REGISTER NUMBER: 958

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 21/03/2013

Case number: 2013-0235

Institution: European Ombudsman

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 adress of the controller
The European Ombudsman
1, avenue du Président Robert Schuman
F - 670001 STRASBOURG

2/ Organisational parts of the institution or body entrusted with the processing of personal data
Personnel, Administration and Budget Unit of the European Ombudsman

3/ Name of the processing
PERSEO (software for leave developped by the European Ombudsman ICT team)

4/ Purpose or purposes of the processing
Manage annual leave, special leave as well as absences and over-time of the staff and trainees of the European Ombudsman

Facilitate the allocation of tasks by informing line managers of the presence/absence of staff members

5/ Description of the category or categories of data subjects
Staff and trainees of the European Ombudsman

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

Data used for the calculation of annual leave entitlements : Grade, Service entry date, Place of origin, Date of birth and Date of end of contract. This data is obtained form the data subject when he takes up his duties
Data used for the management of annual leave : dates of leave requested/taken + place where the staff member can be reached during his annual leave (optional).
Data used to manage special leave : reason for the special leave + proof of the event or for the situation that justified the special leave
Data used to manage absences : reason for the absence; 4 categories justified+reason, not justified, medical with certificate and medical without certificate. The medical certificates are kept, the diagnosis when mentioned on the certificate, is not further processed and safely stored.

7/ Information to be given to data subjects
Tha data subject is informed of the existence of the processing and of the modalities of it when he takes up his duties. He uses part of the processing software to submit leave requests and may at any time submit a request to get a leave statement for the current year. This statement summarises both the entilements and the periods of leave and absences for the current year. It also indicates the missions that were authorised for a given staff member.

A privacy statement is available on PERSEO for consultation on the user interface of PERSEO.

8/ Procedures to grant rights of data subjects *(rights of access, to rectify, to block, to erase, to object)*
The data subject is requested, on a yearly basis, to correct all personal data kept by the institution in relation to his personal situation. He receives a document which he's invited to modify and to return to the administration, this ensures the data used for the calculation of entitlements is approved by the data subject. On a yearly basis the data subject is also requested to approve a final leave statement which will summarise the leave and absences for the whole year. Regarding annual leave, the data subject may at any time contest the calculation made for each leave request which he submits through PERSEO and which is confirmed to him by e-mail.

9/ Automated / Manual processing operation
Calculation of individual rights for the personnel of the European Ombudsman regarding the annual leave rights on a time span of one year (January to December of the same year). The calculation is based on the start/end of contract, age, grade, distance from place of origin. Agents, have the possibility to introduce a leave request through the system. Immediate supperiors are informed of leave request by e-mail and are invited to approve or reject the leave request. Leave managers, have the possibility to manage annual leave request, special leave requests and absences.

The processing is as far as possible automated except for the calculation of over-time and special leave. In rare cases where because of exceptional factual circumstances automated calculations return an wrong result, manual adjustments can be made.

10/ Storage media of data
The data is processed in a password protected Access database and stored on a common drive shared by the office. The access to the tables in the database is granted to the office's informaticians. The access to the folder containing the databank is granted to all users and is managed through Active Directory. The access for the users to their own data (only annual leave) is granted through PERSEO's user interface on the basis of rights assigned through Active Directory. The access to all the functionnalities of PERSEO (annual leave, special leave, absences) is granted to PERSEO's managers for leave and absences through a PERSEO manager interface. The manager group is created with active directory.

11/ Legal basis and lawfulness of the processing operation
The staff regulations and the conditions of employment of other servants of the European Communities.

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

Data will be disclosed to the interested agent while consulting his own leave status, or when requesting a new leave.

Data will also be disclosed to leave managers, who will control the attribution of rights by the application that are based on contractual and personal data. The leave managers who handle medical data are required to sign a specific confidentiality statement.

Data may be disclosed to the Invalidity Committee and to the Médical Service of the European Parliament.

Data regarding presence/absence from work, without further indication of the reasons, is made available to the staff of the European Ombudsman in the form of a calendar on the intranet. Moreover, a link has been established between the PERSEO application and RODEO (an internal application which, among other things, facilitates the assignment of correspondence within the office) to inform line managers if the member of their team to whom they wish to assign the correspondence is absent (without an indication of the reason).

Finally, data may also be disclosed to the hierarchy, auditors, control bodies or courts.

13/ retention policy of (categories of) personal data

Data relating to annual leave or special leave is kept for three years. This conservation period aims at aligning this conservation period with the one of medical absences.

The data relating to absences shall be kept during 3 years and may be used by managers to prepare files for the Invalidity Committee (see art. 59(4) of the staff regulations).

Data relating to leave which has financial implications, shall be kept separately for a maximum period of 7 years. Data relating to leave which is relevant to ongoing disciplinary or judicial proceedings shall be kept separately for the duration of these proceedings.

In practice the destruction shall take place annually and at the very end of a given calendar year the year Y-3 shall be destroyed.

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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)

Two weeks

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,
The data kept for statistical purposes is anonymised.

15/ Proposed transfers of data to third countries or international organisations
Not envisaged

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

AS FORESEEN IN:

Article 27.2.(a)
Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

The proessing involves the processing of data relating to the health condition of the data subject and of third parties in case of special leave.

Article 27.2.(c)

Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

This may be relevant as regards the link now provided for between PERSEO and RODEO

Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

The processing involves processing operations which allow to verify the reality of certain facts invoked to request special leave or invalidity.

17/ Comments
PERSEO will be replaced by SYSPER 2 in 2014

LIEU ET DATE: Strasbourg, le 21/3/13

DELEGUE A LA PROTECTION DES DONNEES: Rosita Agnew

INSTITUTION OU ORGANE COMMUNAUTAIRE: Médiateur europen