FUSION FOR ENERGY

RECORD
of processing activity
according to Article 31 Regulation 2018/1725

NAME of data processing:

Management of Leave Requests

Last update: August 2020

1) Controller(s) of data processing operation (Article 31.1(a))

- Controller: Organisational entity of Fusion for Energy (F4E)

  o Unit / Department **responsible** for the processing activity: HR Unit

  o Contact: HR-DataProtection@f4e.europa.eu

Data Protection Officer (DPO): DataProtectionOfficer@f4e.europa.eu

2) Who is actually conducting the processing? (Article 31.1(a))

The data is processed by F4E (responsible unit) itself ....⊠

The data is processed by a third party (e.g. contractor) (Art. 29 – Processor) : ....⊠

Contact point at external third party (e.g. Privacy/Data Protection Officer):

Tebex is the external contractor -by virtue of the FWC F4E- AFC - 0918.03-, which manages

medical data associated to leave requests as detailed in this record.

External Processor's contact point:

Email: dpd@tebex.com.

External Procesor's Privacy Statement:

http://www.tebex.com/tratamiento-de-datos

3)   Purpose and Description of the processing (Article 31.1(b))

Why is the personal data being processed? Specify the underlying reason for the processing and what you intend to achieve. Describe, summarise the substance of the processing.

When you (later on) intend to further process the data for another purpose, please inform the Data Subject in advance.

1) To establish and manage staff leave requests introduced by F4E staff members :

- annual leave entitlements,
- part-time requests,
- special leaves (for special leaves related to illness of relatives, please see the record on Management of Absences on Health Grounds - Sick Leaves Procedure (F4E_D_2WHJ85)
- maternity leave,
- parental leave,
- unpaid leave,
- family leave,
- rest leave

2) To establish and manage leave requests introduced by F4E Seconded National Experts:

- annual leave entitlements,
- part-time requests,
- special leaves,

3) To establish and manage leave requests introduced by F4E trainees during their traineeship in F4E.

This record does not cover the processing of medical data related to the management of absences on grounds of health issues or an accident (medical part-time, family leave, etc.) which is done by F4E medical service and managed by the record on 'Management of Absences on Health Grounds - Sick Leaves Procedure' (F4E_D_2WHJ85).

4)   Lawfulness of the processing (Article 5(a)–(d)):

Mention the legal bases which justifies the processing

Processing necessary for:

- performance of tasks in the public interest attributed by EU legislation (including management and functioning of F4E) ……………………………………………………… ☒

a.   Council Decision of 27 March 2007 "establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it" - 2007/198/Euratom, as last amended by Council Decision of 22 February 2021 (2021/281 Euratom), O.J. L 62, 23.02.2021, p.8, in particular Article 6 thereof;

b.   Statutes annexed to the Council Decision (Euratom) No 198/2007 "establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it", as last amended on 22 February 2021, in particular Article 10 thereof;

-    Staff Regulations of Officials (SR) and the Conditions of Employment of Other Servants of the European Communities (CEOS), in particular Article 26 (SR), Chapter 1 and 2 of Title IV (SR), Annex IVa and V and Article 110 (SR) as well as Articles 11, 16 to 18, 58, 81 and 91 (CEOS).

-    Leave - Commission Decision on leave C(2013) 9051 (as adopted by the College on 16 December 2013, with its relevant Annex).

-    Commission Decision C(2020) 1559 of 16 March 2020 amending Decision C(2013) 9051 on leave

-    Commission Decision on management of rest leaves pursuant to Article 8 of Annex X to the Staff Regulations (as adopted by the College on 16 December 2013).

-    Commission Decision on home leave for officials, temporary agents and contract agents posted in third countries (as adopted by the College on 16 December 2013).

-    Part-time working - Commission Decision on part-time as adopted by the College on 08.01.2016 (effective from 01 October 2016).

-    Leave on personal grounds/unpaid leave - Decision of Administrative and Management Committee of F4E on measures concerning leave on personal grounds for officials and unpaid leave for temporary agents and contract staff of the European Union (15 October 2015).

