

To be filled out in the EDPS' office

REGISTER NUMBER: 962

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 21/03/2013

Case number: 2012-0265

Institution: CEDEFOP

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

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 leave management, under the supervision of the Head of Human Resources

3/ Name of the processing

Leave management

4/ Purpose or purposes of the processing

The management of all entitlements for annual leave, special leave, maternity leave, parental and family leave for Officials, Temporary Agents (TA), Contract Agents (CA) and Seconded National Experts (SNE). The management of annual leave for trainees.

5/ Description of the category or categories of data subjects

Cedefop staff, including Officials, Temporary Agents (TA), Contract Agents (CA) and Seconded National Experts (SNE), as well as trainees (for annual leave).

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

- Name, surname of staff member
- Age and grade of staff member (for determination of annual leave entitlements)
- Personal data related to the family of the staff member, contained in supporting documents provided in connection with special leave entitlements (e.g. marriage, birth, death, sickness, other - certificates).
- Health-related data may be processed in connection with maternity leave and various types of special leave.
- Data are also processed which could reveal the sexual orientation of that staff member and his/her partner where he/she applies for leave to care for them.

7/ Information to be given to data subjects

A specific privacy statement is available 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.

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

Staff members can consult their leave data at any time in the in-house database (Fibus).

They may address requests for rectification directly to the HR service.

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 process is largely automated as:

- the leave entitlements are introduced in the Fibus database by the HR service:
- the annual leave requests may be introduced by the staff member in the Fibus database and will be signed in the database by the staff member's hierarchical superior:
- special leave requests are entered by a staff member of the HR service on the basis of (hard copy) supporting documents. The Head of HR signs agreement to the special leave on a dedicated form.

The supporting documents for special leave are filed in the HR service.

If the hierarchical superior is absent and cannot sign the leave in Fibus, the staff member prints out a hard copy and has it signed by the back up person for his/her hierarchical superior. The HR colleague signs the annual leave request in Fibus based on that hard copy signature and the hard copy of the signed request is filed.

The supporting documents concerning special leave health related are kept by the Medical Officer and included in the medical file of the staff member. The HR service receives a certificate from the Medical Officer without any medical data and based on that (and after the signature of the Managing Officer and the Head of Human Resources) the special leaves are granted.

10/ Storage media of data

All data are stored in the Fibus database with the exception of the supporting documents related to special leave and the decision by the Head of HR on granting the special leave. The hard copy of annual leave requests signed in the absence of the staff member's hierarchical superior are also kept on file.

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| <p>11/ Legal basis and lawfulness of the processing operation</p> |
| <ul style="list-style-type: none"> ▪ Articles 57 to 60 and Annex V of the Staff Regulations; CEOS ▪ Cedefop Implementing Rules on Leave (Cedefop/DGE/13/2011) ▪ Cedefop decision laying down rules on the secondment to Cedefop of national experts (DIR/2009/259) ▪ Rules Governing in-service training at Cedefop |
| <p>12/ The recipients or categories of recipient to whom the data might be disclosed</p> |
| <p>The following are provided with data related to leave management:</p> <ul style="list-style-type: none"> - staff members in the Human Resources service in charge of leave management; - Head of Human Resources and Head of resources; - hierarchical superior for leave data (but no information on reasons for special leave); - the AIPN - the IT administrator for the database (for technical support); - audit bodies, such as the European Court of Auditors and the Internal Audit Service of the Commission. |
| <p>13/ Retention policy of (categories of) personal data</p> |
| <p>Paper and Fibus records related to administrating regular leave and flexitime including compensation, as well as special leave are kept for 5 years after the respective year in active status and for 5 more years in the archives.</p> <p>Paper records related to sickness leave are kept for 3 years.</p> <p>Requests and decisions on parental leave, family leave and unpaid leave are filed in the Personal file and have the respective retention period.</p> |
| <p>13 a/ time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject) <i>(Please, specify the time limits for every category, if applicable)</i></p> |
| <p>The right of blocking and erasure will be dealt 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).</p> |
| <p>14/ Historical, statistical or scientific purposes <i>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,</i></p> |
| <p>Storage of anonymised data for historical, statistical or scientific purposes may be envisaged.</p> |
| <p>15/ Proposed transfers of data to third countries or international organisations</p> |
| <p>None foreseen.</p> |
| <p>16/ The processing operation presents specific risk which justifies prior checking (please describe):</p> |

AS FORESEEN IN:

X Article 27.2.(a)

Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures

X Article 27.3

The prior checks shall be carried out by the European Data Protection Supervisor following receipt of a notification from the Data Protection Officer who, in case of doubt as to the need for prior checking, shall consult the EDPS.

17/ Comments

PLACE AND DATE: Thessaloniki, 21 February 2012

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

INSTITUTION OR BODY: CEDEFOP