

**REGISTER NUMBER: 199**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 29/03/2007

Case number: 2007-218

Institution: European Commission

Legal basis: article 27-5 of the regulation CE 45/2001<sup>(1)</sup>

(1) OJ L 8, 12.01.2001

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

(2) Please attach all necessary backup documents

1/ Name and adress of the controller

2) Name and First Name of the Controller: DUBS Christian

3) Title: Head of Unit

4) Directorate, Unit or Service to which the Controller is attached: R.01

5) Directorate General to which the Controller is attached: INFSO

2/ Organisational parts of the institution or body entrusted with the processing of personal data

26) External Company or Directorate General to which the Processor is attached:

25) External Company or Directorate, Unit or Service to which the Processor is attached:

DG DIGIT

3/ Name of the processing

Flexitime - specific to DG INFSO

4/ Purpose or purposes of the processing

Based on the principle of time-keeping of worked hours, flexi-time helps all staff to work the same number of hours they are required to in a flexible manner in order to better conciliate work and private life

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

All staff of Units of DG INFSO (officials, temporary agents, contract agents, auxiliary staff, DNE).

Interimaires and stagiaires could use flexi-time but they cannot recover days

16) Category(ies) of Data Subjects:

All staff of Units of DG INFSO (officials, temporary agents, contract agents, auxiliary staff, DNE, informatics experts - prestataires de service, stagiaires).

Interimaires, stagiaires and informatics experts could use flexi-time but they cannot recover days.

6/ Description of the data or categories of data (including, if applicable, special categories of data (article 10) and/or origin of data)(including, if applicable, special categories of data (article 10) and/or origin of data)

17) Data field(s) of Data Subjects:

Attention: Please indicate and describe in the answer to this question also data fields which fall under article 10

The data collected is :

- magnetic card number link to a login (which means link to the name of the person) ;
- daily events such as arrival and departure, duration of the lunch pause ; days off, vacations, missions of all staff concerned.

On the basis of those data, the system calculates, for each person, a balance (+or-) between official working time and real working time.

18) Category(ies) of data fields of Data Subjects:

Attention: Please indicate and describe in the answer to this question also categories of data fields which fall under article 10

NA

7/ Information to be given to data subjects

15a) Which kind of communication(s) have you foreseen to inform the Data Subjects as described in articles 11 - 12 under 'Information to be given to the Data Subject'

A specific privacy statement for flexi-time, on-line on the home page of the application where everybody could read it (See attachment above).

8/ Procedures to grant rights of data subjects (rights of access, to rectify, to block, to erase, to object)(rights of access, to rectify, to block, to erase, to object)

15b) Which procedure(s) did you put in place to enable Data Subjects to exert their rights: access, verify, correct, etc., their Personal Data as described in articles 13 - 19 under 'Rights of the Data Subject' :

Flexi-time is managed via an Oracle database (web technology via Java). This data base is accessible by each data subject with his/her login and password.

Therefore, the data subjects (users of the application) could access, verify and, if necessary, correct their personal data. Of course, they couldn't correct the data directly and by themselves, they have first to ask the controller or the delegated controller.

#### 9/ Automated / Manual processing operation

##### 7) Description of Processing:

Attention: Please describe in the answer to this question if you process personal data falling under article 27 "Prior-Checking (by the EDPS - European Data Protection Supervisor)"

The Commission services in charge of the flexi-time application will collect personal data only to the extent necessary to help all staff to work the same number of hours they are required to in a flexible manner in order to better conciliate work and private life. Flexi-time is based on the principle of time-keeping of worked hours supported by a transparent verification system, which should be easy and fast to use.

The module that collects the time registration coming from the badging is based on the Mifare technology (working on RFID) with a passive component. This technology only allows a distance of max. 10 cm for a extremely powerful reader, which is not the case in DG INFSO. The installed readers only allow a maximum distance of 3 cm. The only information used by DG INFSO is the unique identifier of the RFID chip. This is not related to any personal data.