-    Family leave - Commission Decision on Art. 42b of the Staff Regulations concerning family leave (C(2010) 7494 of 5 November 2010

- Parental leave - Commission Decision on general implementing provisions for Art. 42a of the Staff Regulations concerning parental leave (C (2010) 7572 of 5 November 2010.

- Decision of the Governing Board on the Secondment of Experts to the Joint Undertaking for ITER and the Development of Fusion Energy

- compliance with a *specific* legal obligation for F4E to process personal data ....☐

- necessary for the performance of a contract with the data subject or to prepare such a contract ....☐

- Data subject has given consent (ex ante, freely given, specific, informed and unambiguous consent)...☐

5) Description of the data subjects (Article 31.1(c))

Whose personal data is being processed?

The data subjects shall be Fusion for Energy staff members and/or their relatives in case the latter give ground for leave (for instance requests for unpaid/special/maternity/parental/family leave or part-time), Seconded National Experts as well as trainees .

6) Categories of personal data processed (Article 31.1(c))

Please give details in relation to (a) and (b). In case data categories differ between different categories of data subjects, please explain as well.

(a) **General personal data:**

- **Annual leave entitlements**: name, surname, dates.
- **Part-time requests**: name, surname, personal number, name and date of birth of child, medical certificate with a diagnosis of the illness or handicap of child, spouse, a relative in ascending or descending line, a brother or a sister confirming its seriousness in a

separated and sealed envelope), declaration of honour for being a single parent (registration in townhall). In the case of 90% without reduction of salary, evidence of serious financial hardship is provided.

- **Special leave** (for special leaves related to illness of relatives, please see the record on 'Management of Absences on Health Grounds - Sick Leaves Procedure' (F4E_D_2WHJ85): the sort of personal data required may be different according to the special leave type, for example:
  - o Removal: new home address
  - o Participation in an EU competition: name, information on convocation type and date
  - o Marriage: date of marriage, spouse´s name and surname and those of relatives appearing on the marriage certificate, spouse´s professional activity, place and date of of birth
  - o Birth of a child: place and date of birth of newborn baby, names, spouse´s data, professional activity
  - o Death of a relative: Place and date of death, as well as date and place of birth of the deceased relative
  - o Elections: name, place and date of elections
  - o Travelling time for special leave: flight boarding passes with names

- **Parental leave**: name, surname, personal number, name and date of birth of child. In the case of a single parent, declaration of honour in a sealed envelope, address during the parental leave. In the case of staff with children with disability or severe illness, medical certificate with a diagnosis of the illness or handicap and confirming its seriousness in a separate and sealed envelope.
- **Unpaid leave or leave on personal grounds**: name, surname, personal number, date of birth, address of residence during leave. The request form contains information concerning any potential outside activities to be carried out during the leave. In this case, the staff member that intends to work in another organisation, s/he shall provide the contact details of the organisation, the nature of the work that s/he will undertake, his/her position and status within the organisation in question. Upon reinstatement, a Declaration of conflict of interest shall be completed by the staff member concerned. (see Record on Spontaneous and Specific Declarations of Interest, F4E_D_2GS9QR)
- **Family leave**: name, surname, personal number, date of birth, end of contract date, identification and date of birth of the family member for which family leave is requested, address during leave. If relative has a serious illness or disability, staff members have to enclose a medical certificate with a diagnosis of the illness or handicap and confirming

its seriousness in a separated envelope.

- **Compensation after an overnight flight**: name, surname, mission details and boarding pass as supporting documents.

(b) **Sensitive personal data** (Article 10)

Medical data associated with a leave request (i.e. parental leave, family leave, special leav, etc.) are processed by the F4E medical service; they might be processed by the HR officer dedicated staff if the staff member erroneously submit those to HR together with their requests. To this end, HR officers have signed a confidentiality statement.

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7) Recipient(s) of the data (Article 31.1 (d)) – Who has access to the personal data?

Recipients are all people to whom the personal data is disclosed ("need to know principle"). Not necessary to mention entities that may have access in the course of a particular investigation (e.g. OLAF, Courts, EDPS).

The following recipients have access to the personal data processed:

- Appointing Authority for leave on personal grounds, special, parental and family leave requests as well as part-time: access to the request and to the supporting documents (except documents containing medical information).
- Medical service (for documents containing medical information) – special leave/parental leave/family leave.

For all types of leave requests , the following recipients may have access to personal data – execept medical data- processed:

- The dedicated HR Officer(s) managing Leama
- The hierarchical superior of the staff member
- Process Owner: Head of Human Resources Unit
- Head of Administration Department (for cases of staff reporting to him/her directly and for unpaid leave)
- ICT Officer responsible for the dedicated database, if necessary for technical support.
- DMO manager if necessary for technical support
- Medical Controller - (Tebex S.A. .) - external service provider (please see their PN)

All data (except medical data): Also, if appropriate and necessary for monitoring or inspection tasks, access may be given to: F4E Director, Head of Administration, DPO and Anti-Fraud & Ethics Officer, Head or responsible officer of LSU, IAC, IDOC.

8) Transfers to third countries or International Organizations (Article 31.1 (e))

If the personal data is transferred outside the EU, this needs to be specifically mentioned, since it increases the risks of the processing operation (Article 47 ff.).

Data is transferred to third countries or International Organizations recipients:

Yes...☐

No ....☒

If yes, specify to which country/IO:

If yes, specify under which safeguards and add reference :

- Adequacy Decision (from the Commission)...☐

- Memorandum of Understanding between public authorities/bodies ....☐

- Standard Data Protection Clauses (from the EDPS/Commission)..............................☐

- Binding Corporate Rules ....☐

- Others, e.g. contractual/agreements (subject to authorisation by the EDPS)...............☐

Reference*:* Not Applicable

9)   Technical and organisational security measures (Articles 31.1(g) and 33)

Please specify where the data is stored (paperwise and/or electronically) during and after the processing. Specify how it is protected ensuring "confidentiality, integrity and availability". State in particular the "level of security ensured, appropriate to the risk".

Security measures are implemented to ensure integrity, confidentiality and availability of information. The default provisions include backups, centralized logging, software updates and continuous vulnerability assessment and follow-up. Specific provisions resulting from the characteristics of the information system may lead into the implementation of encryption, two factor authentication among others found relevant following a risk analysis.

10) Retention time (Article 4(e))

How long is it necessary to retain the data and what is the justification for this retention period? If appropriate, differentiate between the categories of personal data. If the retention period is unknown, please indicate the criteria for determining it.

The following specific retention periods apply to on-line data and hard-copies/supporting documents:

Annual leave: 3 years for the administrative data stored in Leama. A longer conservation period may apply in order to cover periods when a dispute or an appeal is underway.

Other leave: for leave on personal ground (unpaid leave) special leave, parental or family leave and part-time: paper-based data are kept in the staff member´s personal file for the duration of the file (i.e. for 10 years following the termination of employment or last pension payment).

The data may be kept for financial management purposes and the related retention periods are established in the dedicated contract management record.

Fusion for Energy may continue to store Personal Data (on-line data and hard copies) for a longer period, as may be necessary for internal auditing and for the establishment, exercise or defense of legal claims until such claims are finally resolved.

The LeaMa application has a "Delete" function that shall be manually triggered by HR Service Desk officer andthe application will delete all data for which retention period has expired on that date.

11) Information/Transparency (Article 14-15)
Information shall be given in a concise, transparent and easily accessible form, using clear and plain language.

A Privacy Notice (PN) on leave requests has been established (F4E_D_2A3472) and published on the F4ENet in the respective HR section and in the Data Protection Register. The PN provides the information required under Articles 15 and 16 of the 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 45/2011 and Decision No 1247/2001/EC.