

Privacy statement regarding the management of leaves for the staff of the European Institute of Innovation and Technology

This privacy statement provides information relating to the processing of personal data of EIT staff carried out by the European Institute of Innovation and Technology within the framework of the management of leaves, absences and different work patterns.

The processing of personal data follows the provisions of Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (hereinafter “the Data Protection Regulation of the European institutions”).

The SYSPER 2 tool is owned and maintained by the European Commission: the Commission’s privacy statement is included in the tool.

What is personal data and what is a personal data processing operation?

Personal data shall mean any information relating to an identified or identifiable natural person (‘data subject’). An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, and identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Processing means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automatic means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Who are the data subjects?

The data subjects are all temporary and contract agents working for the EIT.

Who is the controller of the data collection?

The data controller is the Head of Services and Finance Unit of the EIT.

What is the purpose of the personal data collection?

As of 9 December 2019, the EIT uses the SYSPER 2 “Time Management” module which serves for the processing of all personal data related to requests for **work patterns, leave rights and absences (part-time work, annual leave, parental and family leave, other special leaves)** and is needed for the management of EIT staff rights and obligations, in order to ensure the proper functioning of the EIT.

The data processing operations include the collection, recording, organisation, storage, consultation, use, disclosure by transmission, erasure and destruction of personal data. In particular, the personal information of the data subjects are accessed, evaluated, stored and eventually destroyed.

The legal basis for the processing operations is indicated in a separate point below.

The present privacy statement does not cover flexitime and teleworking. In case the EIT will migrate to further optional SYSPER 2 modules, e.g. the module on “Working conditions” which includes processing of data with regard to flexitime and teleworking, the scope of the present privacy statement shall be extended or additional privacy statements shall be prepared.

What types of personal data are processed?

The following types of personal data are processed for the above mentioned purposes in accordance with the [Data Protection Regulation of the EU institutions](#)¹:

The following types of personal data are processed by the “Time Management” module: surname, first name, personnel number, gender, years of service, unique payroll number (NUP), address, telephone number, EIT Unit to which the jobholder is assigned, category, grade, status, date of birth, marital status, officially recognised registered partnership, identity and date of birth of dependent children and date of adoption if relevant, place of origin, activity rates, daily, data on contribution to pension scheme (part-time working in preparation for retirement), and information on absences: sick leave (with or without a medical certificate), special leave, annual leave, parental and family leave, and the results of calculations, particularly regarding the balance of entitlements (balance of absences, leave, parental and family leave entitlement, time credits purchased).

1) In the “Time Management” module for leaves / absences part: Data subjects enter their own requests for leave, which are validated by their line managers within the EIT.

- Annual or special leave entitlement is automatically established by the “Time Management” module under the control of the EIT HR Section (via GECO).
- Absences can be entered by any authorised person in the EIT HR Section and then SYSPER 2 shows the balance of entitlements.

¹ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC

In case of absences for health reasons (absences with or without medical certificate) and in case of special leave, SYSPER 2 does not process direct medical data of the EIT staff member or his/her family members, just administrative data related to the absence (i.e. medical diagnosis is only processed by the medical service provider of the EIT or the Medical Service of the European Commission).

2) In the "Time Management" module for part-time work, parental leave and family leave part:

The "Time Management" application is used to enter information on requests to work part-time and for parental or family leave. Data relating to time must be entered by each category of user (jobholder, jobholders' superiors up to the appointing authority) on the basis of their specific profile. Other data (identifying and other personal data) are automatically provided by SYSPER 2. Before the "Time Management" module is used for the first time, it is fed with the data relating to time from the Leama tool used by the EIT.

In case of a request, each user (the jobholder and his/her line manager) is guided through the process by a workflow up to the decision by the appointing authority to grant / refuse the request (thanks to the inclusion of parameters ensuring that the relevant rules are correctly applied and the insertion of explanatory texts).

Who has access to the personal data of data subjects and to whom can they be disclosed?

Within the EIT:

The personal data of the data subjects is processed by the EIT authorised staff: line manager of the data subject (Head of Unit/Director), EIT HR, Head of Unit SAF, Director.

