

**REGISTER NUMBER: 0833**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: **25/01/2012**

Case number: **2012 - 0089**

Institution: **FRA**

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

Paul Cozzi (Head of Human Resources and Planning Department), European Union Agency for Fundamental Rights (FRA), Schwarzenbergplatz 11, 1040 Vienna, Austria

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

- Heads of Departments, for the staff under their responsibility;
- The Director, for the staff under his responsibility;
- The person from Human Resources dealing with presence and absence.

3/ Name of the processing

Decision on Flexitime at the European Union Agency for Fundamental Rights

4/ Purpose or purposes of the processing

The main objective of flexitime is to allow staff to decide when they wish to start work, take lunch and go home within the general context of a 37h30 working week. Flexitime is to allow Agency's staff to balance their professional and private commitments.

5/ Description of the category or categories of data subjects

The decision applies to all Agency staff covered by the Staff Regulations and the Conditions of Employment of Other Servants, regardless of function group or grade, and to 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*)

The time recording system will be the Activity Based Budgeting (ABB) (MATRIX application module). THE ABB system reports on the time available that the staff can use for flexitime per month (See enclosed sheet)

7/ Information to be given to data subjects

The ABB report(see attached example) is provided through the ABB system and included in green the available hours that can be used for flexitime purposes.

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

The ABB flexitime report shall be submitted for authorization to the Head of Department or to the Director, for his own staff, who will sign by taking into account the needs of the service. The calculation sheet with the original signature shall be forwarded to the Human Resources to be filed and kept for auditing purposes Data subjects have the right to access, rectify, block, erase and object data by themselves at any moment of the procedure and before it is forwarded to HR.

9/ Automated / Manual processing operation

The process is based on automatic generation of the flexitime report. This is then attached to the Leave request system (LeaMa) which allows electronic approval of the request. The LeaMa application was developed and used by EASA and has been prior-checked. The personal report is only available to the staff and his reporting officer(s)

10/ Storage media of data

The data storage medium is electronic and manual as Human Resources keeps a record.

11/ Legal basis and lawfulness of the processing operation

The legal basis for data processing under the procedure consists of FRA Decision 2010/41 and Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities.

The legal basis supports the lawfulness of the processing.

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

- Heads of Departments, for the staff under their responsibility;
- The Director, for the staff under his responsibility;
- The person from Human Resources dealing with presence and absence.

13/ Retention policy of (categories of) personal data

Data relating to flexitime is kept for the current calendar year and no later than the end of March of the following year.

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)*

Data subjects have the right to block and erase data at any time within the one month reference period.

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*

Not applicable.

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

No transfer of data is foreseen to third countries or international organisations. The content of the Time Recording is strictly confidential and for internal use only.

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

Presence information handled by the MATRIX ABB application module.

17/ Comments

Attachments:

- 1) FRA Decision 2010/41 on Flexitime at the European Union Agency for Fundamental Rights;
- 2) Annex I (The Time Recording Calculation Sheet).

PLACE AND DATE:  
DATA PROTECTION OFFICER:  
INSTITUTION OR BODY:

*To be filled out in the EDPS' office*

**Follow up** *(in case of acting measures to be taken)*