REGISTER NUMBER: 209
NOTIFICATION FOR PRIOR CHECKING
Date of submission: 08/05/2007
Case number: 2007-300
Institution: OLAF
Legal basis: article 27-5 of the regulation CE 45/2001(1)

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN(2)

(2) Please attach all necessary backup documents

1/ Name and adress of the controller

2) Name and First Name of the Controller:SONNBERGER Harald

3) Title:Head of Unit

4) Directorate, Unit or Service to which the Controller is attached:D.08

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

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:

3/ Name of the processing

OLAF Time Management System (TMS)

4/ Purpose or purposes of the processing

TMS will allow the Office to have a global overview of hours spent by OLAF staff on a pre-defined list of activities and to monitor certain key activities and know how much time the Office as a whole has spent on them. This will enable OLAF to provide more precise information regarding the use of human resources to OLAF's stakeholders. TMS might also provide OLAF management with useful information for planning and resource allocation.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

Each member of OLAF staff, including statutory staff, National Detached Experts, and intra-muros staff working for a continuous period of time at the OLAF premises.

16) Category(ies) of Data Subjects:

OLAF statutory staff
National Detached Experts
Intra-muros staff

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

Name, NET1 login, hours worked / day, hours worked / activity.

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

Identification data, work hours.

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'

See attached privacy statement, which will be made available through a link from the home page of the TMS.

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' :

OLAF staff will have to provide the information about work hours and time dedicated to activities themselves. In line with the Commission's Flexi-time system, this information must be validated by the Head of Unit at the end of each month, and could be changed by the Head of Unit in that process. OLAF staff have read/write access to their own personal data until the immediate superiors have validated the data and it has been transferred to the Commission's Flexi-time System.

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 TMS is an application by which OLAF collects information concerning the amount of time the Office spends on its major activities as defined in the "OLAF Master Tree of Activities."

The system is flexible as it allows each Head of Unit to select from the Master Tree of Activities only those activities that are relevant for his/her unit. Each member of the unit will then have those activities available on his/her "view" of the TMS.

Each OLAF staff member (statutory, National Detached Experts, and intra-muros staff who work regularly at the OLAF premises) will be obliged to provide the total hours worked and a breakdown of time for each activity on a daily basis.

The Information Services Unit (D.8) as the controller of TMS will produce regular statistical reports by organisational sub-part, e.g. sector, unit, directorate and DG, and by activity, e.g. case-related versus non-case-related. No report containing nominal data will be produced.

The information stored in TMS will not be used in the staff appraisal process.

A copy of the Master Tree of Activities is attached.

8) Automated Processing operation(s):

The TMS will be linked to the Flexi-time system of the European Commission by means of an electronic interface as soon as it is made available by DIGIT. Consequently, OLAF staff who have opted for Flexi-time will complete the information in the TMS only, and as soon as the direct superior has validated the data, it will be sent automatically to the Commission's Flexi-time system.

9) Manual Processing operation(s):

The staff member enters his/her hours worked on each activity each day. The direct superior validates the information provided by the staff member. The TMS administrator produces regular monthly reports and ad-hoc reports upon request from the management.

10/ Storage media of data

Oracle database on Hard-disk
Standard backup media

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

Articles 11, 12 and 15 of Regulation 1073/99, which establish reporting requirements to the Supervisory Committee, the European Parliament, the Council, the Commission and the Court of Auditors;
Article 13 of Regulation 1073/99 and Article 6 of Commission Decision 1999/352/EC, which mandates the Director of OLAF to have administrative autonomy and to be responsible for the special budget heading for OLAF.

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)"

This processing activity is necessary for the performance of a task carried out in the public interest on the basis of the EC Treaty and the provisions specified in response to Question 11. Thus it is lawful in accordance with Article 5(a) of Regulation 45/2001.
The exemptions and restrictions of Article 20 do not apply.
This processing operation is subject to prior checking in accordance with Article 27.

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

20) Recipient(s) of the Processing:

Each member of OLAF staff for his/her own personal data;
The direct superior of the staff member, e.g. Head of Unit, Director, Director General.
The TMS Administrator for all data of all staff;

21) Category(ies) of recipients:

See the reply to Question 20.

13/ retention policy of (categories of) personal data

The personal data of OLAF staff will be kept until the direct superiors have validated it and it has been transferred to the Commission's Flexi-time System. This will be a maximum of 3 months.

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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

1 month

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

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.

Not applicable.

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

Not applicable.

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

7) Description of Processing:

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A copy of the Master Tree of Activities is attached.

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)"

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The exemptions and restrictions of Article 20 do not apply.
This processing operation is subject to prior checking in accordance with Article 27.

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

No.

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

This is not the intended purpose.

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

No.

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

No.

Other (general concept in Article 27.1)

It is possible that this processing operation should not be subject to prior checking. However, given the fact that the direct supervisor will be able to see the data for the staff reporting to him/her, we prefer to submit this notification to have the EDPS confirm that it is not subject to prior checking.

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 :

PLACE AND DATE:08/05/2007

DATA PROTECTION OFFICER: LAUDATI Laraine

INSTITUTION OR BODY:OLAF