

EEAS Personal Data Processing Record

Ref. Article 31 of Regulation (EU) 2018/1725 - Legal obligation for maintaining records

1	Title of the processing activity	Working Time Policy and Time Management, including Flexitime and Leave Management in the EEAS Headquarters and in EU Delegations
2	Update of the record (last modification date)	10/12/2020
3	Register reference number	381
4	Identity and contact details of the Data Controller Joint Controller (if applicable) Data Processor (if applicable)	<p>Controller: European External Action Service (EEAS) Directorate/Division responsible for managing the personal data processing operation: BA.HR.3 – Rights, Obligations and Medical Cell Division R.P. Schuman 9/A, Brussels, 1040 Belgium Delegated Contact Team: BA.HR.3 Sector – Time Management Data Protection Officer:</p> <p>Emese Savoia-Keleti, SG.AFFGEN.DPO</p> <p>DATA-PROTECTION@EEAS.EUROPA.EU</p>
5	Identity and contact details of the Data Protection Officer	<p>EEAS Data Protection Officer (DPO): Emese Savoia-Keleti. SG.AFFGEN.DPO Functional Mailbox of the DPO: DATA-PROTECTION@eeas.europa.eu</p>
6	Purpose of the processing activity	<p>The purpose of the personal data processing activity “ Working Time Policy and Time Management, including Flexitime And Leave Management for EEAS staff in Headquarters as well as EEAS and European Commission staff in Union Delegations ” is to support establishing uniform and consistent working time management practices within the EEAS at Headquarters and in EU Delegations.</p> <p>Description: A comprehensive EEAS working time policy entered into force in 2014 in order to manage the different work patterns (flexitime regime, part time, parental leave and family leave) for EEAS staff in Headquarters and in EU Delegations to manage absences (annual leave, special leave, home leave, absence for reason of sickness) for EEAS staff in Headquarters as well as EEAS and European Commission staff in Union Delegations.</p> <p>The working time policy allows for special and flexible working hours. EEAS staff members have the choice, but not the obligation, to work under the flexitime regime. The obligation to record working time only applies to staff working under the flexitime regime. Working hours for staff not applying flexitime shall be specified, as appropriate, by the hierarchical superior in the interest of the service. Further information can be found in the Working Time Policy Decision .</p> <p>Data is managed and stored by the SYSPER application, a service provided by the European Commission.</p>

7	Legal basis and lawfulness	<p>I.</p> <p>EEAS DEC(2014) 032 . EUROPEAN EXTERNAL ACTION SERVICE. GREFFE — Secretariat of EEAS Corporate Board. Decision of the Chief Operating Officer of European External Action Service of 26/06/2014 Instruction Note by the Chief Operating Officer on the working time policy in the EEAS (Ref. Ares(2014)2156025 - 30/06/2014)</p> <p>II.</p> <p>SLA EEAS/DG HR 28.03.2019 PROC HR(2011)0013 of 22/11/2011 on general implementing provisions giving effect to the Staff Regulations and to the Conditions of Employment of Other Servants PROC EEAS(2011)002 of 29/11/2011 to extend the application of certain Commission Rules developing the provisions of the Staff Regulations and of the Conditions of Employment of Other Servants, to the EEAS EEAS DEC(2014) 009 extending the application of certain Commission Rules developing the provisions of the Staff Regulations and the Conditions of Employment of Other Servants, to the EEAS EEAS Decision ADMIN(2016) 12 on part-time work and on telework</p> <p>III.</p> <p>Chapter 2 of Title IV: Working conditions of officials of the Staff Regulations (Articles 57-60), applied by analogy to other servants of the European Communities, defined in Titles III IV of the Staff Regulations: Annual leave (Article 57 SR), Special leave (Annex V SR), Maternity leave (Article 58 SR), Sick leave/family leave (Article 59 SR), Leave on personal grounds and unpaid leave (Articles 15, 37 and 40 SR) Articles 11, 16 to 18, 58, 81 and 91 of the Rules applicable to other servants of the European Communities provide rights to leave for those individuals who are not covered by the Staff Regulations, but are nonetheless employed as temporary and contract agents. Article 110 of the Staff Regulations - further legal basis in the light of Article 5(a) of the Regulation Article 55 SR - the legal basis for flexitime processing operations ADMIN (2016) 3 on Special Leave under Article 57 SR and Article 6 of Annex V SR for Administrative Procedures or Medical Examinations DECISION C (2010) 7572 on Article 42b of the Staff Regulations concerning parental leave ADMIN (2013) 014 on home leave ADMIN (2017) 24 on part time ADMIN (2014) 032 on working time Further legal reference:</p> <p>Good administrative practices in the framework of the Treaty of Lisbon and the Council Decision of 26 July 2010 establishing the organisation and functioning of the EEAS (2010/427/EU) – OJ L 201, 3/8/2010, p. 30.</p>
8	Categories of individuals whose data is processed - Data subjects	<p>EEAS statutory staff (officials, temporary and contractual agents), SNEs, trainees at Headquarters and in EU Delegations European Commission staff in EU Delegations</p>

