

**REGISTER NUMBER: 965**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 08/03/2013

Case number: 2013-0272

Institution: EUROFOUND

Legal basis: article 27-5 of the regulation CE 45/2001<sup>(1)</sup>

*(1) OJ L 8, 12.01.2001*

**INFORMATION TO BE GIVEN<sup>(2)</sup>**

*(2) Please attach all necessary backup documents*

1/ Name and address of the controller

Eurofound – Ray Comerford (Head of HR) acting on behalf of the Director

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

Human Resources

3/ Name of the processing

Application and granting of Special Leave

4/ Purpose or purposes of the processing

Personal data are collected in order to grant a “special leave” request. Special leave is granted in exceptional circumstances and on the basis of a duly substantiated application.

In order to be granted with such leave, the Staff member must supply supporting documents.

5/ Description of the category or categories of data subjects

Any Eurofound staff members requesting special leave, third parties (e.g. children/spouse/partner of staff members)

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

a) Name, Title, Staff ID number

b) Marital status (For marriage-related leave requests)

0965/2013-0272

- c) Health data of third parties (such as a receipt from the Doctor for illness-related leave requests)
- d) Death certificates (For death-related leave requests)
- e) Birth or adoption certificates (For birth or adoption-related leave requests):
- f) For any other requests: Attendance records (e.g. jury duty, educational courses etc.)

#### 7/ Information to be given to data subjects

- a) Staff are informed about the rules for special leave in the COMMISSION DECISION of 5 November 2010 on implementing provisions on leave (available on the staff intranet.)
- b) Information about the retention of supporting documents for granting special leave is included in Eurofound's *Employee Data Protection Policy* (Annex 1) which is given to all staff members

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

The rights of data subjects are set out in the Employee Data Protection Policy given to all staff members and seconded by a Privacy statement within the Special leave policy (Annex 2)

#### 9/ Automated / Manual processing operation

This is both an automated and a manual process. It can be described as follows:

- a) The procedure for requesting Special Leave is that a Staff member requests Annual leave as usual in the Time & Attendance System, and this is converted to Special Leave by the HR team upon receipt of the relevant supporting documentation.
- b) Supporting documentation is received either in paper/electronic format. Paper files are scanned upon reception and saved in Eurofound's secure document management system (HP TRIM). There is no physical file; only an electronic container: documentation in paper format is given back to the staff member.
- c) Supporting documentation such as death, medical and birth certificates are processed by HR to establish validity and admissibility. They are then either scanned and saved in Eurofound's document management system or returned to the staff member (in the case that they contain sensitive data i.e. medical data).
- d) Copies are not shared outside the HR Unit. The staff member is sent an acknowledgement that the requirements for qualifying for special leave have or have not been met.
- e) In the case where medical certificates for serious illness of a spouse/partner or child have been sent to the Medical Advisor (currently: The Well, Dublin), the opinion of the medical advisor may be sought before a final decision to grant or refuse the special leave is taken.

#### 10/ Storage media of data

Supporting documentation is received either in paper or electronic form.

- Paper files are scanned and saved in a HR container in Eurofound's secure document management system. Access to the container is limited to HR staff.
- Electronic files (e.g. emails) are saved in Eurofound's secure document management system HP TRIM.

#### 11/ Legal basis and lawfulness of the processing operation

Staff Regulations, and the following Implementing Rules:

- Commission Decision C(2010) 7495 dated 5 November 2011 – Section II (Annex 3) applied in Eurofound by analogy.
- Commission Decision C(2010) 7572 dated 5 November 2011 (parental leave, Annex 4) applied in Eurofound by analogy.
- Internal Procedure note on Special leave which includes the Special leave policy (Annex 2)

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

- Appointing Authority (Director) (who authorises the special leave at request of the Head of Human Resources or on request directly from the data subject) is informed about the request but no sensitive data is disclosed to him.
- The data subject's Head of Unit is informed about the request but no sensitive data is disclosed to him/her.
- Head of Human Resources, as Manager of the Time and Attendance system approves Special Leave.
- HR Staff members as administrators of the Special leave request on the Time and Attendance system.
- Eurofound's medical advisor (in the case where a medical opinion is sought before a final decision to grant or refuse the special leave is taken)

13/ retention policy of (categories of) personal data

- a) The files held in the electronic 'Special leave' container are retained for 3 years.
- b) As provided in the Employee data protection policy, documents retained for allowances and benefit (e.g.: birth or adoption certificate) are retained in personnel file for 10 years.

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)*

- a) Right of access: within 3 months following the date of receipt;
- b) Right of rectification: immediately;
- c) Right of blocking: when the data subject contests the accuracy of his/her personal data, blocking is immediate. When the data subject requires the blocking of his/her data because the processing is considered unlawful, or when data must be blocked for the purpose of proof, the controller will need some time to make this assessment before deciding to block the data, that is to say within 15 working days.
- e) Right of erasure: within 15 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,*

No personal data is retained for statistical or historical purposes

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

None

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

AS FORESEEN IN:

**X Article 27.2.(a)**

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

The processing carried out by Eurofound's HR Unit concerns personal data classified as 'special categories of data' under Article 10 of the Regulation.

The HR Unit responsible for processing the data only reviews the supporting documentation.

In the case of health-related special leave, only a receipt from a Doctor's consultation is checked. Should the receipt itself contain health data (i.e. cause of disease, treatment), the HR Unit acknowledges the existence of the supporting documentation but does not retain it.

**Article 27.2.(b)**

Processing operations intended to evaluate personal aspects relating to the data subject,

N/A

**Article 27.2.(c)**

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

N/A

**X Article 27.2.(d)**

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

**Other** (general concept in Article 27.1)

**17/ Comments**

1. This notification with its annexes was sent to the EDPS by email on 30 June 2011 (internal reference GR-11-30159) but it appears that the EDPS did not receive it.
2. Changes in this resubmitted notification are mainly that a pilot will be run between January and December 2013 to evaluate the feasibility of digitising the supporting documents for special leave i.e. eliminating the retention of paper copies in this process.
  - The pilot is only applicable to the procedure for Special leave requests.
  - At the end of this period the pilot phase will be evaluated.
  - If the pilot is evaluated to have been successful, then supporting documents for Special Leave requests will henceforth be retained in electronic format only.
  - Note that it is stated in the Privacy notice (Annex 1 of the procedure note) that where supporting documents for special leave requests also establish an entitlement to benefits or allowances (e.g. marriage, birth certificates) and consent is sought to add the document to the personnel file at this time – the copy on the personnel file is in paper format as the process is not yet electronic.

PLACE AND DATE: Dublin, **20 February 2013**

DATA PROTECTION OFFICER: **Markus GRIMMEISEN**

INSTITUTION OR BODY: **EUROFOUND**

*To be filled out in the EDPS' office*