

(To be filled out in the EDPS' office)

REGISTER NUMBER: 1011

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 06/06/2013

CASE NUMBER: 20130606

INSTITUTION: EIB

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

EUROPEAN INVESTMENT BANK
100, BOULEVARD KONRAD ADENAUER
L-2950 LUXEMBOURG

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

Individual Rights Unit – Operations Division – Personnel Directorate

Jaroslav Sala , Head of Unit, tel. +352437982435, email: salac@eib.org

Jacky Weiland, Senior HR Officer, tel. +352437983639, email: WEILAND@eib.org

Irène Martins, Senior HR Assistant, tel. +352437987420, email: martinsi@eib.org

Annex I:

- **EIB LOCAL AGENTS' EXTERNAL PAYROLL SERVICE PROVIDERS**
- **EIB LOCAL AGENTS' SUPPLEMENTARY HEALTH INSURANCE SCHEME COMPANIES**
- **EIB LOCAL AGENTS' SUPPLEMENTARY PENSION SCHEME COMPANIES**
- **LOCAL LAW FIRMS/LEGAL ASSISTANCE**

3/ NAME OF THE PROCESSING

EIB LOCAL AGENTS

4/ PURPOSE OR PURPOSES OF THE PROCESSING

EIB LOCAL AGENTS' PERSONAL FILES: Process data from persons working for the EIB on some regional offices. When someone starts working at the Bank, we request the mandatory documents to constitute their Personal Files.

EIB LOCAL AGENTS' EXTERNAL PAYROLL SERVICE PROVIDERS:

EIB Local Agents' employment registration and monthly payroll is outsourced.

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

The monthly payroll is handled by local providers and the data are checked and validated by the heads of Regional office locally and the individual right unit at the headquarter in Luxembourg.

NB: LOCAL AUTHORITIES (e.g. tax and social authorities) also process data (e.g. local contributions related to the payroll or employment registration documentation including personal data).

EIB LOCAL AGENTS' SUPPLEMENTARY HEALTH INSURANCE SCHEME COMPANIES

The supplementary health insurance is handled by local providers.

EIB LOCAL AGENTS' SUPPLEMENTARY PENSION SCHEME COMPANIES (OPTIONAL)

The supplementary pension insurance is handled by local providers.

LOCAL LAW FIRMS/LEGAL ASSISTANCE

The legal assistance is provided by local law firms.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

EIB staff members submitted to Local Agent legal framework and their family members.

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

EIB LOCAL AGENTS' PERSONAL FILES: EIB application form if any, Curriculum Vitae, Diplomas, Last salary slip before joining the Bank, Police record, Identity documents/ID or passport, Birth certificate Local Agent, Birth certificate spouse or registered partner, Birth certificate child(ren), Marriage or registered partnership certificate.

EIB LOCAL AGENTS' EXTERNAL PAYROLL SERVICE PROVIDERS:

The main documents processed by the service providers are the id documents, cv, contract of employment and the payslips.

NB: LOCAL AUTHORITIES (e.g. tax and social authorities) also process data (e.g. local contributions related to the payroll or employment registration documentation including personal data).

EIB LOCAL AGENTS' SUPPLEMENTARY HEALTH INSURANCE SCHEME COMPANIES

The main documents processed by the service providers are the id documents, medical reports and fees.

EIB LOCAL AGENTS' SUPPLEMENTARY PENSION SCHEME COMPANIES (OPTIONAL)

The main documents processed by the service providers are the id and employment documents.

LOCAL LAW FIRMS/LEGAL ASSISTANCE

The main documents processed by the local law firms are the employment documents.

No standard forms or template to collect personal data.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

EIB Local Agents are informed when they sign the contract with the EIB that their data shall be processed for the purpose of managing their contractual relationship with the EIB, in order to determine rights and obligations, according to regulation 45/2001.

