

(To be filled out in the EDPS' office)

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 24/06/2013

CASE NUMBER: 2013-0698

INSTITUTION: SESAR JU

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER
SESAR JOINT UNDERTAKING (SJU)
100 AVENUE DE CORTENBERGH
B-1000 BRUSSELS

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

SJU Finance and Administration Directorate – HR Sector

Other EU institutions are involved (EC PMO and EC medical service). Terms of the involvement is laid down in a service level agreement.

3/ NAME OF THE PROCESSING

Management of leave.

4/ PURPOSE OR PURPOSES OF THE PROCESSING

¹ OJ L 8, 12.01.2001.

² Please attach all necessary backup documents

Personal data is managed and collected for the purpose of assessing the entitlement to annual leave, special leave, parental leave, family leave, leave under personal grounds, credit-time leave for temporary agents and contract agents and in some cases seconded national experts (annual and special leave).

The assessment is based on information and/or documents provided by staff members to justify the leave.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Staff members of the SJU (temporary staff, contract staff, and seconded national experts for annual leave and special leave)

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

Categories of data processed:

- Identification data: name (first, maiden and family name) displayed on the paper request for leave, location and phone/mobile during leave *may* be indicated. Personal number, type of contract as well as begin and end, function group and grade where applicable, date of birth, place of origin, full time or part time work are indicated in the annual individual electronic leave card (excel sheet) as necessary to determine the leave entitlements of the staff member.
- Data related to the justification of the special leave *may* be processed (e.g. adoption of a child, death of family members, exam/competitions, marriage, etc.).
- Health data *may* be collected only when reporting maternity leave (name/speciality of the doctor providing the certificate and date of estimated birth) and when need of the presence of a parent to look after a sick child. All other health data as medical certificates are sent directly by the staff member to the Commission Medical service as foreseen in the SLA signed with them. Only dates of certified sick leave without other information as received by the Commission Medical service on the basis of a monthly report are mentioned in the annual individual electronic leave card.
- Special categories of data processed: n/a

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

The SJU ensures that staff member's personal data are processed as required by Article 11 of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of Individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (Official Journal of the European Communities, L 8 of 12 January 2001).

Information is included in the privacy statement prepared for 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 is available on the SJU Intranet under leave.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

The procedure to grant rights to data subjects is laid down in the Implementing Rules concerning SJU Data Protection Officer. These include:

- Access to the DPO's register of data processing operations;
- Requests from data subjects to the Data Controller to exercise their rights; as well as
- Detailed procedures to exercise the rights to access, rectify, erase, block, and object (as required by articles 13-16 of Regulation (EC) No 45/2001).

SJU staff members have the right of access to their own personal file and information (even after leaving the service) and to rectify data, to appeal or request to erase inaccurate data.

To facilitate this possibility, the SJU HR service provides each staff member with a copy of their leave card up to date at request or on a monthly basis. At the end of the year updated leave cards are sent to the staff member and to his/her line manager for verification before closure.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Processing of data:

- Collection: HR sector.
- Use: HR sector, line manager and data subject.
- Transfer: Hierarchy, EC PMO, Medical Service, European Court of Justice, In addition, the European Court of Auditors, the SJU Internal Audit (The IAS of the EC) and the SJU Internal Audit Capability have access to data in the context of the audit work they perform.
- Storage: HR service, EC PMO, Medical Service.
- Destruction of data: after 3 years for administrative data except if a dispute and appeal is underway (e.g. annual leave, special leave); for parental leave, family leave and leave on personal grounds, the data should be kept for the entire career of the staff to keep track when the total time granted reaches the maximum permitted. Certain type of leave, such as in the context of credit-time have an effect on the calculation of pension rights and consequently needs to be conserved for longer periods; data related to financial compensation related to leave (e.g. payment of leave not taken on termination of service) the retention period is 7 years at most. Personal data in supporting documents should be deleted as soon as they are not necessary for budgetary discharge, control and audit purposes.

The data collection, use and transfer are done using the SJU IT infrastructure (which includes a database only for leave management (excel book) – individual annual leave cards). The data is stored electronically and/or manually and access is protected by the management of the access rights. Paper requests files are stored in a locked cabinet in the HR sector's secured office until their destruction.

10/ STORAGE MEDIA OF DATA

Data is stored on paper in a closed cupboard in the HR secured office; EC PMO and Medical Service, if applicable.

Data which is stored in electronic files are protected by a restricted access to the HR Sector, including HR management.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

- Staff Regulations 57-60 - CEOS Articles 11, 16, 18, 58, 91.
- Decision 24 of the SJU Administrative Board of 9 October 2009 on the adoption of implementing rules of the Staff Regulations.
- Decision 11 of the SJU Administrative Board of 15 December 2011 on the adoption of implementing rules of the Staff Regulations including revised provisions on leave.
- Article 5.a of EC Regulation 45/2001

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

Internally: the Controller and Deputy Controller (Deputy Executive Director Finance and Administration), Internal Auditor

Externally: European Court of Auditors, European Court of Justice, Internal Audit Service of the EC, EC PMO, Medical Service.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

After 3 years for administrative data except if a dispute and appeal is underway (e.g. annual leave, special leave); for parental leave, family leave and leave on personal grounds, the data should be kept for the entire career of the staff to keep track when the total time granted reaches the maximum permitted. Certain leave, as in the context of credit-time have an effect on the calculation of pension and is conserved for longer periods; data related to financial compensation related to leave (e.g. payment of leave not taken on termination of service or to the of contract especially for staff concerned by the SJU transition in 2009 the retention period is 7 years at most. Personal data in supporting documents should be deleted as soon as they are not necessary for budgetary discharge, control and audit purposes.

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.

(Please, specify the time limits for every category, if applicable)

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.

N/A

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

N/A

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

AS FORESEEN IN:

↑ Article 27.2.(a) and (d)

17/ COMMENTS

PLACE AND DATE: BRUSSELS 24 JUNE 2013

DATA PROTECTION OFFICER: DANIELLA PAVKOVIC

INSTITUTION OR BODY: SJU