

REGISTER NUMBER: 574
NOTIFICATION FOR PRIOR CHECKING
Date of submission: 15/02/2010
Case number: 2009-808
Institution: TEN-T
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
Mr Marcos Roman Parra, Head of Resources Unit, TEN-T Executive Agency established by the European Commission, OR10 03/02, B-1049 Brussels
2/ Organisational parts of the institution or body entrusted with the processing of personal data
Sector of Human Resources
3/ Name of the processing
Management of medical leaves of a staff member due to medical reasons related to the staff member's relatives
4/ Purpose or purposes of the processing
Check the validity of the medical certificates.

5/ Description of the category or categories of data subjects
Agency's staff members and their relatives.
6/ Description of the data or categories of data <i>(including, if applicable, special categories of data (article 10) and/or origin of data)</i>
Data concerning health; Data relating to the exclusion of individuals from a right, benefit or contract
7/ Information to be given to data subjects
Information in relation to the requested data, the purpose, their handling etc is contained in the Agency's Manual of Procedures, announced also in the welcome pack, intranet, message to staff when entering in service and during the welcome day.
8/ Procedures to grant rights of data subjects (rights of access, to rectify, to block, to erase, to object)
Data subjects may access their personal files at all times under supervision of a member of the HR sector. Overview tables are not accessible to staff, as they only serve the purpose of budget monitoring.
9/ Automated / Manual processing operation
The original medical certificates are kept in a confidential file which is kept under lock in the HR offices accessible only to the HR staff. They are not copied or scanned. Following their receipt the leave requests in SIC congé are validated. No details or additional data are inserted in the SIC conge tool.
10/ Storage media of data
In case of absence due to sickness of the staff member's relatives (children, partner, ascendants etc), the medical certificate is received directly by the Agency's HR sector, who checks the validity of the medical certificate and validates the absence of the staff member concerned in the related IT tool. All medical certificates are kept under lock and key in a confidential file which is accessible only to HR staff. No electronic copies are stored.
11/ Legal basis and lawfulness of the processing operation
Regulation (EC) No 45/2001, Article 5(a): the processing is necessary for the legitimate exercise of official authority vested in the Community institution or body and/or the processing is necessary for the performance of a task carried out in the public interest on the basis of the Treaties or other instruments adopted on the basis thereof. The process is also lawful under the Staff Regulations and the Conditions of Employment of Other Servants (CEOS) of the European Communities. Rules for the granting of leave, and in particular, of special leave are laid down in the Commission Decision introducing implementing provisions on leave (C(2004) 1597 of 28/04/2004).

12/ The recipients or categories of recipient to whom the data might be disclosed
The data in question are only processed by the HR sector and are disclosed to the Appointing Authority who needs to give his/her approval to the validation of the special leave.
13/ retention policy of (categories of) personal data
All certificates remain in a confidential file and remain there for maximum 5 years in order to be able to address requests and complaints.
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)
Not applicable.
14/ Historical, statistical or scientific purposes <i>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,</i>
Not applicable.
15/ Proposed transfers of data to third countries or international organisations
Not applicable.
16/ The processing operation presents specific risk which justifies prior checking (<i>please describe</i>):
<p>AS FORESEEN IN:</p> <p>X Article 27.2.(a) Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,</p> <p>Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject,</p>

☐ 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)

X Processing operations for the purpose of excluding individuals from a right, benefit or contract,

☐ Other (general concept in Article 27.1)

17/ Comments

PLACE AND DATE: Brussels, 26 November 2009

DATA PROTECTION OFFICER: Elisa Dalle Molle

INSTITUTION OR BODY: Trans-European Network for Transport Executive Agency (TEN-T EA)