Access will be given to the Internal Auditor of the EIT by request and if necessary for the performance of the duties of the Internal Auditor: depending on the nature and the scope of the specific audit, the Internal Auditor will be given access to personal data which is relevant for and serves the purpose of the specific audit exercise.

Within the Commission and other EU institutions/bodies/agencies:

Since SYSPER 2 is a tool managed by the European Commission (i.e. DG HR is the system owner and parts of the tasks as subcontracted to DG DIGIT under a separate agreement, such as technical support related to the implementation and operation of SYSPER 2 modules, hosting of SYSPER 2 and other components, analysis of technical nature in relation to providing additional modules and services), there is a controller and processor relationship between the EIT and the European Commission:

- Controller: the EIT enters data in the system, processes the data and ensures its accuracy.
- Processor: DG HR and DG DIGIT maintain the system and provide technical support, business support with relation to the system (e.g. if a specific requests that could not be solved within the EIT Local Support Team).

Authorised staff of the following EU institutions may have access to relevant personal data for audit control or investigation purposes: Court of Auditors, Internal Audit Service of the European Commission, European Anti-Fraud Office (OLAF).

For the purpose of handling review procedures and litigation, access to the personal data may be granted also to the European Ombudsman, the European Data Protection Supervisor, the General Court and the European Court of Justice upon request and to the extent necessary for handling the review procedure and litigation.

Third parties subject to the GDPR² and third parties not subject to the GDPR:

Exceptionally and if necessary, personal data stored in the “Time Management” module may be disclosed to third parties, e.g. external lawyers subject to the GDPR, for specific and limited purposes only. In this case a written contract (service contract) is signed between the EIT and the external lawyer in order to ensure that that Article 29 of the Data Protection Regulation of the European institutions is respected by the data processor. These written contracts follow the model of the Commission and include a specific article on data protection.

The same applies to external IT contractors with whom the EIT has a framework contract in order to provide IT services for the EIT.

How long do we keep your data?

In accordance with the Commission’s privacy statement, in SYSPER 2:

- Data are generally kept for **five years** (more in cases of appeal) except where one of the time limits specified below is applicable.
- Data relating to sick leave can be kept for at least **three years** pursuant to Article 59(4) of the Staff Regulations, but this time period is extended to **five years** in order to cover legal disputes. If a jobholder is transferred to another EU agency or institution using SYSPER 2, only the data concerning sick leave in the previous five years are communicated.
- The keeping 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 generally kept at least **until the end of active service** in the EIT or even beyond that period (since they relate to a subsisting entitlement and may be appealed against).

² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

- If data are kept longer than the above-mentioned period, they will be rendered anonymous in SYSPER 2: the implementation of this action is at the moment under study by the Commission.

The data relating to the leaves of EIT staff processed (in Leama, in Central HR Tool, on paper, electronically in emails or on the G drive) before the migration to SYSPER 2 shall follow the same retention periods.

What are the rights of the data subject?

In accordance with Articles 15, 17, 18, 19 of the Data Protection Regulation of European Institutions the data subjects have the **right for information**, the **right of access**, the **right of rectification** in case their personal data is not complete or not accurate and the **right to erasure** (“right to be forgotten”). In more detail, data subjects have access to all their personal data (leave / absences / part-time work / parental and family leave), some of which are provided by the data subject. They can thus check if the information stored is accurate and, if not, correct it themselves or ask the EIT HR to correct it for them (in the case of information about the data subject’s identity). Certain time-related data (generally provided by the data subject) must be validated by a leave administrator (GECO) or the appointing authority, especially if they affect the staff member’s financial rights or the duration of these rights (e.g. in the case of parental leave with an increased allowance and/or single-parent status).

The data subjects have the right to obtain the **erasure** of their personal data in accordance with Article 19 of the Regulation and in particular in the cases when the personal data are no longer necessary in relation to the purposes for which they were collected, if the data subject withdraws its consent, or in case of unlawful processing.

Data subjects have also the **right to restriction** of processing of personal data in accordance with Article 20 of the Regulation, and the **right to object** on grounds listed in Article 23 of the Regulation.

