

(To be filled out in the EDPS' office)
REGISTER NUMBER: 1199

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 15/11/2013

CASE NUMBER: 2013-1287

INSTITUTION: TEN-T EA

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

Name: Mr Marcos Roman Parra, Head of Unit, Resources Unit T1
Address: W910 03/042, Trans-European Transport Network Executive Agency (TEN-T EA),
Chaussée de Wavre 910, B-1049 Brussels

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

Resources Unit T1, Human Resources

3/ NAME OF THE PROCESSING

Management of SYSPER 2

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The purpose of the processing operation via Sysper2 in the Agency is mainly the following:

- to identify all staff members in the Agency (as jobholders);
- to support some of the procedures of human resource management (recruitment, career management, job assignments, definition of statutory links and individual rights, salaries, etc.);

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

- to support the implementation of the staff evaluation and promotion system (e.g.: formulation and publication of job descriptions, etc.);
- to facilitate the matching process between jobholders and job vacancies.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Individuals, who have or have had an employment contract with the Agency. This includes the seconded EU officials, temporary agents, contract agents as well as Seconded National Experts, trainees and former staff members (since certain data need to be conserved for a longer period if they are related to subsisting rights and obligations, i.e. pension rights).

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

Personal data such as name, address, contact details (telephone and/or email address), personal status, family composition, remuneration, job assignment(s) (job descriptions), language skills, date & place of birth, nationality(ies), contact person, type and duration of contract (i.e.: temporary or contract agents) are available in Sysper2 in order to identify the jobholder.

Various categories of personal data are processed according to the modules used in Sysper2:

- Jobholder management: this module contains data covering contractual aspects between the Agency and staff (recruitment, internal mobility processes, job assignments, administrative status and career, end of service).
- Staff appraisal (CDR): this module contains data on the appraisal process of performance and conduct in the service, and the evaluation of the professional potential of jobholders (this module is not yet implemented in the Agency but it will be in the near future).
- Human Capital Database (e-CV): this module collects information on the professional experience, competences and ambitions of the staff member concerned. Information on professional training are currently processed in SYSLOG (training passport and training map) but accessible via Sysper2. DG HR and the Agency's Human Resource Managers can exploit these data in order to identify the profiles of staff members and match them to groups of jobs or specific jobs. The data further offers the possibility for DG HR and the Agency to preview necessary actions in terms of human resources development.
- Time Management: this module contains data relating to the working schedules, leaves and absences of each jobholder.

Neither the medical files nor the disciplinary files are currently integrated in Sysper2.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Staff members are informed upon entry into service of the existence and use of Sysper2. The HR staff administration cell of the Agency is available as helpdesk for any questions related to this system.

Information on data protection can also be found on the Agency's intranet & on My IntraComm. Procedures granting rights of data subject are stated in the specific privacy statement available in

Sysper 2 (prepared by the Commission). The Agency has also prepared a specific privacy statement to inform the staff member about the data controller and DPO of the Agency as well as to recall the staff members' rights in terms of data protection.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

All staff members have an access to the system for their own personal data. This access right is limited to reading but some data which do not have any direct impact on the rights of the individual can be updated by the Staff Member directly in the system (e.g.: private phone numbers, contact person,...).

Staff members wishing to modify or correct data concerning them can also send a message to the functional mailbox: TENEA-HR-Helpdesk@ec.europa.eu or contact directly the HR department of the Agency.

As a data subject, the staff member also has the right to object to the processing of their personal data on legitimate compelling grounds.

Procedures granting rights to the staff members as data subjects are stated in the specific privacy statement (recourse right to the DPO or to the EDPS).

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Sysper 2 implies an automated electronic processing operation.

10/ STORAGE MEDIA OF DATA

All data in Sysper 2 are stored electronically (with limited access to the relevant staff of the HR department). The login and the passwords to access to Sysper 2 are managed by the common certification service of the European Commission (ECAS).

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Legal basis:

- Articles 26, 35 & 36 of Regulation No 31 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants (EEC , EURATOM) last amended by Council Regulation (EU, EURATOM) N° 1023/2013 of 22 October 2013;
- Article 18 of Council Regulation (EC) N° 58/2003 laying down the statute for executive agencies;
- Commission Decision C (2007)5282 of 5/XI/2007 delegating powers to the TEN-T EA as amended by Decision C(2008)5538 of 7/X/2008 amending Decision C(2007)5282;
- Commission Decision C (2007)60/EC of 26 October 2006 establishing the Trans-European Transport Network Executive Agency, modified by Decision 2008/593 of 11 July 2008. Grounds of lawfulness:

Regulation (EC) No 45/2001:

- Article 5(a) in conjunction with Recital 27: the processing is necessary for the performance of tasks carried out in the legitimate exercise of official authority vested in the Community institution or body (staff management allowing the functioning of the Agency).
- Article 5 (c): the processing is necessary for the performance of a contract to which the data subject is party of.

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

- Human resource managers of the Agency;
- Operational services in DG HR and its administrative agencies (PMO, OIB) have access to the specific data they need to fulfil their human resource management tasks.

More precisely, the following potential user groups are entitled to obtain access rights to specific parts of the data:

- hierarchical superiors (first and second levels);
- all other persons designated via delegation by one of the users. Not all of the users have the same access rights to personal data. The profile of each user (function and responsibility) determines their need and entitlement to access specific sets of data in Sysper 2.

The information is transferred to other institutions for example in the case of an inter-institutional transfer of staff in order to facilitate the human resource management in the other institution. Data can also be transferred for specific purposes of control to the auditing or inquiring bodies like the Agency's internal auditor, OLAF or the Court of Auditors, EDPS, etc. in respect of the provisions of the Regulation (EC) N° 45/2001.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

In general, personal data in Sysper2 is stored until the end of the staff member's activity for the Agency. Certain data need to be conserved for a longer period if they are related to subsisting rights and obligations, i.e. pension rights. Those data are relating to the personal file and have a retention period of 8 years after the extension of all rights of the staff member concerned and of any dependant, and for at least 120 years after the date of birth of the person concerned.

The retention duration is administered by the owner of the system, namely: DG HR. The Agency has no power to modify this. The only actions that can be undertaken by the HR administrators of the Agency are to create, modify, or correct data. The Agency cannot delete an individual profile entirely.

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

N/A SEE ABOVE

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

14/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES

Upon request, the Agency might transfer some anonymous data for future statistical purpose to Commission Services (e.g.: PMO, DG HR).

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)

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

Article 27.2.(b)

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

Article 27.2.(c)

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

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

N/A

PLACE AND DATE: BRUSSELS, 07/11/2013

DATA PROTECTION OFFICER: CAROLINE MAION

INSTITUTION OR BODY: TRANS-EUROPEAN TRANSPORT NETWORK EXECUTIVE AGENCY

1199/2013-1287