

REGISTER NUMBER: 856

NOTIFICATION FOR PRIOR CHECKING

Date of submission: **30/04/2012**

Case number: **2012-0385**

Institution: **EFSA**

Legal basis: article 27 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

Executive Director of EFSA

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

Director of Administration of EFSA, Head of HUCAP Unit and HUCAP Unit staff, Legal Unit, further recipients referred to in point 12 below.

Contact person for the data processing: Head of HUCAP Unit (Ms. Alessia Vecchio)

3/ Name of the processing

Personal data processing in the context of employment termination of EFSA statutory staff

4/ Purpose or purposes of the processing

Data processing to meet the rights and duties of statutory staff pursuant to the Staff Regulations in the context of the termination of their employment at EFSA.

5/ Description of the category or categories of data subjects

Statutory staff at EFSA terminating employment, including Officials, Temporary Agents (TA), Contract Agents (CA)

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

The processing operation should not entail the processing of sensitive personal data in the sense of Article 10 of the Regulation. Below an overview on the data processed:

1. The application of the data subject, to be provided by means of a completed, signed and documented Application Form according to the model in Annex 2 to the relevant Executive Director Decision dated 19/03/2012 (see Annex 1). The Application Form compiles:

a. Information on the data subject/former staff member at EFSA:

- i. Identification data on the data subject, including his/her full contact details after leaving EFSA ;
- ii. information of the job description of the data subject of the last three years of service at EFSA or his/her current employment status (in case he/she already left EFSA) ;

b. Information on the new occupational activity:

- i. Full address & contact details ;
- ii. Information on the nature of activities of this entity and whether or not it has interest in the field of activity of EFSA ;
- iii. Information on the occupational activity the data subject will take up at the entity, the expected starting date, employment duration and the position in the entity ;
- iv. Whether the data subject is employee and /or shareholder in the entity and which pecuniary advantages he/she
- v. Whether the entity has any (in)direct commercial, financial or contractual links with an EU institution or body
- vi. Whether the data subject during his/her employment at EFSA had relations with the entity for which he/she intended
- vii. Whether the data subject's new activity will have any links with other departments of EFSA
- viii. Any relevant information

2. The advice of the Head of LRA Unit

3. The opinion of the Joint Committee

4. The decision of the Executive Director as Appointing Authority in accordance with Article 4 of the ED Decision dd. 19/03/2012

7/ Information to be given to data subjects

A privacy note regarding the processing of personal data in the context of employment termination of EFSA statutory staff is available, providing the information referred to in Article 11 & 12 of Regulation 45/2001 (see **Annex 5**).

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

The former staff member/data subject can exercise his/her right of access to and rectification of personal data regarding him or her processed in the context of employment termination at EFSA, by contacting the Head of HUCAP Unit.

9/ Automated / Manual processing operation

Paper-based processing of data: Forms are collected in the data subject's personal file, which is kept for at least 5 years after the termination of employment at EFSA, subject to settlement of pending rights and claims.

10/ Storage media of data

Paper-based processing of data: documents are collected in the EFSA personal file

11/ Legal basis and lawfulness of the processing operation

Processing operation is necessary on the basis of a legal instrument adopted based on the Treaties, namely:

- o The Staff Regulations of Officials of the European Communities (SR), namely Article 16, 17(2) & 19 as well as Annex II, section 2 to the SR, regarding the Joint Committee ;
- o The Conditions of Employment of other servants of the European Communities (CEOS), namely Article 11 & 81 ;
- o The Decision of the Executive Director, dd. 07/12/2010 implementing Article 16, 17(2) & 19 of the Staff Regulations and Article 11 & 81 of the Conditions of Employment of other servants of the Union. (see **Annex 1**)

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

- * The EFSA Executive Director, the Director of Administration, the Head of HUCAP Unit as well as HUCAP staff ;
- * Concerning the staff member's Statutory Declaration and Application: the head of LRA Unit as well as LRA unit staff and the members of the Joint Committee ;
- * Concerning the end-of-employment Checklist: EFSA staff in charge (Service Desk, IT Systems, Finance Unit, Library) as well as the EFSA Medical Adviser ;
- * The Head of Unit of the staff member quitting service and the Director under whom the Unit resorts ;
- * The EFSA Internal Auditor ;
- * Institutions or bodies having a legitimate purpose of audit, of the exercise of supervisory tasks or in charge of judicial proceedings: the Internal Audit Service, the EU Court of Auditors, the EU Ombudsman, OLAF, the EU Court of Justice and EU Civil Service Tribunal, any competent National Court, the European Data Protection Supervisor.
- * Any recipients of individual case decisions in the context of requests for public access to documents submitted to EFSA pursuant to Regulation 1049/2001, as far as the conditions for a data transfer in Article 8 of Regulation 45/2001 are fulfilled and provided that such disclosure / data transfer is compliant with the updated case law of the

13/ retention policy of (categories of) personal data

The retention policy with regard to the EFSA Personal File applies: As part of the EFSA Personal file, documents are kept for at least 5 years after the termination of employment at EFSA, subject to settlement of pending rights such as pension payments.

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 can exercise their rights at any time by contacting the HR Head of Unit. Justified requests for blocking and erasure will be handled within 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,

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):

AS FORESEEN IN:

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)

Other (general concept in Article 27.1)

17/ Comments

Annexes / supporting documents to the notification:

1. Decision of the Executive Director, dd. 19/03/2012 on Implementing Article 16, 17(2) & 19 of the Staff Regulations and Article 11 & 81 of the Conditions of Employment of other servants of the Union
2. Statutory Declaration to be provided by the quitting staff member, according to the model in annex I to the Decision of the Executive Director, dd. 19/03/2012
3. Application Form to be provided by the former staff member, according to the model in annex II to the Decision of the Executive Director dd. 19/03/2012
4. End-of-employment Personal Data Form & end-of-employment Checklist
5. Privacy note regarding the processing of personal data in the context of employment termination of EFSA statutory staff
6. EFSA Standard Operating Procedure (SOP) for statutory staff leaving EFSA at termination of employment
7. DPO notification (article 25)

PLACE AND DATE: Parma, 30/04/2012

DATA PROTECTION OFFICER: Claus Reunis

INSTITUTION OR BODY: European Food Safety Authority (EFSA)

To be filled out in the EDPS' office