They are also informed that their personal data shall be transfer to EIB service providers which should respect national laws on data protection.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

Local Agents have access to their personal files at the EIB and on each service provider, without restrictions. They could rectify, modify, block or erasure inaccuracy or unlawfulness data. With sound grounds they can object to processing personal data.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The data processing is manual (mail) and automated (emails, excel sheets, data base and software).

- Data Collection and transfer by secured email or confidential mail.
- Data used mainly to create personal files, define/verify staff rights/benefits, proceed to salary process/payment and ensure the Bank's legal duty toward the staff and the national authorities under local regulations.
- Storage and destruction of data in Luxembourg as per the general regulations followed by the Bank on the processing of personal data.
- Storage and destruction of data locally as per the local regulations about the processing of personal data (the local law prevails and is not subject to EC Directives).

10/ STORAGE MEDIA OF DATA

Electronic document and record manager software and paper files

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

The decision that has defined the statute of Local Agents: Minutes of the Management Committee meeting of 15 July 2009 ref. PV CD-123-ADM-39-2009

Ref : Note RH/ADMIN/2009-1454 of 08/07/2009 ; Subject: *Etablissement de la catégorie des agents locaux de la BEI et première phase de recrutement pour les bureaux extérieurs sis hors Union européenne*

Ref 2: Document CA/418/08 and PV/08/08 of 15/07/2008; Subject: *Etablissement de la catégorie des agents locaux de la BEI*

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

EIB LOCAL AGENTS' PERSONAL FILES DATA:

European Investment Bank Personnel Directorate's Archiving Team to create personal files and **the Individual Right Unit (Heads of Division/Unit)** to create personal files, define/verify staff rights/benefits.

EIB LOCAL AGENTS' PAYROLL DATA:

EXTERNAL PAYROLL SERVICE PROVIDERS - the Personnel Directorate's Individual Right Unit/budget officer - the operational coordination Team and the Heads of Regional Office: to proceed with salary process/payment.

LOCAL AUTHORITIES (e.g. tax and social authorities for the local contributions related to the payroll or employment registration documentation including personal data) to ensure the Bank's legal duty toward the staff and the national authorities under local regulations.

EIB LOCAL AGENTS' SUPPLEMENTARY HEALTH INSURANCE DATA:

SUPPLEMENTARY HEALTH INSURANCE SCHEME COMPANIES to properly handle these benefits and the Personnel Directorate's Individual Right Unit/ the Heads of Regional Office to ensure the compliance at the contractual level only.

EIB LOCAL AGENTS' SUPPLEMENTARY PENSION SCHEME DATA:

SUPPLEMENTARY PENSION SCHEME COMPANIES to properly handle these benefits and the Personnel Directorate's Individual Right Unit/ the Heads of Regional Office to ensure the compliance at the contractual level only.

LOCAL LAW FIRMS/LEGAL ASSISTANCE to ensure the compliance at the legal level and the Personnel Directorate's Individual Right Unit to ensure the Bank's legal duty toward the staff.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

All the life of the contract with EIB + additional years as per retention policy applied by the EIB (depending on the type of document including personal data).

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

15 DAYS/15 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.

- In Luxembourg: as per the general regulations followed by the Bank on the processing of personal data.
- Locally: as per the local regulations about the processing of personal data (the local law prevails and is not subject to EC Directives).

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

The EIB transfer personal data to third countries.

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

EIB directly or indirectly - by the service provider - is processing sensitive personal data as health data, salary and pension data, individual appraisal, disciplinary or criminal data on the framework of legal assistance. Moreover, the EIB transfer personal data to external providers that are established outside the EU in countries not cleared by the Commission. Its nature and scope recommends a notification to the EDPS.

17/ COMMENTS

This notification is an “ex post prior check notification” as only know the EIB as becoming aware of the necessity to notify it.

PLACE AND DATE: Luxembourg, 6 June 2013

DATA PROTECTION OFFICER: Alberto Souto de Miranda

INSTITUTION OR BODY: European Investment Bank