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9	Categories of data - Data processed	<p>The data, including personal data, which may be processed for that purpose are the following:</p> <ul style="list-style-type: none"> - Full Name - Personnel Number - Leave entitlement - Flexitime (not obligatory) - Family composition and data <p>* Medical information is inadvertently processed due to the fact that data subjects voluntarily send health-related data to various recipients, including the Rights and Obligations Division (EEAS BA.HR.3), and other departments of the EEAS or the European Commission, deemed relevant by the data subject, including the Medical Service of the European Commission. EEAS BA.HR.3 staff is entrusted to remind colleagues not to provide the above mentioned information. This type of data is not stored by the EEAS BA.HR.3.</p>
10	Recipients of data – Access to data	<p>The recipients of personal data may be</p> <ul style="list-style-type: none"> - In HQ – Line manager of the staff member or his/her assigned colleague delegated to act on his/her behalf - In Delegations – Head of Delegation or his/her assigned colleague delegated to act on his/her behalf and Head of Administration - Assigned staff of Rights and Obligations Division (EEAS BA.HR.3) - Assigned staff of the European Commission (including EC HR.D.6 Medical Absences , Sysper technical assistance) <p>Data relating to a leave request is communicated to other staff management departments or supervisors (Director if acting as AIPN for instance). The transfer is necessary for administering the employment-related tasks of these departments. Such transfers may be required only in the context of deciding whether the absence is justified or not.</p> <p>Administrative documents containing data relating to health should only be disclosed to those recipients, who have a need to know how and are bound by an obligation of confidentiality, equivalent to the medical one. This is even more relevant in the context of processing of sensitive data such as data relating to health.</p> <p>Personal data not intended to be transferred to a third country or an international organisation. The given information will not be communicated to third parties, except where necessary for the purposes outlined above.</p>
11	Transfer to Third Countries or International Organizations (IOs) and suitable safeguards (if applicable)	N/A

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12	Time limit for keeping the data - Retention period	<p>Personal data is kept for the periods outlined as follows:</p> <p>I. Medical Leave Documents related to medical leave are kept for 3 years, in general, taking into account the EDPS guidelines – 2012-0158. The documents will be retained for a longer period of time in case of a dispute or an appeal is underway. The purpose of checks on absences due to illness is to ensure that the absence is justified.</p> <p>II. Annual Leave The retention period for annual leave-related documents would not exceed 3 years.</p> <p>III. Other Leave Documents related to other leave including part-time, parental and family leave until termination of employment with the EEAS or the EC, and even beyond this period in cases in which any right of the data subject still persists or there is an ongoing appeal.</p> <p>IV. Other leave-related data with financial reference (e.g. financial compensation) With regards to payments in respect of leave not taken on termination of service or in the case where overtime can be compensated as paid time-off (compensatory payments in lieu of leave), the documents are retained the data for up to 7 years.</p> <p>V. Flexitime Data Data on the flexitime schedule of employees is retained in the Sysper application, provided by the EC, in accordance with Sysper retention provisions. In Sysper personal data is stored , as a rule, for the duration of the activity within the EEAS. Certain data is retained beyond the period of activity , to the extent until these data are in relation to remaining rights or obligations (e.g. pension rights) . Personal data of a non-recruited external candidate is deleted after the expiration of the eligibility period for any complaints, i.e. all channels of recourse have been exhausted.</p>
13	Data Storage	<p>The collected personal data are stored on servers that abide by pertinent security rules.</p> <p>Data is stored online in Sysper. In case of a change of work pattern leave managers need to be notified. The database is on a central server with individualised access via a browser. Paper files are kept in a secured manner. Medical files are kept confidentially and securely at the Medical Service.</p>

