|  |
| --- |
|  |

|  |
| --- |
| *To be filled out in the EDPS' office*  **REGISTER NUMBER:** |
| **NOTIFICATION FOR PRIOR CHECKING** |
| Date of submission:    Case number:   Institution:   Legal basis: article 27-5 of the regulation CE 45/2001(1) |
| *(1) OJ L 8, 12.01.2001* |

|  |
| --- |
| **INFORMATION TO BE GIVEN**(2) |
| *(2) Please attach all necessary backup documents* |

|  |
| --- |
| **1/ Name and address of the controller**  Agency for the Cooperation of Energy Regulators  Trg republike 3  1000 – Ljubljana  Slovenia |
| **2/ Organisational parts of the institution or body entrusted with the processing of personal data**  The department in charge of processing of the personal data is the Administration Department, and within that department more specifically Human Resources section.  Ms Olga Borissova, Head of Administration  Postal address:  Agency for the Cooperation of Energy Regulators (ACER)  Trg republike 3  1000 – Ljubljana  Slovenia  E-mail: olga.borissova@acer.europa.eu  Phone: +386 (0) 820 53 402 |
| **3/ Name of the processing**   * Management of personal files of staff (arrivals and departures) |
| **4/ Purpose or purposes of the processing**  Purpose of data collection and processing is to implement Title 1, in particular article 5; Title 3 in particular articles 28, 31-35; Title 5, Chapter 1, in particular articles 62-69; Annex VII, articles 1-10; of Staff Regulations (SR) and Conditions of Employment of Other Servants of European Communities (CEOS). This processing and purposes are further governed by the implementing rules of EC adopted by analogy by the Agency and Administrative Board decisions AB-12/2011, AB-23/2012.  Data is processed for the purposes of keeping record of details of staff members and establishment and support of their rights. |
| **5/ Description of the category or categories of data subjects**  The categories of persons concerned are temporary and contract agents employed by the Agency. Very limited for national experts which are seconded to the Agency. |
| **6/ Description of the data or categories of data**  Staff members or seconded national experts ID and CV are collected in each case.  For staff members (temporary and contract):  Birth certificate and ID  Diplomas and certificates of qualifications obtained  Certificates confirming work experience  Certificates supporting duration of or exemption from military service  Certificate supporting conduct (offences and criminal convictions)  Certificate supporting ability to perform duties (medical clearance)  Copies of probationary period report and annual appraisals  Documents of family members of the staff members (birth certificates, marriage certificate, school enrolment, certificates, place of residence documents)  Details of income or employment status of spouse  Bank account details  Training certificates  External activities declarations (publications, lectures, additional income) |
| **7/ Information to be given to data subjects**  Individuals are informed about their rights and personal circumstances determining their rights and entitlements relating to annual leave entitlements by provisions in Staff Regulations (SR) and Conditions of Employment of Other Servants of European Communities (CEOS) by decision by PMO (AIPN) outlining their rights and entitlements. |
| **8/ Procedures to grant rights of data subjects**  Access is possible to see the records relating to the individual at any given time upon request of the individual, presented by member HR team. Individual can obtain copies of documents in his personal file. |
| **9/ Automated / Manual processing operation**  Processing is manual. Individuals either send scans of documents by email or deliver them in person. They are printed, certified correct and filed. |
| **10/ Storage media of data**  All data is stored on paper in safe in HR office. Electronic data is stored in pdf files on the server or in HR mailbox. |
| **11/ Legal basis and lawfulness of the processing operation**  In line with Article 5(a) of Regulation 45/2001, the processing is necessary for the performance of a task carried out in the public interest and processing is necessary for compliance with a legal obligation to which the controller is subject, 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, the data subject has unambiguously given his or her consent, processing is necessary in order to protect the vital interests of the data subject.  Purpose of data collection and processing is to implement Title 1, in particular article 5; Title 3 in particular articles 28, 31-35; Title 5, Chapter 1, in particular articles 62-69; Annex VII, articles 1-10; of Staff Regulations (SR) and Conditions of Employment of Other Servants of European Communities (CEOS). This processing and purposes are further governed by the implementing rules of EC adopted by analogy by the Agency for temporary and contract agents.  This processing and purposes are further governed by the implementing rules of EC adopted by analogy by the Agency, in particular: C-2004-1313 and C-2004-1364.  Furthermore the Decision AB 02-2011 outlines the relation of the above to the seconded national experts working at the Agency.  The processing is necessary in order to fulfill tasks of HR section related to implementation of abovementioned legal basis and to deliver the rights of a temporary / contract agent or seconded national expert to person concerned. |
| **12/ The recipients or categories of recipient to whom the data might be disclosed**  All personal files data is available and accessed only by HR team. |
| **13/ Retention policy of (categories of) personal data**  Data is retained 10 years after the termination of the employment or as of the last pension payment, according to our draft policy. |
| **13 a/ time limits for blocking and erasure of the different categories of data  (on justified legitimate request from the data subject)**  Data in personal files cannot be erased. |
| **14/ Historical, statistical or scientific purposes**  Nationality, gender and grade/step are used for management reports. |
| **15/ Proposed transfers of data to third countries or international organisations**  Number of, nationality and gender of staff members are available to public. |
| **16/ The processing operation presents specific risk which justifies prior checking**  In line with opinions by EDPS in similar cases processing of personal data for the purposes of personal files is not subject to prior checking under article 27 of Regulation (EC) No 45/2001. |
| **17/ Comments** |
| **18/ Measures to ensure security of processing *(3)* *these measures are described in Article 22 of Regulation 45/2001.***  During the processing the data related to personal file is available only to the person concerned, and HR personnel. This data is stored in HR safe, to which only HR team and individual upon request has access to his own record.  Electronic security is ensured by adequate rights of access granted only HR personnel. The safe is secured by code known only to HR personnel. |

|  |
| --- |
| PLACE AND DATE: Ljubljana, Slovenia; 24th June 2013  DATA PROTECTION OFFICER: Paul Martinet  INSTITUTION OR BODY: Agency for the Cooperation of Energy Regulators |