



PRIVACY STATEMENT

Personal data provided for the purpose of the management of leave entitlements including annual leave, special leave and sick leave are processed in accordance with 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.

Processing operations are under the responsibility of the Head of Human Resources Management group (HRM Group) acting as Data Controller, regarding the collection and processing of personal data.

1. Purpose(s) of the processing

Personal data is collected and further processed for the purpose of the management and administration of data related to leave entitlements including annual leaves, special leaves and sick leaves in compliance with the Staff Regulations and its implementing provisions.

2. Recipients of the data processed

For the purpose detailed above, access to personal data of the data subject concerned is given to the following persons:

- the hierarchy of the data subject concerned (for consultation and approval)
- The Human Resources Management Group in the Administration services (for definition of leave entitlements, verification of special leave requests and reporting)
- A limited number of staff in Accounting (ADS3) managing the payment of related allowances (e.g. annual travel)

Any recipient of the data shall be reminded of their obligation not to use the data received for other purposes than the one for which they were transmitted.

Leave entries are displayed on the intranet as a general leave encoding with information about the approved or expected duration; in the case of leave, the data subject concerned may also disclose the information to external contacts by setting his/her out-of-office auto reply in email account.

3. Personal data concerned

The personal data of any statutory staff member (including officials, temporary agents, contract agents) and seconded national expert.

4. Categories of data processed

Personal data collected and further processed can relate to all or some of the following data:

- Name (title, first name, surname) and function; gender; date and place of birth; date of entry into service of the data subject concerned;
- In case of special leave, the personal data may also include doctor's certificates, birth or death certificates, marriage certificates, etc... related to the data subject concerned and/or his/her relatives.

5. Modalities for the processing operation

Personal data is processed manually: upon a written request from the staff, the data is encoded in SIC leave by the secretary of the relevant programme; the system prompts the line manager to approve or reject the request with an electronic visa.

In the case of absence due to sickness, the data is first encoded in SIC leave by the secretary of the relevant programme; when the staff member concerned returns to work, the HRM encodes the end date in SIC leave and closes the period if all necessary supporting documentation is present (e.g. medical certificate in the case of a sick leave exceeding 3 calendar days).

6. Right of access and rectification

With regard to annual leave and special leave, each staff member has a read access to his/her own data on leave entitlements in an online database extracting data from SIC Sweet (SIC Personnel and SIC Cong ). Leave entries are made by the secretary of the relevant programme (in case of annual leave) or via the reception (in case of leave due to sickness or accident) upon request from data subjects. Moreover, each staff member has a read access through intranet to all his/her leaves that are registered (past and future) (right of access) and where necessary may rectify previously made registrations upon justified request to his/her line manager (right of rectification). In the case of special leave, supporting documents and information shall be forwarded to the HRM Group for the purpose of verification.

Restrictions to the right of access and rectification of the data subjects may be imposed in accordance with Article 20(1)(a) and (c) of Regulation (EC) No 45/2001, namely where such restriction constitutes a necessary measure to safeguard the prevention, investigation, detection and prosecution of criminal offences; and the protection of the data subject or the rights and freedoms of others.

7. Legal basis

The legal bases for the processing operations on your personal data are the following:

- o the Staff Regulations (SR) and the Conditions of employment of Other Servants of the European Communities (CEOS)¹, and in particular Articles 57 to 61 and Annex V thereof;
- o the Commission Decision C(2004) 1597 of 28.4.2004 introducing implementation provisions on absences as a result of sickness or accident;
- o the Commission Decision C(2006) 2033 of 1.6.2006 laying down rules on the secondment of national experts to the Commission applied by analogy by EEA.

8. Legality of processing

The processing is necessary for the performance of a task carried out in the public interest by the Community institutions and bodies which includes the processing of personal data necessary for the management and functioning of those institutions and bodies (Article 5(a) of Regulation (EC) No 45/2001).

¹ Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968 laying down the Staff Regulations of Officials of the European Communities and the Conditions of employment of other servants of the European Communities (OJ L 56 of 4.3.1968, Special edition 1968, 1.12.1972) and the subsequent regulations and corrigenda amending and correcting that regulations

The processing is necessary for compliance with a legal obligation laid down in the Staff Regulation and the Conditions of Employment of Other Servants of the European Communities to which the controller is subject (Article 5(b) of Regulation (EC) No 45/2001).

9. Data retention

The personal data related to annual leave and special leave shall be kept for a maximum period of 3 years as from the leave occurrence.

The health data related to absence due to sickness are kept by ADS1 Group for a maximum period of 3 years after the last medical document related to a specific sick leave is inserted in the file in the light of Article 4 (1)(e) of the Regulation. Health data related to absence due to sickness may be retained until the end of a possible dispute or appeal if one started or was lodged before the end of the above period.

Aptitudes certificates stating the aptness or not of the staff member are kept in the personnel files. The latter are kept for 10 years after the end of the period during which a staff member is in active employment or the last pension payment.

Anonymous data related to leave and absence is kept for statistical purposes (leaves, special leaves and absences).

10. Right to appeal

Data subjects are entitled to have recourse at any time to the European Data Protection Supervisor (<https://edps.europa.eu>; EDPS@edps.europa.eu) if they consider that their rights under Regulation (EC) No 45/2001 have been infringed as a result of the processing of their personal data by the EEA.

They may also contact the EEA's Data Protection Officer (DPO) in case of any difficulties or for any questions relating to the processing of their personal data at the following e-mail address: Data.ProtectionOfficer@eea.europa.eu