

*(To be filled out in the EDPS' office)*

**REGISTER NUMBER: 1122**

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**NOTIFICATION FOR PRIOR CHECKING**

**DATE OF SUBMISSION: 14/07/2013**

**CASE NUMBER: 2013-0857**

**INSTITUTION: REA**

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

**INFORMATION TO BE GIVEN<sup>2</sup>**

1/ NAME AND ADDRESS OF THE CONTROLLER

Research Executive Agency (REA)  
COV2  
B-1049 BRUSSELS  
BELGIUM

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

For organisational reasons, the role of the data controller is exercised by Mr Bruno WASTIN, Head of Unit REA.A.3 (Administration).

Bruno WASTIN  
[bruno.wastin@ec.europa.eu](mailto:bruno.wastin@ec.europa.eu)  
COV2 14/132  
Tel: 53138

3/ NAME OF THE PROCESSING

Teleworking in the REA.

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<sup>1</sup> OJ L 8, 12.01.2001.

<sup>2</sup> **Please attach all necessary backup documents**

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The Human Resources Sector of the Agency (hereinafter referred to as "HR") defines, coordinates and ensures the implementation of human resource policies (covering the whole lifecycle of the teleworking policy). It does so by following the relevant provisions of the Staff Regulations and the Conditions of Employment of Other Servants of the European Communities (CEOS).

The goal of the teleworking policy is to enable staff to achieve a better balance between their private and professional life within the framework of a transparent and fair system which aims to promote equal opportunities. The purpose of the processing operation of teleworking in the REA is to allow the staff member to work from home during working hours.

In particular, the processing of personal data in the context of regular teleworking is necessary in order to:

- Select the persons authorised to telework with regard to different criteria;
- Establish teleworking agreements;
- Ensure the administration, the follow-up and the implementation of the teleworking.

The purpose of processing of personal data in the context of the occasional teleworking is to offer to the staff members the possibility to temporarily telework under specific circumstances.

Teleworking should not have any prejudicial effect on the teleworker's career as long as objectives are met and the level of productivity is not affected. Teleworkers' workload and performance indicators must be the same as those of similar job holders working in the Agency.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Members of the REA staff (seconded Commission officials, temporary agents and contract agents) who have completed (by the date of their application) their probationary period as well as their children and/or dependent relatives (in case they are mentioned in supporting documents that the data subject adduces).

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 are collected and/or processed mainly via Sysper2:

- Identification/administrative data: first name, last name, personnel number, unit, sector, administrative status, date of entry into service, teleworking schedule, dates of beginning/end of the teleworking, teleworking period already accomplished, full-time or part-time work patterns and dates of beginning/end of the evaluation/probationary period (in the context of teleworking).

- Contact details: professional address, home address (or other address used by the data subject in order to telework on a regular basis), private telephone number (for transferring their office line), distance between place of residence and place of work (optional).
- Work-related data: tasks during teleworking, outputs during the assessment period (free text field in case of the self-assessment form), interaction/communication with the other members of the team (free text field in case of the self-assessment form).
- IT-related data: if data subjects are in the possession of a token and/or of a laptop.
- Evaluation data: ability of the data subject to work with little direct supervision, independence, proficiency in all necessary software applications, if tasks teleworked were successfully performed and/or fixed objectives achieved (in case of the assessment form for regular telework), if the teleworker was reachable by email, phone and responsive (in case of the assessment form for regular telework), impact on the service (in case of the assessment form for regular telework), participation of the teleworker in an important meeting (in case of the assessment form for regular telework).
- Family data: first name and last name of children and/or dependent relatives (under the optional field "comments").
- Other categories of data: mission, external training, difficult transport connections, family or personal constraints (under the optional field "comments").

### **Special categories of data**

Health-related data (disability, serious health impediment, mobility problems, etc.) may be processed. This applies mainly for the cases where the data subject voluntarily provides relevant information in the application form.

For applying to the scheme of occasional teleworking for reasons related to reduced mobility (lasting more than two weeks), a note from the applicant's practitioner certifying that the person is able to work despite his/her mobility problem, will have to be submitted to the HR Sector. This note is not a medical certificate justifying absence from work. It should not be addressed to the Medical Service or any entity other than the HR Sector.

The REA does not process medical certificates in the context of teleworking. In principle, any data linked to health condition should be sent by the data subjects to the Medical Service. In case the REA receives a medical certificate in the context of teleworking, it will be ensured that it is immediately returned to the data subject and no copies (paper, electronic) are kept.

Each member of the REA who processes administrative documents/information that may contain health-related data is subject to an obligation of secrecy equivalent to that of a health professional.

The Director, head of department "Administration, Finance and FP7 Support", heads of unit, deputy heads of unit, heads of sector, team leaders and members of the REA HR sign a declaration of confidentiality regarding the processing of health-related data.

The processing of health-related data in the REA is covered by a relevant notification under Article 25 [DPN-2009-01 ("Processing of Health Data by the REA")].

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

A specific privacy statement relevant to the processing operation is published under the REA Intranet (section Human Resources).

Under Sysper2, there is the following disclaimer: "The attention of any person who may have even accidental knowledge of and/or having to deal with personal data is drawn to the importance of the obligation of professional secrecy and to the need to comply with it. This is particularly the case where the data relates to health matters. The European Data Protection Supervisor stresses the importance of this obligation which arises from article 10 (3) of Regulation (EC) n°45/2001 of the European Parliament and of the Council on data protection".

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

At any time, data subjects can access (online) their personal data under Sysper2 and can rectify/erase (where applicable) the respective information.

Data subjects may also change/rectify themselves their teleworking application, before it is validated. If their application is already validated, the data subjects may contact REA-TELEWORK@ec.europa.eu and request the following:

- Modification of the teleworking schedule;
- Change of the usual place of telework.

This rectification is subject to the approval of their supervisor.

Data subjects may withdraw (via Sysper2) their application at any given moment. They should also inform their head of unit and send an email to REA-TELEWORK@ec.europa.eu.

For any questions regarding teleworking and the personal data that is processed in that context, data subjects may send an email to the following functional mailbox: REA-TELEWORK@ec.europa.eu.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Personal data are processed manually and by automated means.

The design of a teleworking scheme and its implementation is an essential part of an active well-being and equal opportunities policy for the REA staff. The shift to evaluating performance on the

basis of outputs rather than time physically spent at the workplace is an essential part of a culture that favours empowerment of staff.

The Medical Service does not take part in the teleworker selection process. At the request of the applicant, the Medical Service may give an opinion, but under no circumstances this will have a binding effect on the final decision of the REA Director.

There are two types of teleworking that data subjects can apply for:

### **1) Regular teleworking**

Regular teleworking is an opportunity to telework at set times following a weekly schedule defined by a mutual arrangement with the direct superior. The main steps of the regular teleworking can be summarised as follows:

- a) A call for expression of interest is launched each year.
- b) Staff members interested in regular teleworking should complete their application form in Sysper2 under the Time Management Module (TIM module).
- c) The HR Sector validates the application by checking that it reflects the eligibility criteria set in the call of expression of interest and that it has been received within the time frame of the call.
- d) Any intermediate validator in Sysper2 automatically validates the application, so that it reaches the Head of Unit level in the workflow. However, intermediate validators are not formally involved in the decision-making process.
- e) The Head of Unit gives a favourable / unfavourable opinion on the merits (tasks proposed, interest of the service, interaction with other flexible work arrangements in the Unit), after coordinating the exercise with the Management Board and Director.

Unfavourable opinions require a written justification.

f) If the number of applications is higher than the agreements offered, the following priority criteria will apply:

- i. Applicant has a disability or a serious health impediment;
- ii. Compatibility with the interest of the service, to be assessed both in relation to the individual concerned and with respect to the work patterns in the Unit (impact on organizational efficiency, the nature of job requirements, the compatibility of the tasks proposed by the staff member);
- iii. Justification provided in terms of improving reconciliation of private and professional lives;
- iv. Distance between place of residence and place of work, difficult transport connections, mission, external training.

For the tasks compatible to teleworking there is a non-exhaustive list of recommended teleworking tasks in Annex 1 of the Guide to the 2013/14 telework pilot exercise of the REA.

In implementing the above criteria for ranking, the management board may adjust the priority list in order to:

- balance gender, category of staff and spread across the various units;
- prioritize full-time work patterns over part-time workers;
- Encourage rotation: data subjects who did not yet benefit from telework possibilities will be given priority.

- g) The Director validates the request in Sysper2 (after discussion with the management team).
- h) The HR Sector informs all staff concerned of the outcome of their request.
- i) The HR Sector informs the IT sector about the REA staff that will participate in the teleworking scheme.
  
- j) The HR sector in collaboration with the ICT sector will organise the distribution of token/laptop to the teleworkers.

During the annual exercise, the teleworking agreement will envisage a probationary period of three months and two reviews:

- at the end of the probationary period;
- at the end of the annual agreement.

In each review the teleworker shall prepare a self-assessment (Annex 2 of the Guide to the 2013/14 telework pilot exercise of the REA) and discuss the teleworking arrangement with the direct supervisor. An assessment form (Annex 3 of the Guide to the 2013/14 telework pilot exercise of the REA) is then completed by the supervisor, proposing the continuation (with a possible change in schedule) or discontinuation of the teleworking agreement. The form is sent to the teleworker with copy to the HR Sector.

