



## **Data Protection Notice**

### **Work Patterns, Leave and Presence at the REA**

In accordance with the Regulation (EU) 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data (Regulation), the Research Executive Agency (Agency or REA) collects your personal information only to the extent necessary to fulfil a precise purpose related to our tasks.

#### **1. WHY DO WE COLLECT YOUR PERSONAL DATA?**

This processing operation is established according to the Commission Decisions implementing provisions on leave, part-time work, parental leave, family leave and working time (as listed in point 3).

The goal of the flexitime policy is to make the working methods more flexible in order to make it easier to reconcile the demands of private life and work. It is designed to enable staff to achieve a better balance between their private and professional life within the framework of a transparent and fair system, which aims to promote equal opportunities. Flexitime is also designed to enable the institution to manage attendance more effectively in accordance with work requirements and to manage human and budgetary resources more efficiently. The personal data that is collected and processed in that framework is necessary in order to:

- Manage work patterns
- Manage leave (annual and special) and grant leave rights
- Manage flexitime of presences

#### **2. WHO IS RESPONSIBLE FOR THIS PROCESS?**

The controller is the Research Executive Agency (REA). For organisational reasons, the role of the data controller is exercised by Ms Sari Vartiainen, head of Unit C1 ("Administration") of the REA. The controller may be contacted via functional mailbox: [REA-TIME-MANAGEMENT@ec.europa.eu](mailto:REA-TIME-MANAGEMENT@ec.europa.eu).

#### **3. WHAT IS THE LEGAL BASIS TO COLLECT YOUR DATA?**

The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body (Article 5(1)(a) of Regulation) and for compliance with a legal obligation to which the controller is subject (Article 5(1)(b) of Regulation), as established by the following legal acts:

##### a) Work patterns

##### Part-time work

- Article 55a and Annex IVa of the Staff Regulations of Officials of the European Communities;
- Articles 16 and 91 of the Conditions of Employment of Other Servants of the European Communities;
- Commission Decision of 08.01.2016 on Article 55a of the Staff Regulations and Annex IVa thereto concerning part-time work C(2015)9720.

#### Parental or family leave

- Articles 42a and 42b of the Staff Regulations of Officials of the European Communities;
- Articles 16 and 91 of the Conditions of Employment of Other Servants of the European Communities;
- Commission Decision of 5th November 2010 on the general provisions for implementing Article 42a of the Staff Regulations concerning parental leave (C(2010) 7572 final);
- Commission Decision of 5th November 2010 on Article 42b of the Staff Regulations concerning family leave (C(2010) 7494 final);

#### Leave on personal grounds

- Articles 15, 37 and 40 of the Staff Regulations of Officials of the European Communities;
- Decision of the REA Steering Committee of 23 October 2015 on the adoption of implementing rules regarding unpaid leave for temporary and contract staff [REA/SC(2015) 3.4.rev];
- Articles 11, 17, 81 and 91 of the Conditions of Employment of Other Servants of the European Communities;

#### b) Annual leave and special leave

- Commission Decision of 16.12.2013 introducing implementing provisions on leave (C(2013) 9051);
- Articles 42, 57 to 61 and Annex V Staff Regulations of Officials of the European Communities;
- Articles 16,18 and 91 of the Conditions of Employment of Other Servants of the European Communities;

#### c) Working Time and Flexitime

- Article 55 of the Staff Regulations of Officials of the European Communities
- Articles 16 and 91 of the Conditions of Employment of Other Servants of the European Communities
- Commission Decision C(2014)2502 of 15.04.2014 on working time.

### **4. WHICH PERSONAL DATA ARE COLLECTED?**

#### SYSPER

The following categories of data are stored in SYSPER:

- Administrative data (name, status, grade, telephone, date of birth, unique payroll number (NUP), data on contributions to the pension scheme, type of work pattern, start and end dates, etc.);
- Family data (cohabitation recognised by the Administration, place of origin, identity and dates of birth of dependent children, etc.);
- Working time data (dates and hours of presence, etc.).

#### Supporting documents

Supporting documents are requested by the Commission Decisions of 5/11/2010, 16/12/2013 and 08/01/2016 on implementing provisions on leave, part- time work, parental leave and family leave (C(2010)7495 final). Examples of supporting documents are document certifying presence at the test, location, duration; birth certificates, medical certificates, etc.

### Special categories of data

The REA HR may process health data only for the purposes of managing the work patterns, leave, and presences.

In particular, health related data may be processed in the context of parental/family leave or other types of special leave (e.g. serious illness of spouse).

Data linked with the health status are sent to the Medical Service. By virtue of their functions, the doctors and other staff of this service are subject to the obligation of professional secrecy.

Normally, information regarding the specialization of the doctor should only be sent to the medical service. However, in the context of a medical appointment during working hours or a verification of a certain special leave (e.g. serious illness of spouse), the data subject must usually provide to the person in charge of leave (REA HR) a certificate which might indirectly disclose the specialization of the doctor.

Each member of the REA HR who processes administrative documents that may contain health-related data is subject to an obligation of secrecy equivalent to that of a health professional. The members of the REA HR also sign a declaration of confidentiality regarding the handling of health-related data.

The processing of health-related data in the REA is covered by a relevant Record "Processing of health-related data by the REA"

Another special category of data which may be processed is data which could indirectly reveal the sexual orientation of the data subject and his/her partner (e.g. when the data subject applies for leave in the case of marriage).

