

**REGISTER NUMBER: 738**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 13/09/2011

Case number: 2011-0836

Institution: FHC - FUEL CELLS AND HYDROGEN JOINT UNDERTAKING

Legal basis: Art. 27 Regulation (CE) 45/2001

(1) OJ L 8, 12.01.2001

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

(2) Please attach all necessary backup documents

1/ Name and address of the controller

FCH JU - TO56-Brussels

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

HR Officer

3/ Name of the processing

Sick and family leave management

4/ Purpose or purposes of the processing

The purpose of the processing is to manage FCH JU staff leave requests, verify if the absence is justified and to provide any assistance needed for a return to work.

5/ Description of the category or categories of data subjects

FCH JU staff

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

Name, personnel number, supporting documents justifying the special leave request (for family leave: medical certificate with a diagnosis of the illness or handicap and confirming its seriousness; for sick leave: medical certificate - for absences exceeding three calendar days)
7/ Information to be given to data subjects
Information to data subjects on their rights is provided upon recruitment and at the beginning of the calendar year. The information provided pertains to the nature of the data and the processing, including: controller, recipients, purpose, lawfulness, and rights of the data subjects.
8/ Procedures to grant rights of data subjects ( <i>rights of access, to rectify, to block, to erase, to object</i> )
The procedures to grant rights to data subjects are laid down in Articles 9 to 18 of the FCH JU Implementing rules concerning data protection. These include access to the DPO's register of data processing operations; requests from data subjects to the Data Controller to exercise their rights; as well as detailed procedures to exercise the rights to access, rectify, erase, block, and object (as required by articles 13-16 of Regulation (EC) No 45/2001).
9/ Automated / Manual processing operation
Manual processing: the transmission of proof in relation to requests for sick and family leave is manually processed. Further, the documents are added to the respective personnel file of the staff member which are stored in a locked cabinet.
10/ Storage media of data
The data is collected and organised in paper files stored in a locked cabinet.
11/ Legal basis and lawfulness of the processing operation
Articles 40, 42, a, b, 57-60 of the Staff Regulations;  Implementing rules: - Commission decision on Article 42b of the Staff Regulations concerning family leave (C(2004) 1314 of 14.04.2004); - Commission Decision introducing implementing provisions on absences as a result of sickness or accident (C(2004) 1597 of 28.04.2004); - Commission decision on introducing implementing provisions on leave (C(2004) 1597 of 28.04.2004); - Commission decision measures concerning leave on personal grounds for officials and unpaid leave for temporary and contract staff of the European Communities (C(2004) 1597 of 28.04.2004);
Article 5 (a, d) of regulation (EC) 45/2001
12/ The recipients or categories of recipient to whom the data might be disclosed
FCH JU staff: HR Officer, the staff member's direct supervisor, the Head of Administration, the FCH JU Executive Director
13/ retention policy of (categories of) personal data
Retention of the leave management files for four years (as indicated in the Commission's Common Retention List); Data necessary to justify an absence due to sick leave is kept for three years.*  * As the indicated period may exceed the date of existence of FCH JU (2017), the exact location where the data will be archived will be defined in the context of the liquidation procedure or the renewal of FCH JU.

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)*

Request for blocking:

The Data Controller shall take a decision within 15 working days of receiving a request for data to be blocked. If the request is accepted, it shall be acted upon within 30 working days and the Data Subject notified thereof. Should the request for blocking be rejected, the Data Controller shall have 15 working days within which to inform the Data Subject by means of a letter stating the grounds for the rejection (Article 13(3) of FCH JU Implementing rules).

Request for erasure:

The Data Controller shall reply within 15 working days of receiving a request for erasure. If the request is accepted, it shall be acted upon immediately. If the Data Controller deems the request unjustified, he or she shall have 15 working days within which to inform the Data Subject by means of a letter stating the grounds for the decision (Article 14(3) of FCH JU Implementing rules).

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*):

The management of sick and family leave requests may include the processing of data related to employees' health which justifies prior checking as foreseen in Article 27.2.(a).

17/ Comments

PLACE AND DATE:

DATA PROTECTION OFFICER:

INSTITUTION OR BODY: