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GB/MG **C 2014-0605**
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correspondence

Subject: Prior checking notification concerning "processing of personal data by the EU SatCen in the context of management of sick leave, special leave, part-time and unpaid leave"

Dear Mr Legai,

On 20 November 2014, the European Data Protection Supervisor (EDPS) received from the Data Protection Officer (DPO) of the European Union Satellite Center (EU SatCen) a notification for prior checking concerning "processing of personal data by the EU SatCen in the context of management of sick leave, special leave, part-time and unpaid leave" (case 2014-0605).

The notification, replacing the notification for prior checking sent to the EDPS on 5 June 2014, is accompanied by: a cover letter specifying the differences between the EU SatCen procedures and the specific guidelines issued by the EDPS¹; a copy of the Privacy Policy on the processing of personal data related to leave, published on the EU SatCen intranet (Privacy Policy); a copy of a "timesheet" submitted to the external financial auditors; a copy of the EU SatCen Staff Regulations², including rules on sick, special, part-time and unpaid leave; a copy

¹ Guidelines concerning the processing of personal data in the area of leave and flexitime adopted on 20 December 2012 (EDPS 2012-0158), available at:

https://secure.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Supervision/Guidelines/12-12-20_Guidelines_Leave_Flexitime_EN.pdf

² Council Decision of 25 August 2009 concerning the Staff Regulations of the European Satellite Centre.

of the Implementing Rules on Leave and Flexitime³; a copy of EU SatCen Revised Financial Rules; and a copy of the confidentiality declaration signed by the two case officers of the EU SatCen in charge of leave.

The organizational part of EU SatCen entrusted with the processing of personal data is the Administration Division of EU SatCen. The purpose of the processing is to enable EU SatCen to manage leaves (“sick, special, part-time and unpaid”) of its staff members (“permanent, temporary, SNEs, Trainees, and Local Staff”).

The EDPS limits its assessment to the only difference (which concerns the data retention periods) reported by the EU SatCen between the data protection aspects of the processing for the management of leaves at the EU SatCen and the EDPS specific Guidelines on the processing of personal data in the area of leave and flexitime.

Conservation of personal data

In the cover letter accompanying the notification, the EU SatCen highlights that “as to the retention period of administrative data related to leave, the EU SatCen makes a distinction between the data of staff members working for the mission of the Centre as such and the data of staff members (limited number) in charge of EU projects carried out in the Centre”.

The notification and the Privacy Policy specify that “the EU SatCen keeps the administrative data (name, surname and duration [of the leave]) of its staff members for five years after the annual audit has been completed in light of the EU SatCen Financial Regulation”.

“Exceptionally, in case of the staff members in charge of EU projects financed by the European Commission, their administrative data are kept throughout the duration of the project the staff member is involved in. An audit takes place after each project has been completed. Their data are kept for five years after the end of the audit in accordance with EU Financial Regulation”.

“All original certificates are kept for a maximum of two years, unless the data subject has had recurrent sick leaves that may warrant future interventions by the Administration” (such as the adoption of disciplinary measures).

The EDPS notes that the “5 years after audit” data retention period concerns only a limited set of data (“administrative data”, *i.e.*, name, surname and duration [of the leave] of the staff member concerned). Moreover, as stated in the EDPS Guidelines, “it is possible that EU institutions and bodies have rules regarding financial compensation related to leave” and, in such cases, the EDPS deems it appropriate to retain the data “for up to 7 years after the budgetary discharge. However (...) personal data in supporting documents should be deleted as soon as they are not necessary for budgetary discharge, control and audit purposes.”

In the light of the above, taking into account the justification provided by the EU SatCen, the EDPS considers that the retention policy in place at the EU SatCen is in line with Regulation (EC) No 45/2001 (the Regulation).

Conclusion:

³ EU SatCen Director Decision of 1 May 2013, Implementing Rule for Article 19(8) of the SatCen Staff Regulations concerning hours of work.

The EDPS considers that there is no reason to believe that the processing of data relating to the management of sick, special, part-time and unpaid leave at the EU SatCen is in breach of the Regulation and has therefore decided to **close** this case.

Yours Sincerely

(signed)

Giovanni BUTTARELLI
Supervisor

Cc: Jean-Baptiste TAUPIN, Data Protection Officer (DPO), European Union Satellite Center;
Esther MOLINERO, Deputy Data Protection Officer, European Union Satellite Center.