

Administration Department
Privacy Notice
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# PRIVACY NOTICE ON PERSONAL DATA PROTECTION REGARDING Management of Leave Requests

The objective of this Notice is to inform you about the collection and processing of your personal data in line with the applicable Data Protection Regulation 2018/1725<sup>1</sup>.

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- Why does F4E process my personal data? Whose data is processed?

The purpose of this procedure is to:

- 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 the '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 the "Management of Absences on Health Grounds Sick Leaves Procedure' (F4E D 2WHJ85).

## 2. What is the justification for the processing?

Processing of your data is necessary for the performance of F4E tasks on the basis of the F4E founding instrument and/or other legal instrument adopted on the basis thereof or for compliance with a specific legal obligation F4E is subject to.

It is based on:

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 10 February 2015 (2015/224 Euratom), O.J. L 37, 13.2.2015, p.8, in particular Article 6 thereof;

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 10 February 2015, 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 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).

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

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).

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).

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

#### 3. Which data is F4E processing?

#### (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 the '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:
  - Removal: new home address
  - Participation in an EU competition: name, information on convocation type and date
  - 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
  - Birth of a child: place and date of birth of newborn baby, names, spouse's data, professional activity
  - Death of a relative: Place and date of death, as well as date and place of birth of the deceased relative
  - Elections: name, place and date of elections
  - 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 family leave, special leave, etc.) are processed by 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.

### 4. Who has access to my data?

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/family.

For all types of leave requests, the following recipients may have access to personal data – except 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 Admininistration (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 (see their <u>privacy policy</u>)

Also, only if appropriate and necessary, for monitoring or inspection tasks (except medical data), access may be granted to:

- Director of F4E
- Head of Administration
- Head of the Legal Service Unit, and/or responsible Legal Officer
- F4E Data Protection Officer and Anti-Fraud & Ethics Officer
- IAC / IDOC

#### 5. How long does F4E store my data?

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

<u>Annual leave</u>: 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.

6. <u>Does F4E intend to transfer my data to third</u> countries or International Organizations?

F4E does not intend to transfer the personal data to third countries or International Organizations.

7. What are my rights in relation to my data and how can I exercise them?

You have the right to access your personal data, to correct any inaccurate or incomplete data, to request restriction or erasure, or to object to the processing, pursuant to Articles 14(3) and 17-23 of Regulation 2018/1725.

Any request to exercise one of those rights should be directed to the Controller (<u>HR-DataProtection@f4e.europa.eu</u>). Where you wish to exercise your rights in the context of one or several specific processing operations or files, please provide their description and reference(s) in your request.

Exceptions based on Article 25 of Regulation 2018/1725 may apply [See Governing Board Decision of 9 December 2019<sup>2</sup>]. In that case, the data subject shall be informed of the principal reasons for applying such restrictions.

#### 8. Contact details of the Data Protection Officer

You may contact the Data Protection Officer (DPO) of F4E (<u>DataProtectionOfficer@f4e.europa.eu</u>) with regard to issues related to the processing of your personal data under Regulation 2018/1725.

#### 9. Right of recourse

You have the right of recourse to the European Data Protection Supervisor (EDPS@edps.europa.eu), if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by F4E.

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Regulation 2018/1725 of 23 October 2018 "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". O.J 21.11.2018, L295/39.
This Privacy Notice is in line with Article 14 and 15 of that Regulation (Principle of Transparency).

<sup>&</sup>lt;sup>2</sup> O.J., 10.02.2020, L 37/18.