NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 11 JULY 2005

CASE NUMBER: 2004-283

NOTIFICATION OF: EUROPEAN COURT OF JUSTICE

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

INFORMATION TO BE GIVEN[2]

1/ NAME AND ADDRESS OF THE CONTROLLER

Mr Calot Escobar - Translation Director
Court of Justice of the EC
L-2925 Luxembourg

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

The Translation Directorate of the Court of Justice of the EC.

Each Division has the possibility to introduce data regarding absences due to training in the SUIVI database for its own colleagues only. In practice, however, this is done for all Divisions on a central level by a secretary from the General Services Division. (attachment I).

The same secretary also manages an MS Access file (attachment II) and different MS Excel files (attachment III) with information on individual training.

Finally, the Directorate's Organisation & Methods Section, a unit directly linked to the translation Director, manages another MS Excel file on training sessions that are organised by itself (attachment IV).

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[1] OJ L 8, 12.01.2001.

[2] **Please attach all necessary backup documents**

3/   NAME OF THE PROCESSING

SUIVI: ABSENCES OF TRANSLATION DIRECTORATE (attachment I)
SUIVI is an Oracle database that allows to manage the entire workflow of the Translation Directorate.

MS ACCESS FILE: MANAGEMENT OF TRAINING *(GESTION DES FORMATIONS)* (attachment II)

MS EXCEL FILES: TRAINING PRESENCE LISTS FOR WEEKLY LANGUAGE COURSES (attachment III)

MS EXCEL FILE: TRAINING ORGANISED BY O&M SECTION (attachment IV)

4/   PURPOSE OR PURPOSES OF THE PROCESSING

SUIVI: ABSENCES OF TRANSLATION DIRECTORATE (attachment I)
It allows to take absences, among which training absences, into account when calculating the number of working days of a staff member in order to assess his/her work. It is the case, for example, for the yearly notation reports (for a Lawyer Linguist, for instance, regarding the number of pages translated/revised per year). SUIVI only registers an absence due to training but does not indicate the type of training that is followed (Access file)

MS ACCESS FILE: MANAGEMENT OF TRAINING (attachment II)
The file gives an overview of all training sessions that are attended by staff of the Translation Directorate and its characteristics. It is needed for the purposes of sound general management of the Translation Directorate.

MS EXCEL FILES: TRAINING PRESENCE LISTS FOR WEEKLY LANGUAGE COURSES (attachment III)
These files indicate the presence hours of each participant per training session. It helps to calculate the period of absence due to training, which is taken into account when analysing the number of working days of a staff member.

MS EXCEL FILE: TRAINING ORGANISED BY O&M SECTION (attachment IV)
The Directorate's *Organisation & Methods Section* organises specific training sessions for staff of the Translation Directorate that is not covered by general training for all staff co-ordinated by the Personnel Division (Formation professionnelle).
This file helps the O&M Section to manage efficiently the training sessions organised by itself. It allows, for example, to create the presence lists and to send reminder e-mails regarding time and place of training sessions.

5/   DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

All of the Translation Directorate's staff that follows training courses.

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

SUIVI: ABSENCES OF TRANSLATION DIRECTORATE (attachment I)

- **Year** (*Année*) to which the absence relates
- **Division** (*Division*) concerned
- **Initials** (*sigle*), **Personal ID number** (*Numéro fonctionnaire)*, **Service entry date** (*Date d'entrée)*, **Service exit date** (*Date de sortie)* and **Name** (*Nom*) of the person in question
- **Starting date** (*Début*), **Ending date** (*Fin*) of the absence
- **Type of absence** (*Type*), in this case the abbreviation *FOR* (*formation*) for training
- **Number of days of absence** (*Nbre de jours*)
- **Working hours** (*Horaire*) indicating if the person is working full time (*1.00*) or part-time (.*50*)

Other absences registered in the SUIVI *"absences"* window are: sick leave, annual leave, special leave, maternity leave, parental leave, family leave, missions.

