments to this notification which should not be public :

Technical information concerning the badge-reading system is specified in the "Operating and Installation Manual" of "Terminal Series IT 800" (in the annex the manual divided into 5 sections)
The ITU flexitime guide and flexitime request form are also to be found in the annex.

PLACE AND DATE:14/04/2010

DATA PROTECTION OFFICER: RENAUDIERE Philippe

INSTITUTION OR BODY:European Commission