RECORD OF PERSONAL DATA PROCESSING ACTIVITY

Based on Article 31 of the Regulation (EU) 2018/1725 on the protection of natural persons with regards to the processing of personal data by the Union Institutions, bodies, offices and agencies and on the free movement of such data, each responsible EASME data controller has to maintain a record of the processing activities under his/her responsibility.

Record No: R-2020-02 Initial approval by Data Controller: see date of Ares signature
Previous Notification (if applicable): DPO-1-2013 Update(s) (if applicable): n/a

NAME OF THE PROCESSING ACTIVITY

Leaves which covers annual leaves, sick leaves and all kinds of special leaves.

IDENTIFICATION OF THE DATA CONTROLLER

Executive Agency for Small and Medium-sized Enterprises (EASME), Head of Unit C.2, HR team

GROUND FOR THIS RECORD (select relevant ground)

- Record of a new type of processing activity of personal data (before its implementation)
- Record of a processing activity of personal data that is already in place (ex-post)
- Change/Amendment/Update of an already existing previous record (or previous notification to DPO)

DESCRIPTION OF THE PROCESSING ACTIVITY

The processing operation covers the management of all type of leaves including annual leaves, sick leaves and special leaves.

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1. INFORMATION ON THE PROCESSING ACTIVITY
of managing leaves (annual leaves, sick leaves & special leaves).

This processing activity is performed in accordance with Regulation (EU) No 2018/1725 on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.

1.1. The Data Controller is:
Head of Unit Administration C.2 at the Executive Agency for Small and Medium-sized Enterprises (EASME), Place Charles Rogier 16, B-1049 Brussels and can be contacted at: easme-hr-administration@ec.europa.eu

1.2. The following entity(ies) is/are acting as Processor(s):
The Head of Unit of Medical service is identified as processor & for assessing the medical file (HR-BXL-RENDEZ-VOUS-SERVICE-MEDICAL@ec.europa.eu, HR-BXL-CERTIFICATS-MEDICAUX@ec.europa.eu)

1.3. The legal basis for the processing based on Article 5(1) of Regulation (EU) No 2018/1725:

☐ (a) 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;

☐ (a2) the processing is necessary for the management and functioning of the Union Institutions or bodies (Recital (22) of Regulation (EU) No 2018/1725);

☒ (b) the processing is necessary for compliance with a legal obligation to which the controller is subject, which are article 57, 59, Annex V of Staff regulation;

☐ (c) the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

☐ (d) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;

☐ (e) the processing is necessary in order to protect the vital interests of the data subject or of another natural person.

1.4. The purpose(s) of this processing is/are to manage the following processes:
Annual leave: to grant rest and to respect entitlements given to staff by the Staff Regulations.
Sick leave: to grant rest when a person is not able to work for health related issues
Special leave: to grant some days off in case of special circumstances.

1.5. The categories of data subjects concerned by this processing are:
EASME Staff (CA, TA, Seconded officials), trainees, dependents.

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1.6. **The following personal data** are collected:

Name of the staff member, personal number, category, duration of the absence concerning the three kinds of leave;

In case of sick leave of a staff member, the EASME does not have access to the medical certificate (which is sent directly to the medical services of the Commission by virtue of Annex 2.1 of the Service Level Agreement concluded with the medical service on date 19/12/2017). The Agency is subject to the European Commission's security decision 2017/46 of 10 January 2017, replacing the former Commission decision (C(2006)36023602) of 16 August 2006 on the security of information systems used by the European Commission.). Nevertheless, in case of sick leave of a child the medical certificate is handed to the leave manager of the Agency (the “GECO”);

However no medical data is contained in the medical certificate that is sent to EASME human resources or to the medical service of the Commission as the case may be. It only contains the information that the concerned staff or child is ill and relevant administrative data.

In case of special leave, the data processed are the corresponding certificate and proofs of travelling if applicable. As much as possible this is only administrative data. For instance in case of illness of a child only the corresponding medical certificate is needed without data on the illness of the child; in case of participation in a competition only the corresponding proof of presence that day without details about the type of competition; in case of adoption of a child the corresponding administrative certificate etc. It cannot be excluded that sometimes (excepting medical certificates) some substantive data may be included in the administrative certificate.

The needed administrative documents (corresponding certificates) follows the specific requirements spelled out in the Commission decision of 16.12.2013 on implementing provisions on leave.

The above-mentioned personal data are mandatory for the purpose(s) outline above.

1.7. **The recipients** to whom of the personal data will or might be disclosed are:

The competent EASME staff in the HR administration team, Head of Department C, Head of Unit C2, Head of Sector C.2.1, DG HR Medical Services, PMO, EASME Legal Team and EASME Director as Appointing Authority as well as the bodies charged with monitoring or inspection tasks in application of EU law (e.g. internal audits, Court of Auditors, European Anti-fraud Office (OLAF)).

1.8. **Personal data will not be transferred to third countries or international organisations.**

1.9. The processing of this personal data will not include automated decision-making (such as profiling).

1.10. **The following technical and organisational security measures** are in place to safeguard the processing of this personal data: all the exchange of information between the staff member and the services involved in the procedure will be performed using SECEM (encrypted e-mails). The documents referred in paragraph 1.6 will be stored on a dedicated server folder with contingency measures based on “need to know” criteria. The ARES file will also be restricted with handling restrictions stamp.

1.11. The personal data concerned will be kept for a maximum period of ten years (seven years for special leaves). Exception: in case of dispute or appeal in which case they can be retained longer on a case-by-case basis. Nevertheless for special leave relating to family matters (maternity leave, parental leave, adoption of a child etc) the retention period follows that of the personal files (this is, at least the entire career of the data subject or after the last pension payment).

1.12. **Data Subjects are informed** on the processing of their personal data via a data protection notice on their rights:

- to access their personal data held by a controller;
- to request their personal data held by a controller to be corrected;
- to obtain in some situations erasure of their personal data held by a controller, e.g. when data are held unlawfully (right to be forgotten);
- to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal;

- of recourse at any time to the EASME Data Protection Officer at EASME-DPO@ec.europa.eu and to the European Data Protection Supervisor at https://edps.europa.eu.

Request from a data subject to exercise a right will be dealt within one month.

Any queries concerning the processing of personal data, have to be addressed to the Data Controller indicated above in 1.1. at easme-hr-administration@ec.europa.eu.

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