NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 28 JULY 2005

CASE NUMBER: 2004-279

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 the data regarding sick leave in the SUIVI database for its own colleagues only. In practice, however, this is done by the Translation Director's secretariat for all Divisions (see point 16 on the procedure).

3/ NAME OF THE PROCESSING

SUIVI: ABSENCES OF TRANSLATION DIRECTORATE.

SUIVI is an Oracle database that allows to manage the entire workflow of the Translation Directorate. Sick leave is part of this database.

---

[1] OJ L 8, 12.01.2001.

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

4/   PURPOSE OR PURPOSES OF THE PROCESSING

The processing is needed for various reasons. First of all, it allows each Division to manage its daily work efficiently. It allows, for example, to redistribute to another colleague an assignment with tight deadlines initially allocated to the colleague that has fallen ill.

Secondly, it allows to take absences, among which sick leave, 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).

Finally, it allows general statistical processing for the needs of sound management. No direct statistics on sick leave are generated. Statistics on the production of translated/revised pages, however, include the number of working days, which take into account the absences.

5/   DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

All of the Translation Directorate's staff are subject to data on sick leave: Director, Deputy Directors, Heads of Division, Lawyer Linguists, Legal Revisers, Administrators, Management Assistants, Proofreaders, Secretaries.

The SUIVI *"absences"* window, including sick leave, contains the following categories of data (see attachment):

Year (*Année*) to which the sick leave 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 *MAL* (*maladie*) for sick leave

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: annual leave, special leave, maternity leave, parental leave, family leave, missions, training

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

Starting date of sick leave, return date, total number of days of absence due to sick leave (see attachment).

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Each individual staff member can, on demand, access all his/her personal information on sick leave 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 to give individual staff members direct access to his/her personal information on sick leave 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.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

Each individual staff member can, on demand, access all his/her personal information on sick leave contained in the SUIVI database.

If the person in question finds that (part of) the information on sick leave in SUIVI is wrong, it can be corrected. This can be done on the basis of a corrected *"Absence for illness"* memorandum (*feuille rose*) or a corrected *"Back in the office"* memorandum (*feuille verte*) (see point 16), a medical certificate, or a confirmation from the nurse.

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]

The processing operation is carried out by the Court's Translation Directorate in order to accomplish its assignment correctly (see also point 4.).

---

[3] OJ L 8, 12.01.2001.

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

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).

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)*

It is currently examined how long the data should be stored in the SUIVI database 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 in the SUIVI database 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:
✓   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

Procedure regarding sick leave:

With the help of a model memorandum made by the Personnel Division (*feuille rose*), each Division of the Translation Directorate informs the nurse of the institution of a colleague's absence due to sick leave.

All *"Absence for illness"* memoranda first arrive at the Translation Director's secretariat in order to insert into SUIVI the starting date of the absence (see attachment).

When a colleague returns from sick leave, his/her Division informs the nurse of the institution of the return date with the help of another model memorandum made by the Personnel Division (*feuille verte*).

All *"Back in the office"* memoranda first arrive at the Translation Director's secretariat in order to insert into SUIVI the return date of the colleague (see attachment). SUIVI then automatically calculates the number of days of absence.

The diagnosis of the illness (medical certificate) is not known at the Translation Directorate and is never inserted into SUIVI. The abbreviation *MAL* (*maladie*) in the column *"type"* indicates that it concerns an absence due to sick leave. The column *"horaire"* indicates if the person is working full time (*1.00*) or part-time (*.50*).

PLACE AND DATE: LUXEMBOURG,

DATA PROTECTION OFFICER: MR MARC SCHAUSS

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