MS ACCESS FILE: MANAGEMENT OF TRAINING (attachment II)

- **Number of training session** *(Numéro du cours)*
- **Level** *(Niveau)*
- **Type** *(Type)*
- **Language** *(Langue)*
- **Category** *(Catégorie)*
- **Starting date** *(Date de début)*
- **Ending date** *(Date de fin)*
- **Place** *(Lieu)*
- **Duration** *(Durée)*
- **Trainer** *(Formateur)*
- **Description** *(Description)*
- **Training ID** *(Cour ID)* = **Number of training session** *(Numéro du cours)*
- **Participants** *(Participants)*

MS EXCEL FILES: TRAINING PRESENCE LISTS FOR WEEKLY LANGUAGE COURSES (attachment III)

- **Language** *(Lg)*
- **Institution** where the course is given *(Inst)*
- **Names** of the participants *(Noms)*
- **Division** to which the participant belongs *(Div)*
- **Number** of weekly **presences** in a given **month**; in the example attached January *(janvier)* and February *(février)*
- Total **number** of **4-hours courses** attended *(Total)*
- Total **number** of **hours** to which the presences correspond *(Heures)*
- Total **number** of **working days** to which the presences correspond *(Jours)*
- Period that will be put in the SUIVI ABSENCES window as absence for training (there is no title for this last column)

MS EXCEL FILE: TRAINING ORGANISED BY O&M SECTION (attachment IV)

- **Name** participant *(Nom).*"Freelancer" in the example attached.
- **Stage of convening** participant *(Convocation)*

- **Calendar week** *(Semaine)*
- **Division** to which the participant belongs *(Division)*
- Participant's **grade** *(Grade)*
- **Training course** *(Cours)*
- **Calendar year** *(Année)*
- **Presence** participant *(Etat)*
- **Language** in which the training course is given *(Langue)*
- Training **starting date** *(Date_début)*
- Training **ending date** *(Date_fin)*
- **Room** in which the training course is given *(Salle)*
- **Duration** of the training course *(Durée)*
- **Name trainer 1** *(Formateur 1)*
- **E-mail** participant *(E-mail)*
- **Initials** participant *(sigle)*
- **Calendar month** *(Mois)*
- **Name trainer 2** *(Formateur 2)*
- **Starting hour** *(H début)*
- **Ending hour** *(H Fin)*
- **E-mail trainer 1** *(Email formateur1)*
- **E-mail trainer 2** *(Email formateur2)*

7/   INFORMATION TO BE GIVEN TO DATA SUBJECTS

SUIVI: ABSENCES OF TRANSLATION DIRECTORATE (attachment I)
Each individual staff member can, on demand, access all his/her personal information on absences contained in the SUIVI database. There is no specific procedure informing staff about the SUIVI database; they learn about this on the job.
It is planned that each individual staff member can access all his/her personal information on absences contained in the SUIVI database through the Intranet. Access will be password-protected. The technical implications of such an access through the Intranet are currently examined.

MS ACCESS FILE: MANAGEMENT OF TRAINING *(GESTION DES FORMATIONS)* (attachment II)
Each individual staff member can, on demand, access all his/her personal information on training in the Access file. There is no specific procedure informing staff about the Access file.

MS EXCEL FILES: TRAINING PRESENCE LISTS FOR WEEKLY LANGUAGE COURSES (attachment III)
Each individual staff member can, on demand, access all his/her personal information on presence hours at the weekly language courses contained in the Excel files. There is no specific procedure informing staff about the Excel files. This information is also available in the SUIVI database that will be accessible through the Intranet.

MS EXCEL FILE: TRAINING ORGANISED BY O&M SECTION (attachment IV)
Each individual staff member can, on demand, access all his/her personal information on training organised by the O&M Section contained in the Excel file. There is no specific procedure informing staff about the Excel file.

8/   PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

If somebody finds that (part of) his/her personal information contained in one of the abovementioned databases is wrong, it can be corrected. If the information to be corrected concerns the type of training or the presence hours, this is done with the help of the training notification sheet or the presence list.

9/   AUTOMATED / MANUAL PROCESSING OPERATION

The processing operation is partly manual, partly automated. Please see point 16 for a description of the procedure.

10/   LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Article 5(a) 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.[3]

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

SUIVI: ABSENCES OF TRANSLATION DIRECTORATE (attachment I)
Access to SUIVI is limited only to staff working directly with the database (Translation Director and his secretariat, Heads of Division and usually two secretaries per Division, the ICT Division -DINT- for maintenance reasons).

