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| **REGISTER NUMBER: [NN]/[YYYY]** |
| **NOTIFICATION FOR PRIOR CHECKING** |
| Date of submission:  Case number:  Institution: Agency for the Cooperation of Energy Regulators  Legal basis: Article 25 of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (1) |
| *(1) OJ L 8, 12.01.2001* |

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

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| **1/ Name and address of the controller**  Agency for the Cooperation of Energy Regulators (the “Agency”)  Trg republike 3  1000 – Ljubljana  Slovenia |
| **2/ Organisational parts of the institution or body entrusted with the processing of personal data**  The department responsible for internally managing the processing operation is: Administration Department, and within that department more specifically Human Resources section.  The contact person for this processing operation is:  Mr Jakub Walczak, Human Resources Officer  Agency for the Cooperation of Energy Regulators (ACER)  Trg republike 3, SI-1000 Ljubljana, Slovenia  E-mail: [jakub.walczak@acer.europa.eu](mailto:jakub.walczak@acer.europa.eu)  Phone: +386 (0) 820 53 395 |
| **3/ Name of the processing**  Gathering details regarding staff members’ request to initiate negotiations to conclude a tuition agreement with the education institution or request for contribution towards education fees for children. |
| **4/ Purpose or purposes of the processing**  In line with the Decision No 10/2014 of the Administrative Board of the Agency for the Cooperation of Energy Regulators on the support granted to Agency staff members in respect to education fees of 18 September 2014 (Annex I), and Director Decision 2015-17 on the Agency contribution to education fees for children and repealing Director Decision 2014-03 of 18 February 2014 (Annex III), the Agency fully covers education fees exceeding the sum of allowance received by staff members under the provisions of Staff Regulations.  In this context, the Agency will gather details via two forms: Request to initiate negotiations to conclude a tuition agreement with the education institution (Annex IV) and Request for contribution (Annex V) which will enable the Agency to either (i) approach the education institution to conclude a tuition services agreement, or (ii) to calculate the amount due to the staff member. |
| **5/ Description of the category or categories of data subjects**  The data subjects shall be the following:   * Staff members (temporary and contract agents) employed by the Agency, with the contract of at least one year of duration (hereafter “staff member”). * Staff member’s child * Contact person of the education institution |
| **6/ Description of the data or categories of data**  Staff member:   * Name and surname of the staff member * Staff number * Amount of education allowance the staff member receives and additional amount the Agency will pay, on behalf of the staff member, to the education institution   Staff member’s child:   * Name * Birth date * Education institution in which he/she is enrolled   Contact person of the education institution:   * Name and surname * Email address, phone number |
| **7/ Information to be given to data subjects**  The following information is given to the data subjects:   1. the identity of the controller; 2. the purposes of the processing operation for which the data are intended; 3. the recipients or categories of recipients of the data; 4. whether providing this information is obligatory or voluntary, as well as the possible consequences in case of disagreement of providing it; 5. the existence of the right of access to, and the right to rectify, the data concerning him or her; 6. any further information such as:    1. the legal basis of the processing operation for which the data are intended,    2. the time-limits for storing the data,    3. the right to have recourse at any time to the European Data Protection Supervisor,   insofar as such further information is necessary, having regard to the specific circumstances in which the data are collected, to guarantee fair processing in respect of the data subject.  Staff members are provided with a Privacy Statement (Annex VI) at the time of submitting their Request for contribution (Annex V) or Request to initiate negotiations to conclude Tuition service agreement with education establishment (Annex IV) to the HR team, which contains the above information. |
| **8/ Procedures to grant rights of data subjects**  Staff members are provided with a Privacy Statement (Annex VI) explaining the procedures to grant rights. Namely:  The Privacy Statement outlines the data subject’s rights as defined by Regulation (EC) No 45/2001 and recalls data subject that they can exercise them contacting either (i) the Agency’s controller; (ii) the Agency’s data protection officer; or (iii) the European Data Protection Supervisor, using the details provided therein. |
| **9/ Automated / Manual processing operation**  Processing is manual. Staff members fill in their personal data themselves and deliver the forms in Annex IV or Annex V in hard copy. |
| **10/ Storage media of data**  The forms submitted by staff members are stored on paper in a safe in the HR office. |
| **11/ Legal basis and lawfulness of the processing operation**  The legal basis for this processing is Article 5(a) of Regulation (EC) 45/2001. Namely, processing is necessary for the performance of a task carried out in the public interest on the basis of the Treaties establishing the European Communities or other legal instruments adopted on the basis thereof or in the legitimate exercise of official authority vested in the Community institution or body or in a third party to whom the data are disclosed.  In particular, Commission decision of 16.12.2013 C(2013) 8971 on general implementing provision on granting education allowance, applicable by analogy at the Agency, states that an official whose place of employment is at least 50 km from an establishment of higher education in the country of which he/she is a national and working in his/her language shall be entitled to reimbursement of the costs by payment of up to twice the amount specified in the first subparagraph of Article 3(1) of Annex VII to the Staff Regulations for every child.  This system is further detailed in Decision No 10/2014 of the Administrative Board of the Agency for the Cooperation of Energy Regulators on the support granted to Agency staff members in respect to education fees (hereafter ‘the Agency”) from 18 September 2014 (Annex I), and Director Decision 2015-17 on the Agency contribution to education fees for children and repealing Director Decision 2014-03 of 20 July 2015 (Annex II).  The processing operation detailed in this notification enables the Agency to either (i) approach the education institution to conclude a tuition services agreement, or (ii) to calculate the amount due to the staff member in line with the abovementioned legal framework. |
| **12/ The recipients or categories of recipient to whom the data might be disclosed**   * The Agency’s **HR team** will receive all information detailed in section 6; * The **education institution** will receive staff members’ name, child’s name, amount of education allowance the staff member receives and the additional amount the Agency will pay, on behalf of the staff member, to the education institution; * The Agency’s **finance team** will receive an invoice from the education institution detailing the staff member’s name, child’s name and education institution, and the additional amount the Agency will pay, on behalf of the staff member, to the education institution. |
| **13/ Retention policy of (categories of) personal data**  Data is retained 5 years after the termination of employment of the staff member. |
| **13 a/ time limits for blocking and erasure of the different categories of data  (on justified legitimate request from the data subject)**  Not Applicable. |
| **14/ Historical, statistical or scientific purposes**  Not Applicable. |
| **15/ Proposed transfers of data to third countries or international organisations**  Not Applicable. |
| **16/ The processing operation presents specific risk which justifies prior checking**  Not Applicable. |
| **17/ Comments**  Not Applicable. |
| **18/ Measures to ensure security of processing *(3)* *these measures are described in Article 22 of Regulation 45/2001.***    All data is in a hard copy, saved in a safe in the HR office. |

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| PLACE AND DATE: Ljubljana, Slovenia; 12 August 2015  DATA PROTECTION OFFICER: Kate Bousfield-Paris  INSTITUTION OR BODY: Agency for the Cooperation of Energy Regulators |