The rights can be only exercised by sending a request in a written form to the EIT-HR@eit.europa.eu. As a general rule, the requests for information, access, rectification, erasure restriction are handled without undue delay and in any event within one month of receipt of the request; this period may be extended by further two months where necessary, taking into account the complexity and number of requests. In case the data subject contests the accuracy of the data, upon request, the data is restricted immediately for the period of verification of the accuracy of the data, not exceeding one month.

Restrictions to the rights of data subjects may be applied by the EIT, in accordance with Article 25 of the Data Protection Regulation of the European institutions and the EIT internal rules on restrictions³.

³ Currently under adoption. The final version will be published at the following link: <https://eit.europa.eu/who-we-are/legal-framework/data-protection>

Who should be contacted in case of queries or complaints?

If you have any queries concerning the processing of your personal data, you may address them to the HR Section in the Services and Finance unit responsible for the processing activities concerned at the following email: EIT-HR@eit.europa.eu.

You have the right of recourse at any time to the EIT's Data Protection Officer (EIT-DPO@eit.europa.eu) and to the European Data Protection Supervisor (EDPS@edps.europa.eu) or contact the site: <http://www.edps.europa.eu/EDPSWEB/>.

Legal basis and lawfulness of the processing operation

1) Legal basis in the Staff Regulation and the CEOS:

Part-time work, parental leave and family leave:

Staff Regulations

- Article 55a of the Staff Regulations, Annex IVa of the Staff Regulations, Articles 42a and 42b
- Part-time work, Article 55a and Annex IVa of the Staff Regulations: Commission Decision of 5 November 2010 on part time work (Document C(2010) 7573 final A.N. 72-2010 of 13 December 2010)
- Parental leave, Article 42a of the Staff Regulations: Commission Decision of 5 November 2010 introducing implementing provisions concerning parental leave (Document C(2010) 7572 final A.N. 72-2010 of 13 December 2010)
- Family leave, Article 42b of the Staff Regulations: Commission Decision of 5th November 2010 on family leave (Document C(2010) 7494 final A.N. 72-2010 of 13 December 2010)
- Maternity leave, Articles 17 and 91 of CEOS: Commission Decision of 16 December 2013, on maternity leave and maternity pay for women whose maternity leave begins before the end of their contract (C(2013) 9020 final).

Decisions of the EIT Governing Board

- Family leave: Decision GB25-06 of the Governing Board of the EIT of 07.03.2013 on Article 42b of the Staff Regulations concerning family leave (00051.EIT.2013.I.GB)
- Part-time work: Decision GBWP-26 of 02.08.2016 of the Governing Board of the EIT on part-time work (03300.EIT.2016.I.GB)

Annual leave, special leave:

Commission Decision, Decision of the EIT Governing Board and Decision of the EIT Director

- Commission Decision of 28 April 2004 introducing implementing provisions on absences as a result of sickness or accident (document C(2004) 1597/11) - A.N. 92- 2004 of 6 July 2004
- Decision of the European institute of Innovation and Technology (EIT) on the adoption of implementing rules to the Staff Regulations of 27 December 2013.

- Commission Decision of 16 December 2013 laying down general provisions giving effect to Article 8 of Annex VII to the Staff Regulations (C(2013) 8987 final).
- Decision GBWP-19 of 24.06.2016 of the Governing Board of the EIT on measures concerning leave on personal grounds for officials and unpaid leave for temporary and contract staff of the EU (01799.EIT.2016.I.GB.WP)

Staff Regulations

- Leave is covered under Chapter 2 of Title IV, Working conditions of officials of the Staff Regulations (Articles 57-60) and CEOS (Articles 11, 16, 18, 91): Annual leave (Article 57 SR), Special leave (Annex V, Section 2, Article 6 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).

2) Other EIT legal basis:

- Service Level Agreement (SLA) signed between the EIT and DG HR: Appendix, SYSPER and related services

Grounds for lawfulness

In line with Article 5(a) of Regulation No. (EU) 2018/1725, 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 EIT.