

(To be filled out in the EDPS' office)
REGISTER NUMBER: 1208

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 11/12/2013

CASE NUMBER: 2013-1378

INSTITUTION: EFSA

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

Head of Human Capital & Knowledge Management Unit (HUCAP)
EFSA – European Food Safety Authority, Parma

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

HUCAP Staff managing the teleworking authorisation process

3/ NAME OF THE PROCESSING

Teleworking at EFSA

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The purpose of the data processing is to process requests for the authorisation of regular or occasional teleworking resulting in teleworking agreements with EFSA staff members.

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

All statutory staff at EFSA, officials, temporary agents, contract agents as well as seconded national experts (ENDs)

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

- The regular teleworking authorization request form completed in all its parts by the jobholder
- The opinion of the line manager - in case of occasional teleworking given in any written form, including e-mails between the applicant and his/her line manager -, the verification by HR Partners, the Decision of the Appointing Authority.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

In accordance with Article 11 & 12 of Regulation 45/2001, a specific Privacy Statement concerning the processing of personal data by EFSA in the context of regular/occasional teleworking will be made available on the EFSA Intranet portal in a dedicated area covering information on Working conditions and working time, including teleworking. A hyperlink to the privacy statement has also been placed in the Regular Teleworking Authorisation Request Form. The form and the text of the privacy statement is provided, respectively in Annex 3 and Annex 1.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

To exercise the right of access or to ask for the correction of incorrect data, the data subject should contact the head of HUCAP Unit.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Paper-based manual processing for what concerns the teleworking authorisation forms, which are inserted in the personal file

Automated processing: Staff data concerning the period of the teleworking deriving from the request form is inserted in EFSA's HR database Allegro, once the request is approved. Ad hoc teleworking is requested and agreed between the jobholder and the line manager via e-mail. Copies of the e-mails are sent to the respective HR Partner and stored in a dedicated MS Outlook folder.

10/ STORAGE MEDIA OF DATA

Documents are placed in a dedicated folder classified by year and in staff alphabetical order in a lockable cupboard. E-mails concerning ad hoc teleworking are stored in a dedicated MS Outlook folder, by the HR Partner.

Information in the HR database Allegro is stored on the EFSA servers.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

- Processing operation is necessary in the legitimate exercise of official authority of EFSA as an EU agency pursuant to Article 5 (a) of Regulation EC No 45/2001, namely:
 - o The Staff Regulations of Officials and the Conditions of Employment of Other Servants ;
 - o The Executive Director Decision concerning Teleworking at EFSA, (draft) (Annex 2);
 - o Work Instruction (WIN) implementing teleworking at EFSA: guidance to Managers (draft) (Annex4

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

- Persons in charge in the authorisation process for teleworking: the staff member's Line Manager, the Head of HUCAP Unit and the respective HRPartner, Head of HUCAP Unit or Team Leader of the Staff Assistance and Wellbeing Team in HUCAP Unit representing the Appointing Authority;
- The EFSA Internal Auditor ;
- Institutions or bodies having a legitimate purpose of audit, of the exercise of supervisory tasks or in charge of judicial proceedings: the Internal Audit Service, the EU Court of Auditors, the EU Ombudsman, OLAF, the EU Court of Justice and EU Civil Service Tribunal, the European Data Protection Supervisor

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Authorisations for teleworking are kept in a dedicated folder classified by year and in staff alphabetical order for a period of maximum 5 years.

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

Data subjects can exercise their rights at any time by contacting the Head of HUCAP Unit. Justified requests for blocking and erasure will be handled within 5 working days.

(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)

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,
Explanation: The teleworking authorisation form includes the opinion of the applicant's line manager on the ability to work independently, enabling him/her to perform the tasks assigned.*

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

Supporting documents:

Annex 1 – Privacy Statement - Processing of personal data in the context of teleworking (*draft*)

Annex 2 – Executive Director Decision concerning teleworking at EFSA
(EFSA/HUCAP/DEC/059/2013) (*draft*)

Annex 3 – Regular Teleworking Authorisation Request form (*draft*)

Annex 4 – Work Instruction (WIN) implementing telework at EFSA: guidance to Managers
(EFSA/HUCAP/WIN/01/2013) (*draft*)

Annex 5 – DPO notification by the controller

PLACE AND DATE: PARMA, 11/12/2013

DATA PROTECTION OFFICER: CLAUD REUNIS

INSTITUTION OR BODY: EUROPEAN FOOD SAFETY AGENCY