

*(To be filled out in the EDPS' office)*  
REGISTER NUMBER: 979

*(To be filled out in the EDPS' office)*

**NOTIFICATION FOR PRIOR CHECKING**

**DATE OF SUBMISSION: 27/03/2013**

**CASE NUMBER: 2013-0346**

**INSTITUTION: ARTEMIS JU**

**LEGAL BASIS: ARTICLE 27-5 OF THE REGULATION CE N° 45/2001<sup>(1)</sup>**

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

1/ NAME AND ADDRESS OF THE CONTROLLER

ARTEMIS Joint Undertaking  
TO 56  
5/20  
1049 Brussels

2/ ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA

HR Department  
Juan Pablo Contreras, Head of Administration

Outsourced processors involved: PMO, medical service, invalidity committee

3/ NAME OF THE PROCESSING

**Processing of personal data in the area of leave, including sick leave, annual leave and all special leave.**

---

<sup>1</sup> OJ L 8, 12.01.2001.

<sup>2</sup> **Please attach all necessary backup documents**

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The processing is aimed at managing and collecting personal data for assessing the entitlement to annual leave, sick leave and special leave for staff members.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

ARTEMIS staff members: temporary agents, contract agents.

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA (*including, if applicable, special categories of data (Article 10) and/or origin of data*).

Identification data: name, personal number, age, gender, grade

Data related to leave: data related to annual leave, sick leave and the following special leave: Adoption of a Child, Adoption of a Disabled Child, Change of Residence, Consultation Outside of Work (more than 65 km), Court Summons, Death of Parents in-Law, Death of Relative, Death of Spouse, Death of Spouse during Maternity Leave, Death of a Brother/Sister, Death of a Child, Elections, Exams/Competitions, Health Cures, Irregular Absences (Leave Office use only), Marriage, Marriage of a Child, Maternity, Military Obligations, Other Reason, Outside Activities, Serious Illness Parents in-Law, Serious Illness of Relative in Ascending Line, Serious Illness of Spouse, Serious Illness of a Child, Training, Very Serious Illness of a Child.

Special categories of data (article 10):

- i) health related data (such as medical certificates, medical specialisation);
- ii) data related to health in connection with the adoption of a disabled child, health cure, serious illness of spouse, data revealing the sexual orientation;
- iii) data related to health in connection with medical check for the purpose of sick leave control and management in case of absence.

Origin of the data: data are disclosed directly by the data subject.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

ARTEMIS JU ensures that staff members' personal data are processed as required by Article 11 of Regulation 45/2001.

Information is included in the Privacy Statement devoted to the processing operation related to leaves. It explains to the staff the purpose, the procedure to be followed, the confidentiality, the timing, the possibilities of appeal and the interaction between the staff and the management.

This information has been sent to all staff and is available on the shared drive.

#### 8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

(Rights of access, to rectify, to block, to erase, to object)

Article 8 of ARTEMIS implementing rules concerning the DPO details how the rights of data subjects can be exercised:

- Through a direct access to the register,
- From the controllers who inform the data subjects about their rights,
- By approaching the relevant controller: a detailed procedure is explained.

In the specific case of leaves, the rights are clearly explained in the specific Privacy Statement. Rights of rectification, erasure, blocking or objection will only be implemented if they are duly justified, in accordance with Regulation 45/2001.

Exemptions and restrictions as specified in Article 20 of the Regulation apply.

#### 9/ AUTOMATED / MANUAL PROCESSING OPERATION

Collection: by the HR team;

Use: management, HR team and data subject;

Transfer: management, PMO, medical service, invalidity committee, Court of Auditors, European Court of Justice, Internal Audit Service of the EC;

Storage: HR team, PMO, medical service, invalidity committee;

Destruction of the data: for data related to annual leave and sick leave: data are destroyed after 3 years; for data related to special kind of leave (such as part-time, parental leave, family leave): data are kept for the whole duration of the employment; for data giving right to financial compensation related to leave: 7 years

Processing: the processing is manual and electronic.

#### 10/ STORAGE MEDIA OF DATA

Data are stored both physically and electronically. Physical files are stored in a locked cupboard with limited access from the HR Department. Electronic files are also with a restricted access.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

- Articles 11, 16 to 18, 58, 81 and 91 of the Conditions of Employment of Other Servants;
- Decisions ARTEMIS-GB-45/08 and ARTEMIS-GB-2010-D.05 of the Governing Board on the adoption of Implementing Rules to the Staff Regulations.

12/ THE RECIPIENTS OR CATEGORIES OF RECIPIENT TO WHOM THE DATA MIGHT BE DISCLOSED

HR team, management, PMO, medical service, invalidity committee, Court of Auditors, European Court of Justice,  
Internal Audit Service.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Data related to sick leave: 3 years

Annual leave: 3 years

Special kind of leaves (part-time, parental leave, family leave): data are kept for the whole duration of the employment

Data giving right to financial compensation related to leave: 7 years

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS

Requests to erase and rectify data should be treated within 5 working days upon request with legitimate grounds.

The data should be immediately blocked for verifying purposes.

The data subject will be informed within 5 working days of the approval/rejection of his/her request.

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.*

Data are not kept for historical, statistical or scientific purposes.

15/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

Not applicable.

16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING (*Please describe*):

Article 27.2.(a)

*Processing of data relating to health (...).*

17/ COMMENTS

No comments.

PLACE AND DATE:

DATA PROTECTION OFFICER:

INSTITUTION OR BODY: