NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 2 MAY 2005

CASE NUMBER: 2004/278

NOTIFICATION OF: CJCE

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

MARK RONAYNE, HEAD OF THE PERSONNEL DIVISION, COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES, L-2925 LUXEMBOURG

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

Personnel Division; Personnel and Finance Directorate

3/ NAME OF THE PROCESSING

Sic conge; Sick leave

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[1] OJ L 8, 12.01.2001.

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

4/   PURPOSE OR PURPOSES OF THE PROCESSING

Recording number of days of sick leave taken, with or without medical certificates, by members of staff.

This is necessary to determine whether there should be follow up by the medical service or the independent médecin contrôleur, to determine whether an invalidity committee should be convened and of the purposes of the application of Article 59 (2) of the Staff Regulations.

5/   DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Officials and Agents of the Institution

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

Name
Personnel number
Date of birth
Sex
Service
Internal address
Dates of sick leave
Date of entry into service/entry into the Communities
Status/Grade
Place of origin (and distance to)
Language
Sick leave taken, with or without certificate, since 1994

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Data subjects may contest the data recorded.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

Data subjects can review the data recorded.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Automated

10/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Staff Regulations, Article 59;

Conditions of employment of other agents, Articles 16, 59, and 91.

Article 5 a) of Regulation 45/2001

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

Two nurses in the medical service have access to the data base.

Heads of service are notified automatically every day of members of staff absent, including on sick leave. They may also request by telephone, from the medical service, information regarding sick leave taken by members of their service.

The Director of Personnel and Finance, the Head of the Personnel Division, the Head of Section of the Personnel Division responsible for medical matters receive, daily, a list of absences of all members of staff from the medical service.

Members of the "Division de l'informatique et des nouvelles technologies" may also have access to the date base for maintenance purposes.

When a member of Staff is transferred to another Community institution, this institution is informed of the number of day's sick leave taken during the previous three years.

The Court's Legal Advisor for Administrative Matters, the Complaints Committee (in the event of a complaint under Article 90 (2) of the Staff Regulations, and the Court of First Instance (in the event of a case taken by a member of staff) are also potential recipients.

12/   GENERAL INDICATION OF THE TIME LIMITS

FOR BLOCKING: -------------**INDEFINITIELY**--------------

AND/OR

FOR ERASING: -------- **INDEFINITIELY** ----------------------

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

THE PERSONNEL DIVISION HAS RAISED FOR DISCUSSION WITH THE OTHER INSTITUTIONS THE QUESTION OF THE TIME DURING WHICH PERSONAL DATA CONTAINED IN ADMINISTATIVE FILES SHOULD BE KEPT (IN THE COMITÉ DE PRÉPARATION DES QUESTIONS STATUTAIRES).

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.

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

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

AS FORESEEN IN:

x⌐ 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)

16/	COMMENTS

PLACE AND DATE: LUXEMBOURG

DATA PROTECTION OFFICER: MARC SCHAUSS

INSTITUTION OR BODY: **COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES**