European Labour Authority

DATA PROTECTION OFFICER

RECORD OF PROCESSING OPERATIONS ON PERSONAL DATA
DPR-ELA-2022-0028 ELA data processing related to leave/absence/compensation management

1   PART 1: PUBLIC - RECORD (ARTICLE 31[1])

1.1   GENERAL INFORMATION

Record reference	DPR-ELA-2022-0028
Title of the processing operation	ELA data processing related to leave/absence/compensation management
Controller entity	European Labour Authority, Resiurces Unit, HR Sector (ELA HR Sector)
Joint controllers	☒ N/A ☐ YES, fill in details below
Processor(s)	☐ N/A ☒ YES, fill in details below
Internal organisation(s)/entity(ies) Names and contact details	☐ N/A ☐ YES
External organisation(s)/entity(ies) Names and contact details	☐ N/A ☒ YES European Commission: Directorate General Human Resources and Security (DG HR) and Directorate General Informatics (DG DIGIT) European Commission 1049 Bruxelles/Brussel Belgium Microsoft Ireland South County Business Park, One Microsoft Place, Carmanhall and Leopardstown, Dublin, D18 P521, Ireland
Data Protection Officer Name and contact details	Laura NUNEZ BAREZ European labour Authority Landererova 12, 811 09 Bratislava I Slovakia Email: data-protection@ela.europa.eu
Corporate Record	☐ Yes ☒ No
Language of the record	English

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[1]   *Pursuant to **article 31** of the new data protection regulation for EU institutions and bodies (**Regulation (EU) 2018/1725**) each controller and processor have to maintain a **record of processing activities** under its responsibility that contains at least the information listed under that article.*

1.2   PURPOSE AND DESCRIPTION OF THE PROCESSING

1.2.1   Purpose

The processing of personal data is necessary for the purpose of a sound and efficient handling of staff members' rights and entitlements regarding to leave (annual leave, special leave, sick leave, part-time, parental leave, family leave and leave on personal grounds).

The processing of data includes the verification of the supporting documents (e.g.: marriage certificate, birth certificate, death and sickness certificates of the relatives, etc.).

1.2.2   Processing for further purposes

☒ Archiving in the public interest
☒ Scientific or historical research purposes
☒ Statistical purposes
Safeguards in place to ensure data minimisation
☒ Pseudonymisation

1.2.3   Modes of processing

1.   ☒ Automated processing (Article 24)
    a. ☒ Computer/machine
        i. ☐ automated individual decision-making , including profiling
        ii. ☒ Online form/feedback
        iii. ☒ Any other, specify

    Data is processed and encoded through SYSPER 2. The SYSPER 2 tool is owned and maintained by the European Commission, Human Resources and Security (HR) and declared through Record DPR-EC-01969 "SYSPER2 - Time Management: Time Recording, Absence Management and teleworking" available **here**. Calculation of rights are done automatically, but revised by ELA HR Sector.

2.   ☒ Manual processing
    a. ☒ Word documents
    b. ☒ Excel sheet
    c. ☒ Any other, specify

    Data is processed and encoded through different excel tables that can be shared internally among ELA colleagues.

1.2.4   Storage medium

1.   ☒ Paper
2.   ☒ Electronic
        a.   ☒ Digital (MS documents (Word, excel, Powerpoint), Adobe pdf, Audiovisual/multimedia assets, Image files (.JPEG, .PNG, etc.))
        b.   ☒ Databases
        c.   ☒ Servers
        d.   ☒ Cloud
3.   ☒ External contractor premises
4.   ☒ Others, specify

The leave workflow is handled through the electronic application SYSPER 2.
The access to the personal data is granted on the basis of the role and responsibilities of the subjects involved ("need to know" principle):

Within the ELA: The personal data of the data subjects is processed by the ELA authorised staff: line manager of the data subject (Head of Unit/Director), ELA HR, Head of Unit RES, Director. Access will be given to the Internal Auditor of the ELA by request and if necessary for the performance of the

duties of the Internal Auditor: depending on the nature and the scope of the specific audit, the Internal Auditor will be given access to personal data which is relevant for and serves the purpose of the specific audit exercise.

Within the Commission and ELA (as such for other EU institutions/bodies/agencies):
Since SYSPER 2 is a tool managed by the European Commission (i.e. DG HR is the system owner and parts of the tasks as subcontracted to DG DIGIT under a separate agreement, such as technical support related to the implementation and operation of SYSPER 2 modules, hosting of SYSPER 2 and other components, analysis of technical nature in relation to providing additional modules and services), there is a controller and processor relationship between the ELA and the European Commission:
- Controller: the ELA enters data in the system, processes the data and ensures its accuracy.
- Processor: DG HR and DG DIGIT maintain the system and provide technical support, business support with relation to the system (e.g. if a specific requests that could not be solved within the ELA Local Support Team)

Description:

The SYSPER 2 "Time Management" module which serves for the processing of all personal data related to requests for work patterns, leave rights and absences (part-time work, annual leave, parental and family leave, other special leaves) and is needed for the management of ELA staff rights and obligations, in order to ensure the proper functioning of the ELA.

It also includes management of presence (telework, at the office, on a mission) and management of daily working hours, and is necessary for the management of the rights and obligations of staff and the operation of ELA Units. It is also used for generating (anonymous) statistics regarding the aforementioned categories.

The data on working hours does not lead to the payment of overtime. However, they can be used by the line managers for reference when validation the declaration of overtime. This data is also used to generate individual balance sheets by ELA. The data that fall in the category of serious hardship is used to allow the ELA to make a decision to allow part-time work for 95% without salary reduction.

1.2.5 Comments on the processing of the data

Personal data will not be used for an automated decision-making, including profiling

1.3 DATA SUBJECTS AND DATA CATEGORIES

1.3.1 Data subjects' categories

1.	Internal to organisation	ELA Staff (statutory and non-statutory): temporary agents, contract agents, seconded national experts, National Liaison Officers, trainees and other agency staff
2.	External to organisation	Concerning special categories of leave, relatives of ELA staff, including spouse, children and relatives in ascending line

1.3.2 Data categories/fields

For all types of leaves/absences/recuperation (Annual leave, Recuperation , Special leave, Sick leave, Other absence)
Mandatory information:
Name, personal number, dates of leave/ absence/ sickness/recuperation,
Additional information (non mandatory information):
Reasoning, address, telephone number, comment,

For sick leaves
Mandatory information: Absence with/without medical certificate
Medical certificate will need to be sent to the European Commission Medical Service.

For special leaves
Specific documentation supporting the request (e.g. certificates of marriage, birth, adoption of a child, death of relatives, proof of participation on a specific competition, exam, volunteering activity, parents). Possible travelling time: Country, ZIP code and City.

In case of sick leave, family leave and special leave, information related to health (the fact that the data subject or one of his/her relative is sick) or relationship (name of the partner) may be collected.
In specific cases of chronic serious illness of a relative, a medical certificate that must include enough information for the Medical Service to form an opinion on the seriousness of the illness and, if applicable, of its chronic nature.

This leave request requires the applicant to send one or more supporting documents to the ELA leave manager (ELA GECO Team) within two weeks.

1.3.2.1   Special categories of personal data

> **Indicate if the processing operation concerns any 'special categories of data' which fall(s) under Article 10(1), which shall be prohibited unless any of the reasons under article 10(2) applies:**
>
> ☒ **Yes , the processing concerns the following special category(ies):**
>
> Data revealing
>
> ☐ racial or ethnic origin,
> ☐ political opinions,
> ☐ religious or philosophical beliefs,
> ☒ trade union membership,
>
> Or/and,
>
> ☒ Genetic data, biometric data for the purpose of uniquely identifying a natural person,
> ☒ Data concerning health,
> ☒ Data concerning a natural person's sex life or sexual orientation.

Description:
The data processed may concern trade union membership (in case of other absence), genetic data, data concerning health in case of sick leaves and special leaves and/or data concerning a natural person's sexual orientation in case of special leaves.

> **If applicable, indicate the reasons under article 10(2) allowing the processing of the special categories of data:**
>
> (a) ☐ The data subject has given explicit consent to the processing of those personal data for one or more specified purposes, […].
> (b) ☒ Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security[…].
> (c) ☐ Processing is necessary to protect the vital interests of the data subject or of another person where the data subject is physically or legally incapable of giving consent.
> (d) ☐ Processing is carried out in the course of its legitimate activities with appropriate safeguards by a non-profit-seeking body which constitutes an entity integrated in a Union institution or body and with a political, philosophical, religious or trade-union aim […].
> (e) ☐ Processing relates to personal data which are manifestly made public by the data subject.
> (f) ☒ Processing is necessary for the establishment, exercise or defense of legal claims or whenever the Court of Justice of the European Union is acting in its judicial capacity.
> (g) ☒ Processing is necessary for reasons of substantial public interest, […]

(h) ☒ Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services […]

(i) ☐ Processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices […].