MS ACCESS FILE: MANAGEMENT OF TRAINING *(GESTION DES FORMATIONS)* (attachment II)
Access to the ACCESS file is limited only to staff working directly with the database (a secretary from the General Services Division and the Translation Director's secretariat).

MS EXCEL FILES: TRAINING PRESENCE LISTS FOR WEEKLY LANGUAGE COURSES (attachment III)
Access to the Excel files is limited only to staff working directly with those files (a secretary from the General Services Division and the Translation Director's secretariat).

MS EXCEL FILE: TRAINING ORGANISED BY O&M SECTION (attachment IV)
The Excel file is stocked on the shared drive of the O&M Section and therefore accessible to the staff members of that section only.

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[3] OJ L 8, 12.01.2001.

12/   GENERAL INDICATION OF THE TIME LIMITS

FOR BLOCKING: ---------------------------

AND/OR

FOR ERASING: ----------------------------

OF THE DIFFERENT CATEGORIES OF DATA *(Please, specify the time limits for every category, if applicable)*

SUIVI: ABSENCES OF TRANSLATION DIRECTORATE (attachment I)
It is currently examined how long the data should be stored in the SUIVI database with regard to the purposes of the processing.

MS ACCESS FILE: MANAGEMENT OF TRAINING *(GESTION DES FORMATIONS)* (attachment II)
It is currently examined how long the data should be stored in the ACCESS database with regard to the purposes of the processing.

MS EXCEL FILES: TRAINING PRESENCE LISTS FOR WEEKLY LANGUAGE COURSES (attachment III)
It is currently examined how long the excel files should be stored with regard to the purposes of the processing.

MS EXCEL FILE: TRAINING ORGANISED BY O&M SECTION (attachment IV)
It is currently examined how long the excel files should be stored with regard to the purposes of the processing.

13/   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.

At present no other purposes are served than the ones mentioned in point 4. As indicated in point 12, it is currently examined how long the data should be stored with regard to the purposes of the processing.

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

The data are not transferred.

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

AS FORESEEN IN:
ⁱ   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,

ⁱ   Article 27.2.(c)
Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

ⁱ   Article 27.2.(d)
Processing operations for the purpose of excluding individuals from a right, benefit or contract,

ⁱ   Other (general concept in Article 27.1)

16/   COMMENTS

Procedures regarding training:

MS EXCEL FILES: TRAINING PRESENCE LISTS FOR WEEKLY LANGUAGE COURSES
(attachment III)
With the help of the paper presence lists of the weekly language courses, a secretary from the General Services Division creates MS EXCEL files indicating the presence hours of each participant per training period. The Excel files automatically calculate the total number of working days to which the presences correspond for these courses. This information is needed for the SUIVI absences window.

SUIVI: ABSENCES OF TRANSLATION DIRECTORATE (attachment I)
With the help of the Excel files with the presence hours of the weekly language courses and the paper presence lists of all other training sessions the same secretary inserts into the SUIVI *"absences"* window the starting date (*début*) and the end date (*fin)* of the training session. SUIVI automatically calculates the number of days of absence (*nombre de jours*). The abbreviation *FOR* (*formation*) in the column *"type"* indicates that it concerns an absence due to training. The column *"horaire"* indicates if the person is working full time (*1.00*) or part-time (*.50*)

MS ACCESS FILE: MANAGEMENT OF TRAINING (GESTION DES FORMATIONS)
(attachment II)
On the basis of the Excel files with the presence hours of the weekly language courses and the paper presence lists of all other training sessions the same secretary also fills out the MS ACCESS database which contains all the training sessions that are followed by staff of the Translation Directorate

MS EXCEL FILE: TRAINING ORGANISED BY O&M SECTION (attachment IV)

> With the help of service entry date lists or memoranda and registration e-mails for training sessions, the Organisation & Methods Section also establishes a MS EXCEL file for all training sessions that are organised by itself.

PLACE AND DATE: LUXEMBOURG,

DATA PROTECTION OFFICER: MR MARC SCHAUSS

INSTITUTION OR BODY: COURT OF JUSTICE OF THE EC - TRANSLATION DIRECTORATE