

REGISTER NUMBER: 742

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 20/09/2011

Case number: 2011-0851

Institution: European Environment Agency

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

Catia Marigo, Head of HRM Group, Administrative Services Programme (ADS).

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

HRM Group (ADS1).

3/ Name of the processing

Leave management.

4/ Purpose or purposes of the processing

The purpose of the processing is to collect and manage data related to annual and special leave entitlements in compliance with the Staff Regulations and the implementing provisions on leave.
The HRM Group is responsible for processing basic administrative data for the purposes of identifying the staff member and defining his/her own entitlements related to annual leave, travelling time and additional entitlements due to age and grade. The HRM Group also manages data contained in the requests for annual leave and the supporting documents justifying special leaves (e.g. doctor's certificates, marriage, birth or death certificates, etc...).

5/ Description of the category or categories of data subjects

All EEA statutory staff members (including officials, temporary agents and contract agents) and seconded national experts.

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

Personal data of staff processed by the HRM Group may include in particular: name, gender, data and place of birth and date of entry into service.
In case of special leave, the personal data may also include doctor's certificates, marriage, birth or death certificates related to the data subject concerned and/or his/her relatives.

7/ Information to be given to data subjects

As part of the newcomer programme, each new staff member is provided with general information on leave and absence and he/she may acquaint him/herself with SIC leave through the information available on the EEA intranet under Administration, Personnel Management, Leave and absence (in particular a SIC leave - absences quick guide and leave request workflow; copy of the applicable legislation, etc...).

In addition, information sessions and presentations on leave and absence are given to all EEA staff on a regular basis. A privacy statement informing the data subjects about their rights is also available on the EEA intranet (see Annex 1 attached).

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

With regard to annual leave and special leave, each staff member has a read access to his/her own data on leave entitlements in an online database extracting data from SIC Sweet (SIC personnel and SIC Congé). Leave entries are made by the secretary of the relevant programme (in case of annual leave) or via the reception (in case of leave due to sickness or accident) upon request from data subjects. Moreover, each staff member has a read access through intranet to all his/her leaves that are registered (past and future) (right of access) and where necessary may rectify previously made registrations upon justified requests to his/her line manager (right of rectification). In the case of special leave, supporting documents and information shall be forwarded to the HRM Group.

9/ Automated / Manual processing operation

Personal data is processed manually for the purpose of management and administration of annual leaves and special leaves.

Upon a written request from the staff member, the data is encoded in SIC leave by the secretary of the relevant programme; the system prompts the line manager to approve or reject the request with electronic visa. See SIC leave work flow available on the intranet under Administration, Personnel management, Leaves and absences.

Leave entries are displayed on the intranet as a general leave encoding with information about the approved or expected duration; no information of the nature of the leave is displayed.

10/ Storage media of data

All leave requests are stored in the SIC-Congé database. Documentation on the duration and nature of leave is stored in the HRM group in a locked room. Medical certificates, birth or death certificates, and marriage certificates given to the HRM Group are stored in a special section of the HRM leaves files in a locked cupboard in a locked office.

11/ Legal basis and lawfulness of the processing operation

Legal basis

The Staff Regulations of Officials and the Conditions for Employment of Other Servants of the European Communities, Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29.2.1968 and the following Regulations amending that Regulation, and in particular Articles 57 to 61 and Annex V thereof;

Commission Decision C(2004) 1597/11 of 28.4.2004 introducing implementation provisions on absences as a result of sickness or accident;

Commission Decision C(2006) 2033 of 1.6.2006 laying down rules on the secondment of national experts to the Commission, applied by analogy by EEA.

Grounds for lawfulness:

Processing is necessary for the performance of a task carried out in the public interest by the Community institutions and bodies which includes the processing of personal data necessary for the management and functioning of those institutions and bodies (Article 5(a) of Regulation (EC) No 45/2001);

Processing is necessary for compliance with a legal obligation laid down in the Staff Regulations and the Conditions of Employment of Other Servants of the European Communities to which the controller is subject (Article 5(b) of

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

The leave data are disclosed to:

- the staff member concerned (for consultation, modification and rectification);
- the hierarchy of the staff member concerned (for consultation and approval);
- the HRM Group (for definition of leave entitlements, verification of special leave request and reporting);
- a limited number of staff in Accounting (ADS3) managing the payment of related allowances (e.g. annual travel)
- all other EEA staff member (for consultation). In the case of leave, data subjects may also disclose the information to external contacts by setting their out-of-office auto reply in their email account.

13/ retention policy of (categories of) personal data

Personal data related to annual leave and special leave shall be kept for a maximum period of 10 years as from the leave occurrence. If an individual is erased from the Personnel database, the leave data will be invalid and not possible to associate with a name or any other details linking to an individual.

The health data related to absence due to sickness are kept by ADS1 Group for a maximum period of 30 years after the last medical document is inserted in the file in the light of Article 4 (1)(e) of the Regulation. Aptitudes certificates stating the aptness or not of the staff member are kept in the personnel files. The latter are kept for 10 years after the end of the period during which a staff member is in active employment or the last pension payment.

The files containing data related to sick leave may only be consulted by the HRM group, the Invalidity Committee in case of invalidity procedure and by the Appointing Authority in order to request medical examinations by the Agency's medical adviser.

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)

The person concerned may request the blocking of data considered to be inaccurate, outdated or incomplete for the time necessary to assess their accuracy. Where appropriate the data will be corrected within maximum 5 working 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,

Personal data related to leave and absence is kept for statistical purposes (leave; special leave and absences; broken down by quarters and by programmes);

Only senior management (Heads of Programmes and Executive Director) can have access to the data; Heads of Programmes have only access to the data of their own programme.

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

No transfer of personal data to third party countries or international organisations takes place. Nevertheless, should that be the case, transfer of personal data to third countries or international organisations shall only take place after carrying out the necessity test in accordance with the provisions of Articles 8 and 9 of Regulation (EC) No 45/2001.

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

The processing operation implies the collection and evaluation of information related to health with a view to supporting absences due to sick leave and special leave for health reasons (i.e. sickness of the child, etc...).

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: Copenhagen, 20/09/2011

DATA PROTECTION OFFICER: Mr. Olivier Cornu

INSTITUTION OR BODY: EUROPEAN ENVIRONMENT AGENCY

0742/2011-0851