

(TO BE FILLED OUT IN THE EDPS' OFFICE)

REGISTER NUMBER: 988

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 11/04/2013

CASE NUMBER: 2013-0405

INSTITUTION: BEREC

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

INFORMATION TO BE GIVEN

1/ NAME AND ADDRESS OF THE CONTROLLER

SURNAME : BAGGE

FIRST NAME: VERONIQUE

E-MAIL: VERONIQUE.BAGGE@BEREC.EUROPA.EU

FUNCTION : HEAD OF ADMINISTRATION & FINANCE ACTING ON BEHALF OF THE ADMINISTRATIVE MANAGER AND THE MANAGEMENT COMMITTEE OF THE BEREC OFFICE (APPOINTING AUTHORITY OF BEREC OFFICE)

ADMINISTRATIVE ADDRESS: MEIEROVICA BULV 14, LV-1050, RIGA, LATVIA

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

ADMINISTRATION AND FINANCE UNIT – HR OFFICER – HEAD OF A&f – ADMINISTRATIVE ASSISTANT
PLACE OF WORK: MEIEROVICA BULV 14, LV-1050, RIGA, LATVIA

3/ NAME OF THE PROCESSING

Application and granting of all kind of leave (including special leave).

4/ PURPOSE OR PURPOSES OF THE PROCESSING

Keep all leaves up to date of temporary + contract agents and national experts – special leave is granted only in exceptional circumstances and on the basis of a duly substantiated application

¹ OJ L 8, 12.01.2001.

In order to be granted special leave, the applicant must provide supporting documents.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Temporary and contract agents, and national experts and third parties (partners, children of staff members).

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 revealing religious or philosophical beliefs (e.g. in case of motivated request to switch Berec office holidays with religious one).

Personal data concerning health (including disabilities).

Personal data concerning sex life (e.g. name of the partner).

Special functional mailbox for special leaves is created : special_leaves@bereg.europa.eu where staff shall send the requests and attached the supporting documents that might have above mentioned category of data covering all cases of special leave (art 10 of the reg. 45/2001).

These data are available only to AIPN who has powers to grant special leave, it is also accessible to HR officer and HR assistant for processing of the data.

The processing of data is done via e-mail only. All requests are saved in a mailbox and kept electronically; also paper forms are collected in hard copies and stored in a secure cupboard.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

An individual data protection notification is included in each request form. A privacy statement is provided to each staff member either via e-mail or at Unit meeting or via both ways. A Data Protection Policy for Employees of the BEREC Office is being finalized with support of external contractors.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

The rights of data subjects will be set out in a Data Protection Policy for Employees of the BEREC Office which is being finalized with support of external contractors.

The content will be, most likely (de facto BEREC Office is implementing it in this way):

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

Right to address complaints related to un-authorized processing of their personal data to the BEREC`s DPO (by e-mail to : dpo@bereg.europa.eu).

BEREC Office is in progress of implementing on-line requests for access to personal data with a form which will be available on the BEREC Office website which will be addressed to BEREC Office data controller.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The processing of data is via e-mail only. All requests are saved in a mailbox and kept electronically. For sick-leave requests, the medical certificates are faxed or e-mailed to the functional mailbox of the

Medical Service in Brussels. Nobody has hard-copies of them in BEREK Office. Certificates of special leave are kept by the HR Officer.

The processing operation is manual:

The staff member requests leave through a model template contained in an e-mail. When needed (not the case of sick-leave) paper files are either scanned or handed in hard copy; the requests are sent simultaneously to a functional mailbox (Leave@berec.europa.eu); HR Officer + Line Manager (who APPROVES the leave request). There is no physical file in most of the cases; sensitive medical data are not kept in our premises; in any case, nor copies neither originals are ever shared outside A&F Unit.

10/ STORAGE MEDIA OF DATA

The data on entitlements and sick leave are stored in house into the hard drive of the local PC of the HR Officer.

Hard copies of entitlements at the entry into service/end and beginning of the year are prepared by HR and stored in locked cupboard.

Data on all leave requests are stored and kept electronically.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

ANNEX V, ARTICLES 57 TO 60 OF STAFF REGULATIONS.

Berec office implementing rules on leave (Commission Decision of 5/11/2010 implemented by analogy). The processing meets a functional need of the service.

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

Internal parties:

Administrative Manager

Head of administration and finance

Head of unit concerned (and his/her delegated secretary in charge of encoding)

HR officer

HR assistant

IT Officer for Data Back Up purposes

External parties:

Court of auditors

Internal Audit Service

If needed, Ombudsman and Court of Justice

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The data are kept in house electronically from the moment of the submission of the request of leaves up to 4 years as specified in IAI/2012/1 on the management of documents of BEREK and its Office.

They then are destroyed, therefore after 4 years from collection.

There is an Internal Administrative Instruction specifying the details on retention policy of HR files (see reference document attached).

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

In case a request for blocking of data is accepted this shall be implemented within 15 working days from receipt of a valid request. The time-limit might be extended given the extremely thin Human Resources available. Erasure of data shall follow without delay once a motivated request has been accepted. Acceptance or not shall be communicated within 15 working days from receipt.

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.

No personal data is retained for statistical or historical purposes.

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

NOT APPLICABLE (no request of transfer has ever been done)

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

AS FORESEEN IN:

Article 27.2.(a) X Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures. The data provide by the data subject may allow to identify the health status of the subject

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
NA

PLACE AND DATE: RIGA, 10 APRIL 2013

DATA PROTECTION OFFICER: MICHELE MARCO CHIODI

INSTITUTION OR BODY: BEREK OFFICE