

(To be filled out in the EDPS' office)

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 31/05/2013

CASE NUMBER: 2013-0566

INSTITUTION: ECHA

LEGAL BASIS: ARTICLE 27-5 OF THE REGULATION CE N° 45/2001⁽¹⁾

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

European Chemicals Agency (ECHA)
Annankatu 18, 00120 Helsinki, Finland

2/ ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA

Human Resources Unit

3/ NAME OF THE PROCESSING

Teleworking

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The teleworking project was set up to increase the flexibility of working arrangements within the Agency and to contribute to the wellbeing of staff members.

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Temporary Agents and Contract Agents whose functions have been confirmed (after the probation period) and who have not been subject to disciplinary proceedings during the preceding year, as well as SNEs.

It is possible that the staff members mention reasons related to family members in the application form, but they will in any case not be mentioned by name.

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA (*including, if applicable, special categories of data (Article 10) and/or origin of data*).

Administrative data is collected for the purpose of managing the applications. This includes name, unit, starting date at the Agency, address and telephone number during teleworking days, the dates for which telework is proposed, as well as the reasons and the tasks that will be performed.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Information about the Teleworking Policy can be found on the Agency's intranet pages. A Data Protection notice included in the application form informs the data subjects of the controller and the purpose of the processing and of their rights and how to exercise them.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

(Rights of access, to rectify, to block, to erase, to object)

Direct contact with the controller.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The application process is administered in a paper format. Once the decision is signed, an electronic scan is sent to the applicant and to his/her respective unit secretary for administrative purposes.

10/ STORAGE MEDIA OF DATA

The scanned decisions are stored in the digital personal file of the person concerned, while all paper applications are stored in one general teleworking file.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

The teleworking policy forms part of the normal functioning of the Agency, which makes the process lawful under Article 5(a) of Regulation (EC) No 45/2001. As the staff member is the one initiating the process, he will also give his unambiguous consent for the processing, making the process lawful under Article 5(d) as well (although consent in the context of a working relationship will always be subject to certain constraints).

The Teleworking Policy, approved by the ECHA management provides the legal basis for the processing.

12/ THE RECIPIENTS OR CATEGORIES OF RECIPIENT TO WHOM THE DATA MIGHT BE DISCLOSED

The applicant will seek the approval of his reporting officer (and in case of applications for more than 2 days also the countersigning officer), after which the HR unit will process the application further. The unit secretaries are informed at the end for administration purposes.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The application forms are stored for a maximum period of 3 years.

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS

All requests are handled without undue delay, in line with ECHA's Code of Good Administrative Behaviour in relations to the public (replies within 15 working days).

(Please, specify the time limits for every category, if applicable)

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.

Anonymous data may be kept for statistical purposes.

15/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

N/A

16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING (*Please describe*):

AS FORESEEN IN:

1 Article 27.2.(a)

Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

It cannot be avoided that a limited set of data concerning health are collected during the teleworking application process: one of the main purposes of setting up the system was to allow to care for a sick child/family member at home, while working from home, as well as to allow persons with a temporary loss of mobility or who are otherwise prevented from commuting to the workplace to continue working if they so wish.

However no hard medical data is collected during the process: no prove or medical certificates are requested. The staff member will only tick the boxes in the form or describe the situation in the free text area. Thereby it cannot be avoided that some staff members provide information which can be considered medical data.

1 Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject,

The applications are reviewed by the hierarchical superior and he/she will make an evaluation of the situation before approving the request. According to the Policy, “teleworking is a voluntary arrangement based on the mutual agreement of the staff member and his/her Reporting Officer. It does not constitute a right of the staff.” There will thus be an evaluation of personal aspects in the approval process.

17/ COMMENTS

None

PLACE AND DATE: 31 May 2013

DATA PROTECTION OFFICER: Bo Balduyck

INSTITUTION OR BODY: European Chemicals Agency (ECHA)