This information is then passed to the rest of the application where the link is made between the unique identifier of the RFID chip and a person. The access to this application is protected through the different measures described in the notification (see below).

In the transitional period before the SYSPER II module will accept inputs from magnetic badges, it is necessary to put in place a system to manage the flexible organisation of working time for staff of the DG as foreseen in the flexitime guide (AN 62-2006 dated 21/12/07). As soon as the SYSPER II module will accept these inputs, the local system would only store the monitored "Start" and "End times" as long as they are not transferred to the SYSPER II module.

##### 8) Automated Processing operation(s):

The automated processing operations are the following :

- basically registering daily log-in and log-out for each person ;
- an events management function (create events, update or delete events such as vacations, missions or when an error occurs if for example somebody forgets to log in or out) ;
- a management user function (add user, create cards) ;
- a reporting function (personal report or unit report of working hours) ;

9) Manual Processing operation(s):

A paper file registers all incidents in the procedure (on a standard paper form) in order to complete the database afterwards (e.g. when somebody forget his/her badge or forget to badge one time during the day).

10/ Storage media of data

- Oracle database.
- A paper file registers all incidents in the procedure (on a standard paper form) in order to complete the database afterwards (e.g. when somebody forget his/her badge or forget to badge one time during the day).

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

Staff Regulations of officials and Conditions of employment of other servants  
Communication of the Commission on the use of flexitime in the Commission services SEC(2006) 956 of 19.07.2006  
Administrative notice n° 62-2006 dated 21/12/2006 : guide to flexi-time.

It is not possible to attach the file "Guide for flexi-time" because his weight is more than 1 Mo

12) Lawfulness of Processing:

Answering this question please also verify and indicate if your processing has to comply with articles 20 "Exemptions and restrictions" and 27 "Prior checking (by the EDPS)"

The data collected in this context is lawfully processed.

The data collected is not subject to art. 20 of the Regulation 45/2001.

The flexi-time application will probably have to be subject to prior checking of EDPS (art 27 of R 45/2001) by virtue of its nature, scope or purposes

12/ The recipients or categories of recipient to whom the data might be disclosed

20) Recipient(s) of the Processing:

Heads of unit of DG INFSO and the administrators system for all people concerned by the flexi-time application.

21) Category(ies) of recipients:

NA

13/ retention policy of (categories of) personal data

Pursuant to art. 4 of the Regulation 45/2001 and to the guidelines : one Year.

13 a/ time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject) (Please, specify the time limits for every category, if applicable)  
(on justified legitimate request from the data subject)  
(Please, specify the time limits for every category, if applicable)

22 b) Time limit to block/erase data on justified legitimate request from the data subjects

One year.

14/ 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,*

22 c) 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

N.A. (No statistics on personal data allowed after one year).

15/ Proposed transfers of data to third countries or international organisations

27) Legal foundation of transfer:

Only transfers to third party countries not subject to Directive 95/46/EC (Article 9) should be considered for this question. Please treat transfers to other community institutions and bodies and to member states under question 20.

NA

28) Category(ies) of Personal Data or Personal Data to be transferred:

NA

16/ The processing operation presents specific risk which justifies prior checking (please describe): *(please describe)*:

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Article 27.2.(a) Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

n/a

Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject,

n/a

Article 27.2.(c) Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

n/a

Article 27.2.(d) Processing operations for the purpose of excluding individuals from a right, benefit or contract,

n/a

Other (general concept in Article 27.1)

Art 27.1 Use of badge reader for working time direct recording

17/ Comments

1) Date of submission:

10) Comments if applicable:

36) Do you publish / distribute / give access to one or more printed and/or electronic directories?

Personal Data contained in printed and/or electronic directories of users and access to such directories shall be limited to what is strictly necessary for the specific purposes of the directory.

If Yes, please explain what is applicable.

no

37) Complementary information to the different questions if applicable, including attachments to this notification which should not be public :

Nothing to add.

PLACE AND DATE:23/03/2007

DATA PROTECTION OFFICER: RENAUDIERE Philippe

INSTITUTION OR BODY:European Commission