The REA HR processes only the information that is necessary for the purposes of managing the work patterns, leave, and presences. As far as it concerns the personal data of dependents or relatives, they are processed only for the purposes of administering working hours/ leave to the extent it is necessary for that purpose.

## **5. WHO WILL HAVE ACCESS TO YOUR PERSONAL DATA?**

### **a. WHO WILL HAVE ACCESS TO THE DATA WITHIN THE AGENCY?**

- Heads of unit and Line managers (e.g. Head of sector);
- Authorised personnel of the REA HR;
- Competent Appointing Authority (the Director of the Agency);
- Head of Department " C - Administration, Finance and Support Services";
- "Legal Affairs, Internal Control & Reporting" sector.

Normally, the data concerning leave are not communicated to the Director or Head of Head of Department ("C - Administration, Finance and Support Services") in the context of the correct implementation of the leave system. Such transfers are required only in the context of deciding whether the absence is justified or not and of drawing any administrative or disciplinary conclusions. In all other cases, the intervention of the line manager or Head of Unit is normally sufficient.

### **b. WHO WILL HAVE ACCESS TO THE DATA OUTSIDE THE AGENCY?**

- European Ombudsman;
- The Court of Justice of the European Union;
- European Anti-Fraud Office (OLAF);
- European Court of Auditors (ECA);
- European Data Protection Supervisor (EDPS);
- DG HR/IDOC.

This transmission is restricted to the information necessary for the legitimate performance of tasks within the competence of the recipient. The recipients of the data are reminded of their obligation not to use the data received for other purposes than the one for which they were transmitted. If the transfer entails a change of purpose, it is expressly provided for in law and the data subject is informed of it. In case a staff member of the Agency moves to another executive Agency or another EU institution, data residing under SYSPER may be automatically transferred.

## **6. HOW LONG DO WE KEEP YOUR PERSONAL DATA?**

### SYSPER

Data stored under SYSPER will be retained as follows (according to the Specific Privacy Statement found under SYSPER):

Data are generally kept for four years (more in cases of appeal).

The retention of data relating to days of annual leave is justified in particular for the carry-over of days not taken to the following year, but will be limited to two years (at the beginning of calendar year "n" the data for year "n-3" will be suppressed).

Data on part-time work, parental and family leave are kept at least until the end of active service in the Commission (in the REA in that respect) or even beyond that period (since they relate to a subsisting entitlement and may be appealed against).

Data concerning flexitime are kept during the on-going calendar year. They will be suppressed after the closure of the procedure of carry-over of days of annual leave not taken to the following year, and at the latest at the end of the month of March of that following year.

In case where the registration of daily working hours is done on the level of the head of unit/sector and based on intermediate means (outside SYSPER), these have to be destroyed after the validation of the monthly balance by the head of unit, and the latest by the 15th of the following month.

If data are kept longer than the above-mentioned periods, they will be rendered anonymous (the implementation of this action is at the moment under study).

### Supporting documents

Supporting documents are kept for a maximum period of seven years except in case of an appeal. In this case, the data will be kept for as long as required.

### Leave

Data related to sick leave will be retained for a period of four years.

In case of leave on personal grounds, data are retained for the entire career of the data subject in order to keep track when the total time granted reaches the maximum permitted.

In other cases (e.g. leave because of a death of a family member) it may be necessary to keep at least the document with the name of the deceased person for the entire career of the data subject so as to avoid the possibility of any similar leave requests for the same deceased person in the future.

Certain special leave (e.g. in the context of credit-time) may have an effect on the calculation of the pension and may require the conservation of the data for the entire career of the data subject.

## **7. WHAT ARE YOUR RIGHTS?**

Data subjects may have access to their personal data, including the supporting documents and may request for a rectification/blocking/erasure (where applicable).

Some information can be changed/corrected in SYSPER directly by the data subjects.

Depending on the case, data subjects can also request access to the data the Agency keeps and exercise their rights upon either by sending an email to [REA-TIME-MANAGEMENT@ec.europa.eu](mailto:REA-TIME-MANAGEMENT@ec.europa.eu) or by contacting their line manager and/or head of unit.

Requests for blocking and/or erasure under SYSPER are transferred by the data controller to the system owner of SYSPER.

In SYSPER, data cannot be blocked selectively. In such cases, a specific procedure is followed in the REA. Each time blocking is requested, for checking purposes two copies of a "snapshot photo" of the state of the data (by printout, saving or burning a CD-ROM) are made: one for the data subject and one for the data controller. At the same time, it is made clear in the system that a procedure aiming at blocking data has been launched.

## **8. CONTACT INFORMATION**

In case you have any questions about the collection/processing of your personal data, you may contact the data controller who is responsible for this processing activity by using the following email address: [REA-TIME-MANAGEMENT@ec.europa.eu](mailto:REA-TIME-MANAGEMENT@ec.europa.eu).

Further to the above, the following instances can be addressed:

REA Data Protection Officer (DPO): [REA-DATA-PROTECTION-OFFICER@ec.europa.eu](mailto:REA-DATA-PROTECTION-OFFICER@ec.europa.eu)

In case of conflict, complaints can be addressed to the European Data Protection Supervisor: [EDPS@edps.europa.eu](mailto:EDPS@edps.europa.eu).