

REGISTER NUMBER: 879

NOTIFICATION FOR PRIOR CHECKING

Date of submission: **07/08/2012**

Case number: **2012-0679**

Institution: **CEDEFOP**

Legal basis:

(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

Ginette Manderscheid
Head of Human Resources
Cedefop
P.O.Box 22427
GR-55102 Thessaloniki
Greece

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

HR staff in charge of flexitime and time recording under the supervision of the Head of Human Resources

3/ Name of the processing

Recording of working hours and flexitime administration

4/ Purpose or purposes of the processing

To enable staff members to manage their working time in the framework of flexible working hours and determine if a staff member is eligible to compensation leave.

To enable the Centre to monitor working hours.

5/ Description of the category or categories of data subjects

Applies to officials /temporary staff/contract agents/seconded national experts and trainees. ¹

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

The data collected are:

- access card² with an ID number link to a login (meaning link to the name of the person in a second stage);

- daily arrival and departure (date /hour /minute), including any temporary absences during the day;

- while on mission the staff member is credited with 90 minutes of additional compensation time per mission day.

Based on these data, the Fibus system calculates, for each person, a balance (positive or negative) compared to the required amount of hours per month³.

The access card is used for both entry to and exit from the building.

7/ Information to be given to data subjects

A specific privacy statement will be posted on Intranet. Pursuant to Articles 11 and 12 of Regulation (EC) No 45/2001, this statement will inform the data subjects of the identity of the controller, the purpose and legal basis for the collection of data, their right to access and rectify their own personal data, the categories of people who have access to the data, the length of time for which their data will be stored and of the possibility of contacting the Data Protection Officer of Cedefop.

¹ External contractors (not under the responsibility of HR and outside the scope of this notification) clock in and out to record their time for the purposes of payment (according to their specific contracting arrangements).

² For technical details please refer to the Access control notification.

³ See attached Sample Reports

The flexitime procedure is explained to staff members during induction.

The Fibus manual is also available on Intranet:

<http://livelink/livelink/livelink.exe?func=ll&objId=521587&objAction=viewheader>

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

Staff members can at any time consult their working hours as these are available for them in the in-house database (Fibus) and via the Intranet.

Staff members may request corrections directly to the HR service by e-mail, to a specific in-house email address (HR-ABSENCES-CLOCKING@cedefop.europa.eu). HR personnel responsible who have access to this email address will process the request.

The right of blocking/erasure will be dealt with on a case-by-case basis in accordance with the Cedefop Code of Good Administrative Behaviour, in particular articles 14 (acknowledgement of receipt) and article 17 (reasonable time for taking decisions).

9/ Automated /manual Processing operation

The rules on working hours⁴ at Cedefop are as follows:

Working hours are from 08.00 to 20.00. They are divided into core time and into flexible time. Core time consists of periods during which all staff, if not on leave or mission, must be present. Flexible time consists of periods during which staff may choose, in agreement with their immediate superior, the times at which they arrive and leave.

Based on the working hours, the system calculates whether the staff member has accumulated extra time which can be recoverable up to 12 days a year. Accounts of surplus or deficits are calculated on a monthly basis and on a pro rata basis for part-time staff (working schedules are put manually into the system by HR). The maximum surplus taken into account per day is 90 minutes.

No more than 1 day of compensatory leave can be acquired per calendar month. The smallest unit of calculation is half a day, which requires 3 3/4 hours of accumulated compensation in a period.

While it is possible to accumulate days of such compensatory leave, no more than 2 days of compensatory leave can be used per calendar month and no more than 12 days per year. At the end of the calendar year however no more than 2 days of such compensatory leave can be carried over.

⁴ According to DIR 07/2009 (see attached)

In no accounting period (calendar month) should a deficit exceed 7.5 hours. A deficit occurs if the number of hours worked in a period is smaller than the hours as determined in Article 1 (37 ½ per week). Such a deficit must be balanced in the following accounting period of one month.

The procedure for asking compensation for extra hours worked is as follows:

- the staff member applies for compensation via the in-house database Fibus;
- the staff member's leave responsible (line manager) accepts the leave request in Fibus;
- the HR staff member responsible for leave and working hours checks from a technical point of view whether the compensation calculated by the system is correct and then signs the compensation request.

The processing is primarily automated as the clocking in and clocking out with the personal card transfers the data.

In the exceptional case of system failure, the clock-in and clock-out system is turned into a manual process where the staff member logs his/her time and reports monthly to HR.

The security guards also record the arrival and departure times of staff, for security purposes and as a backup, should the clocking system fail. This recording by the security guards is currently done manually.

The staff is requested to sign this paper list in case they come to /leave Cedefop before or after working hours⁵.

10/ Storage media of data

- All data related to flexitime is stored in Fibus. Electronic data collected are accessible to staff through Fibus. Access to Fibus is done via authorisation and authentication (username and password);
- Guards keep a daily paper list with staff entering /leaving time to/from Cedefop premises. Every morning, the guard gives the paper with the clock-in /clock-out data to the responsible person in HR.

11/ Legal basis and lawfulness of the processing operation

- the Staff Regulations of Officials of the European Communities (articles 55 and 56b);
- Conditions of employment of other servants of the European Communities, articles 16, 57 and 79;
- Decision on the Working Hours of Cedefop (DIR/07/2009 dated 11 September 2009);
- DIR 04/2012 on the retention period of access control data.

⁵ Please see Title 1 in the attached “Administrative Circular No 2008/1 – Note on access to Cedefop premises and parking”

12/ The recipients or categories of recipient to whom the data might be disclosed⁶

The following are provided with data related to working time recording and flexitime:

- staff members in the Human Resources service
- hierarchical superiors⁷, Heads of Area and the Directorate
- security guards (for the arrival and departure times)
- auditing bodies (IAS, Court of Auditors).

13/ Retention policy of (categories of) personal data

For security purposes, data are kept in the system for 3 years⁸ (Access control data longer than the n-3 years will be anonymised/ deleted after the staff have the chance to print/record the data currently in the system).

Guards logbook (Excel file) to record staff working outside regular working hours are kept Calendar year + 1 year⁹.

13 a/ time limits for blocking and erasure of the different categories of data

(on justified legitimate request from the data subject)

Same as above

14/ Historical, statistical or scientific purposes

Aggregate anonymised data may be stored for historical, statistical or scientific purposes is envisaged (e.g. to track, at organisational level, staff working time).

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

None foreseen.

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

⁶ IT administrators have access to this system in order to perform their duties.

⁷ Hierarchical superiors are given access to the clocking data of their staff members.

⁸ Please check attached DIR 04/2012 on the retention period of access control data

⁹ According to Cedefop Records Classification Plan and Retention Schedule_version 2.5 /code0820 /pag.80.

AS FORESEEN IN: Article 27 (1)

17/ Comments

PLACE AND DATE:

DATA PROTECTION OFFICER: Spyros ANTONIOU (Data Protection Officer of Cedefop)

INSTITUTION OR BODY: CEDEFOP

NOTIFICATION REFERENCE: PCCDFNOT 019