REGISTER NUMBER: 685

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 24/05/2011

Case number: 2011-0512

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:CURRAN Christopher

3) Title:Head of Unit

4) Directorate, Unit or Service to which the Controller is attached:B.3

5) Directorate General to which the Controller is attached:SCIC

 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

Management of recuperation time for staff interpreters in DG Interpretation via the application INDISPONIBILITE

 4/ Purpose or purposes of the processing

The ability to determine the availability of staff interpreters and time management for permanent and temporary staff interpreters.

 5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

Permanent and temporary staff interpreters

16) Category(ies) of Data Subjects:

Permanent and temporary staff interpreters

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

INDISPONIBILITE holds the interpreter's name, staff number, unit information, languages, statutory link, date of entry and end of career, grade, date of birth, the information regarding their non-availability for assignment to meetings and the recuperation time they may have accrued.

The list of codes assigned to various reasons for absence is attached to this question.

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

Personal information
Information regarding the non-availability and recuperation time of a staff interpreter

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'

Privacy statement to be published on SCIC Website and as once of SCIC Newsflash.

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' :

The data subject can check the status of their own leave and recuperation hours they have accrued at any time via INDISPONIBILITE.

Should the information be incorrect, the interpreter must contact Unit C2, Programming of Interpretation and once the problem has been recognised and agreed by the Head of Unit of C2, the information must be corrected immediately.

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)"

INDISPONIBILITE has the function of determining the availability of interpreters for assignment. All types of leave for interpreters are entered into the system once approved.
Information regarding the non-availability of interpreters for assignment to meetings is kept in INDISPONIBILITE. Non-availability may be due to a number of reasons such as annual leave, recuperation days or other absences - for example medical appointments or sick leave, on-site assistance to Universities with conference interpretation courses.
The various reasons for non-availability are each assigned a special code. This code is entered into INDISPONIBILITE by either the GECO (Gestion des congés) team in the Human Resources Unit (Unit B3) or by the Programming of Interpretation Unit (C2). This information is visible in the PEARL application, used by Unit
C2 to determine the number of available interpreters on any given day and the service is able to assign them to meetings.
Rules governing Interpreter's Interpreting Sessions, Workload, Leave and Recuperation are set out in
 "The Agreement" (Rules on working conditions applicable to permanent and temporary staff
 interpreters: ref SCIC (87) 25 - latest version is attached to Question 11 SCIC/C/2009/275958).
Due to the fact that interpreters' hours depend on the meetings to which they are assigned,
 DG Interpretation requested and was granted derogation from the standard flexitime system
 for the Commission. The agreement of DG HR for the derogation is attached (document
ref: ADMIN.B3/GS D(2007) 9561) with the Communication from Vice-President Kallas
(SEC(2006) 956), which specifically cites the case of DG Interpretation's interpreters
 as a valid exclusion from standard flexi-time.
The processing includes data of health nature (medical appointments or sick leave) and
 is therefore subject to prior checking by EDPS in accordance with
 Article 27.2a of Regulation (EC) 45/2001.

8) Automated Processing operation(s):

Information entered into INDISPONIBILITE is transferred to the PEARL application, used by Unit C2
 to determine the number of available interpreters on any given day and assign them to meetings.

INDISPONIBILITE automatically calculates leave owing to an interpreter, including recuperation days, based on the information entered by the GECO team.

9) Manual Processing operation(s):

Leave and absences are managed by means of Sysper2 corporate system. Once approved by the Head of Unit (or if appropriate the hierarchy in DG Interpretation for family or parental leave for example), in consultation with Unit C2, the information is entered into INDISPONIBILITE by the GECO team.

With regards to recuperation time to which an interpreter is entitled, the information is sent to the GECO office via application Meeting reports from the relevant Unit in SCIC which is normally Unit C2, but occasionally other duties can give rise to recuperation and this may be managed by another Unit. After the Head of HR Unit has validated the request, the GECO team encodes the recuperation in INDISPONIBILITE.

Rules regarding the right to claim for recuperation time are clearly outlined in "The Agreement". Recuperation is usually granted when an interpreter has incurred extra hours, for example, due to travelling to a meeting or conference or if the conference has run over time. This recuperation time can be accumulated by an interpreter and the interpreter may then request the recuperation as and when they wish.

Should there be a case where it is not sufficiently clear in The Agreement, the Head of Unit of Human Resources will be asked to validate the request based on a proposal from the Head of Unit C2.
If the interpreter does not agree with the proposal, he can submit his comments.

10/ Storage media of data

Database servers running in the operational IT environment of DG Interpretation.

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

The legal basis of the processing is done in accordance with "The Agreement, Rules on working conditions applicable to permanent and temporary staff interpreters" SCIC (87) 25, and in particular Chapter 6 on Recuperation.

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 pursuant to Art 5a.

The processing includes data of health nature (medical appointments or sick leave) and is therefore subject to prior checking by EDPS in accordance with Article 27.2a of Regulation (EC) 45/2001.

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

20) Recipient(s) of the Processing:

Without prejudice to a possible transmission to the bodies in charge of a monitoring or inspection task in accordance with Community legislation, the recipients of the processing are:

?An interpreter can see his own information on leave and recuperation via INDISPONIBILITE web module and the information on the number of pending and granted requests for a particular day for his unit.

?The Head of Interpreting Unit (HoIU) has access, at any time, to the recuperation time accumulated by a member of his Unit to ensure no excessive accumulation of days.

?Unit C2, Programming of Interpretation, has access to all the information via the system PEARL to determine which interpreters are available to be assigned to meetings.

?The GECO team in unit B3 has access to all the information in INDISPONIBILITE.

?Statistics are available for management to review the number of interpreters in the various activities or absences for given periods.

21) Category(ies) of recipients:

The permanent or temporary staff interpreters have access to their data.

The hierarchy in Directorate A, Interpretation Directorate

Staff involved in the planning and programming of meetings

Middle and senior management have access to statistics and reports

Bodies in charge of a monitoring or inspection task

13/ retention policy of (categories of) personal data

As the interpreters have the right to use their accumulated recuperation at any time during their employment with SCIC and because Sysper2 does not hold all the information, the personal data will be stored in INDISPONIBILITE for 2 years after the person has left SCIC (or longer in case a re-examination of the calculated recuperation is requested). Afterwards the data is made anonymous and kept for statistical purposes.

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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

Interpreters cannot ask for their data to be removed from INDISPONIBILITE as it is necessary for the running of the service, however should information be incorrect, it is rectified as soon as the mistake is discovered.

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

Anonymous statistics are kept for the purpose of reporting.

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)"
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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 pursuant to Art 5a.

The processing includes data of health nature (medical appointments or sick leave) and is therefore subject to prior checking by EDPS in accordance with Article 27.2a of Regulation (EC) 45/2001.

   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,

n/a

   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:

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.

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

PLACE AND DATE:24/05/2011

DATA PROTECTION OFFICER: RENAUDIERE Philippe

INSTITUTION OR BODY:European Commission