(j) ☐ Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes […].

1.3.2.2 Data related to 'criminal convictions and offences'

The data being processed contain sensitive data which fall(s) under Article 11 'criminal convictions and offences'	N/A ☒ Yes ☐
Description:	

1.4 RETENTION PERIOD

Indicate the administrative time limit(s) for keeping the personal data per data category, and if known, specify the start/end date, or describe the specific start/end moment of each time limit:

Data category	Retention period
Data related to an annual leave request	Maximum 3 years
Data related to a sick leave request	Maximum 5 years
Medical certificate	18 moths
Data related to a recuperation request	Maximum of 5 years
Data related to a special/other absence leave request	Maximum of 5 years

Description
In general, data are kept for 5 years (more in the event of an appeal) except where a different time limit is specified below.

The retention of data on sick leave for at least 3 years is justified by the implementation of Article 59 (4) of the Staff Regulations but is extended to 5 years in order to cover possible disputes.
Where an employee moves to another institution, only data concerning sick leave over the previous 5 years are passed on.
The retention of data on days of annual leave may be justified in the case of carry-over from

one year to the next but should not exceed the following year and will therefore be limited to 2 years (at the beginning of the calendar year "n" the data for year "n-3" is no longer accessible).

Data on part-time work, parental and family leave are, as a general rule, kept at least until employment at the European Union institution has ceased and even beyond that (as they relate to a continuing entitlement and the possibility of an appeal remains).

Data for cases of serious difficulty are kept for 3 years.

Flexitime data are kept for the current calendar year. They shall be deleted after the end of the transfer procedure to the following year for days of annual leave not taken and at the latest by the end of March of the following year.

For data related to sick leave request, the retention period is the same as declared in Record " *DPR-EC-01837 Individual medical file - electronic (SERMED) and paper file*"owned by the European Commission, Human Resources and Security (HR).

In Medical Service Brussels, "fil de l'eau" refers to all the paper documents, including medical results, that are received, scanned and then attached to the electronic medical files. These documents arrive on daily basis for various data subjects. Once the documents are attached to the relevant medical file the paper documents are kept all together in the folders organised in chronological order of processing and not in the individual paper medical files. These paper copies are kept for 18 months since reception. The scanned version has the same retention period as the medical file as it forms part of it. In certain cases when emergency/incident occurs external workers/visitors need to be treated on the site. Such cases are documented and medical data of the person concerned is kept for 18 months.

1.5 RECIPIENTS

Origin of the recipients of the data	
1. ☒ Within the EU organization	Authorised staff in ELA HR Sector
	Head of Unit/ line manager(s) of the person concerned and their assistants/delegates in SYSPER 2 (for consultation and validation);
	Executive Director, where applicable (decisions related to parental leave, family leave, part-time and leave on personal grounds).
2. ☒ Outside the EU organization	The authorised staff of the European Commission's Medical Service receiving the certificates related to sickness for validation
	European Commission: Directorate General Human Resources and Security (DG HR) and Directorate General Informatics (DG DIGIT)
	Authorised staff of the Court of Auditors, Internal Audit Service of the European Commission, European Anti-Fraud Office (OLAF), European Ombudsman, the European Data Protection Supervisor, the General Court and the European Court of Justice.

Categories of the data recipients
1. ☒ A natural or legal person
2. ☒ Public authority
3. ☐ Agency
4. ☐ Any other third party, specify

Description

Strict rules depending on the role and responsibilities, based on the requirements of the processing, determines the level of access of each actor.

Access is associated with the relevant administrative posts, apart from the jobholder, to the immediate superior, to the heads of ELA HR Sector up to the Appointing Authority, to the Medical Service.

Line and leave managers may delegate their access rights to a representative. This delegation is transparent and reversible; the person delegating those rights remains fully responsible. The delegation is also linked to the post and the job holder loses access rights on leaving the post.