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14	General description of security measures	<p>Security of data</p> <p>Appropriate organisational and technical measures are ensured according to Article 33 of Reg. (EU) 2018/1725. The collected personal data are stored on servers that abide by pertinent security rules. Data is processed by assigned staff members. Access to specific files requires authorisation. Measures are provided to prevent unauthorised entities from access, alteration, deletion, disclosure of data. General access to personal data is only possible to recipients with a UserID/Password.</p> <p>Specific security measures:</p> <p>Data is stored online in Sysper. In case of a change of work pattern leave managers need to be notified. The database is on a central server with individualised access via a browser. Appropriate measures of security are ensured for the Sysper application by the EC and its DG DIGIT service. https://myintracomm.ec.europa.eu/staff/EN/technical-assistance/Pages/sysper-privacy-statements.aspx</p> <ul style="list-style-type: none"> - Paper files are kept in a secured manner (e.g. in a locked cabinet, in the office of the leave manager (GECO). - Medical files are kept confidentially and securely at the Medical Service. - Staff members from both HQ and Delegations, responsible for processing information related to the staff members' health status, process the data in accordance with the principles of medical confidentiality. - Access to data is limited to the assigned staff members on a need-to-know how basis.
15	Rights of individuals	<p>Data subjects have the right of access to their personal data and the right to correct any inaccurate or incomplete personal data. Data Subjects may access their personal data and verify as well as correct any inaccurate or incomplete personal data directly in the SYSPER HR management system.</p> <p>The right of rectification can only apply to factual data processed.</p> <p>With regards to leave-related data some requests must be validated and corrected, if need be, by a leave manager or the appointing authority, especially if they have a bearing on financial entitlements and/or the duration of the entitlements of the person who entered the data.</p> <p>Under certain conditions, data subjects have the right to ask the deletion of their personal data or restrict their use as well as to object at any time to the processing of their personal data on grounds relating to their particular situation.</p> <p>Log data stays in the system.</p> <p>The EEAS will consider data subjects' request, take a decision and communicate it to the data subjects without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary. For more detailed legal references, information can be found in Articles 14 to 21, 23 and 24 of Regulation (EU) 2018/1725.</p> <p>In specific cases, restrictions under Article 25 of the Regulation may apply. If data subjects would like to exercise their rights or have questions concerning the processing of personal data, they may address them to the Data Controller via the functional mailbox:</p> <p>EEAS HQ TIMEMANAGEMENT HQ-TIMEMANAGEMENT@eeas.europa.eu EEAS DEL TIMEMANAGEMENT DEL-TIMEMANAGEMENT@eeas.europa.eu</p>

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16	Information to data subjects	<p>A Privacy Statement linked to this Record contains information provided to the Data Subject(s).</p> <p>The aforementioned distinct Privacy Statement – available on the intranet under ADMINISTRATION Human resources Officials /Temporary Agents / Contract Agents Rights and Obligations Working Time Teleworking / Leaves and Absences</p> <p>https://intranet.eeas.europa.eu/page/administration/human-resources/officials</p> <p>https://intranet.eeas.europa.eu/page/administration/human-resources/temporary-agents</p> <p>https://intranet.eeas.europa.eu/page/administration/human-resources/contract-agents</p>
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