## **2) Occasional teleworking**

Occasional telework is a possibility to temporarily telework under specific circumstances: it may be used for one-off tasks (e.g. report writing or analytical work from home), or in case of specific personal/family issues or mobility problems. The supervisor may approve or reject an application, provided it complies with the rules and it is in the interest of the service.

The main steps of the occasional teleworking can be summarised as follows:

- a) When a situation that calls for occasional teleworking arises, data subjects are invited to check first if teleworking is compatible with their tasks (see Annex 1 of the Guide to the 2013/14 telework pilot exercise of the REA) and if it is in the interest of the service.
- b) The data subject may use Sysper2 or e-mail, depending on the practice of the Unit – paying particular attention to specifying the motivation(s). In Sysper2 he/she shall use the "Comments" field to give details of the reason for the request.
- c) The request is sent for validation to the Head of Unit who will directly approve it or reject it.

Concerning the evaluation of applications for teleworking (regular and occasional), the information provided in the optional field "comments" of the data subject's application, will be considered by the REA staff in charge of the exercise of evaluating the applications only for selection purposes.

The members of the REA staff in charge of evaluating the applications are also reminded not to process excessive data (which may be contained in the motivation of the data subjects) in relation to what is necessary in order to process the applications.

10/ STORAGE MEDIA OF DATA

Data, in electronic format, is stored on the servers of the REA (limited access) and on the servers (email server, Sysper2, ARES) of the European Commission.

Data in paper format and supporting documents are stored in locked/secure cupboards.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

- Article 55 of the Staff Regulations of Officials of the European Communities of 1st May 2004;
- Articles 16 and 91 of the Conditions of Employment of Other Servants (CEOS) of the European Communities of 1st May 2004;
- Article 11 (6) of Council Regulation (EC) No 58/2003 laying down the statute of executive agencies;
- Decision of the REA Steering Committee of 20 October 2009 on the adoption of implementing rules to the staff Regulations [REA/SC(2009) 10];
- Draft Guide to the 2013/14 telework pilot exercise of the REA;
- Article 5 (a) (Lawfulness of processing) 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.

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

Data may be disclosed to the following recipients:

**REA**

- The Director of the Agency;
- Head of Department "Administration, Finance and FP7 Support";
- REA Heads of unit and Line managers (e.g. Head of sector);
- Authorised personnel of the REA.A.3.001 (Human Resources);
- Authorised personnel of the REA IT sector (REA A.3.002);
- Internal services (e.g. legal service, internal audit).

**Other potential recipients**

- The Court of Justice of the European Union (Court of Justice, the General Court and the Civil Service Tribunal);
- European Ombudsman;

- European Court of Auditors (ECA);
- Internal Audit Service of the European Commission (IAS);
- European Anti-Fraud Office (OLAF);
- European Data Protection Supervisor (EDPS);
- Directorate-General for Informatics (DG DIGIT).

This transmission will be restricted to the information necessary for the competent entity to carry out its task. The recipients will be reminded not to process the data received for any purpose other than the one for which they were transmitted to them, as required under Article 7(3) of Regulation (EC) No 45/2001.

### 13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Data (in Sysper2 and in paper format) related to applications for teleworking will be retained for three years for the following reasons:

- To enable the Agency to establish an order of priority for persons who have applied on several occasions but were not selected because of the large number of applications within the Agency;
- To enable the Agency to review on a mid-term basis the teleworking arrangement.

Personal data which are inserted under the field "comments" of Sysper2 is automatically deleted after a period of two months after the acceptance or refusal of the last validator (approval of the REA Director). The same conservation period applies for personal data which is inserted under the field "comments" of Sysper2 and is printed out on paper for the works of the REA staff in charge of evaluating the applications for teleworking.

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

- Time limit to rule on a request: 15 working days (beginning from the reception of the request).
- Blocking period: On case-by-case basis. Immediately if applicable (maximum delay of 10 working days).
- Erasure Period: Maximum delay of 5 working days after the ruling on the request (if applicable).

### 14/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES

Statistics may be created but in a form that does not permit identification.



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

Not applicable.

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.*

- Article 27.2.(b)

*Processing operations intended to evaluate personal aspects relating to the data subject, including his or her ability, efficiency and conduct.*

*Processing operations for the purpose of excluding individuals from a right, benefit or contract,*

- Other (general concept in Article 27.1)

17/ COMMENTS

**Related documents**

- Draft Guide to the 2013/14 telework pilot exercise of the REA;
- Teleworking in REA: Call for expression of interest 2013/14 of 21st May 2013;
- Declaration of confidentiality regarding the processing of health-related data;
- Specific privacy statement (SPS) relevant to teleworking in the REA.

PLACE AND DATE: 14 JULY 2013

DATA PROTECTION OFFICER: EVANGELOS TSAVALOPOULOS

INSTITUTION OR BODY: RESEARCH EXECUTIVE AGENCY (REA)