Since SYSPER 2 is a tool managed by the European Commission (i.e. DG HR is the system owner and parts of the tasks as subcontracted to DG DIGIT under a separate agreement, such as technical support related to the implementation and operation of SYSPER 2 modules, hosting of SYSPER 2 and other components, analysis of technical nature in relation to providing additional modules and services), there is a controller and processor relationship between the ELA and the European Commission: Controller: the ELA - Processor: DG HR and DG DIGIT maintain the system and provide technical support, business support with relation to the system (e.g. if a specific requests that could not be solved within the ELA Local Support Team)

Authorised staff of the following EU institutions may have access to relevant personal data for audit control or investigation purposes: Court of Auditors, Internal Audit Service of the European Commission, European Anti-Fraud Office (OLAF). For the purpose of handling review procedures and litigation, access to the personal data may be granted also to the European Ombudsman, the European Data Protection Supervisor, the General Court and the European Court of Justice upon request and to the extent necessary for handling the review procedure and litigation.

1.6   INTERNATIONAL DATA TRANSFERS

Transfer to third countries or international organisations of personal data
1. Transfer outside of the EU or EEA ☒ N/A, transfers do not occur and are not planned to occur ☐ YES,
Country(ies) to which the data is transferred
2. Transfer to international organisation(s) ☒ N/A, transfers do not occur and are not planned to occur ☐ Yes, specify further details about the transfer below
Names of the international organisations to which the data is transferred

3. Legal base for the data transfer
 	
☐ Transfer on the basis of the European Commission's **adequacy decision** *(Article 47)*
 	
☐ Transfer subject to **appropriate safeguards** *(Article 48.2 and .3),* specify:
 	
  2. (a) ☐ A legally binding and enforceable instrument between public authorities or bodies.
 	
  Standard data protection clauses, adopted by
  (b) ☐ the Commission, or
  (c) ☐ the European Data Protection Supervisor and approved by the Commission, pursuant to the examination procedure referred to in Article 96(2) .
 	
  (d) ☐ Binding corporate rules, ☐ Codes of conduct , ☐ Certification mechanism

pursuant to points (b), (e) and (f) of Article 46(2) of Regulation (EU) 2016/679, where the processor is not a Union institution or body.

3. Subject to the authorisation from the European Data Protection Supervisor:

☐ Contractual clauses between the controller or processor and the controller, processor or the recipient of the personal data in the third country or international organisation.

☐ Administrative arrangements between public authorities or bodies which include enforceable and effective data subject rights.

☐ Transfer based on an i**nternational agreement** *(Article 49),* specify

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4. Derogations for specific situations (Article 50.1 (a) –(g))

☒ N /A

1.7 INFORMATION TO DATA SUBJECTS ON THEIR RIGHTS

Rights of the data subjects
Article 17 – Right of access by the data subject
Article 18 – Right to rectification
Article 19 – Right to erasure (right to be forgotten)
Article 20 – Right to restriction of processing
Article 21 – Notification obligation regarding rectification or erasure of personal data or restriction of processing
Article 22 – Right to data portability
Article 23 – Right to object
Article 24 – Rights related to Automated individual decision-making, including profiling

1.7.1 Privacy statement

☒ The data subjects are informed about their rights and how to exercise them in the form of the a privacy statement attached to this record.

Publication of the privacy statement

☒ Published on website

Web location:
- ELA internal website ☒ (URL: SharePoint on Personal Data Protection)
- External website ☒(URL: https://www.ela.europa.eu/en/privacy-policy)

☒ Other form of publication, specify
Privacy Statement will be made available upon request and published in specific HR Corner.

☒ Guidance for Data subjects which explains how and where to consult the privacy statement is available and will be provided at the beginning of the processing operation.

Description:
Guidance on data protection rights will be available in ELA main website.

1.8 SECURITY MEASURES

Short summary of overall Technical and Organizational Measures implemented to ensure Information Security:

Description:
All data in electronic format (e-mails, documents, uploaded batches of data etc.) are stored either on the servers of the European Labour Authority or of its contractors.

The European Labour Authority's contractors are bound by a specific contractual clause for any processing operations of personal data on behalf of the European Labour Authority, and by the confidentiality obligations deriving from the General Data Protection Regulation.

In order to protect personal data, the European Labour Authority has put in place a number of technical and organisational measures. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.