



Secretary General

Personnel, Administration and Budget Unit

European Ombudsman

Public record of processing activity¹:

Management of flexitime in the EO Office

- 1. Last update of this record:** 18/06/2020
- 2. Reference number²:** 12/2020
- 3. Name and contact details of the controller³:** European Ombudsman (EO), 1 avenue du Président Robert Schuman, CS 30403, 67001 Strasbourg Cedex- Contact: e-mail: EO@ombudsman.europa.eu

Responsible department: Personnel, Administration and Budget (PAB) Unit- Human Resources (HR) Sector
- 4. Name and contact details of the Data Protection Officer:** Mr Juliano Franco, Dpo-Euro-Ombudsman@ombudsman.europa.eu
- 5. Name and contact details of the processor⁴:** N/A
- 6. Name and contact details of the joint controller(s)⁵:** the European Commission that manages the IT tool SYSPER, used by the EO staff members to register their working hours and exercise their rights under the Office's flexitime scheme- email: DIGIT-SYSPER2@ec.europa.eu
- 7. Purpose(s) of the processing⁶:** The purpose is to monitor the implementation of the Office's internal rules on working hours and flexitime. Flexitime gives staff the option to vary the times at which they start and finish work. Subject to

¹ To be filled in by the controller. See Article 31(1) and (5) on records of processing activities of Regulation 2018/1725: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1725>

² For tracking. If the office decides to keep a central register, contact the keeper of that register to obtain a reference number.

³ Use functional mailboxes as far as possible to ensure business continuity.

⁴ Where applicable. If you use a processor (contractor) to process personal data on your behalf, please indicate so (e.g. 360° evaluations, outsourced IT services or pre-employment medical checks).

⁵ Where applicable. If you are jointly responsible with another EU institution, please indicate so here (e.g. two institutions with shared medical service). If this is the case, make sure to mention in the description who is in charge of what and who people can address for their queries.

⁶ Very concise description of what you intend to achieve; if you do this on a specific legal basis, mention it as well (e.g. staff regulations for selection procedures).



authorisation, and if certain conditions are met, it also enables staff to recoup excess hours worked by taking half or full days off (“recuperation”).

The legal basis is the [European Ombudsman’s decision on working hours and flexitime at the Ombudsman’s Office](#) of 12.12.2016 and Article 55(4) of the Staff Regulations⁷.

8. Description of the categories of data subjects and of the categories of personal data⁸:

- Categories of data subjects: all active staff at the EO Office, whether officials, temporary or contract agents, trainees or seconded national experts (SNEs) (“staff members”).

- Categories of data:

- Data necessary to identify the staff member (last name, first name, personnel number, status,
- Information included in the staff member’s timesheet (daily working hours; times of arrival/departure; lunch break; place of work (mission or work at or outside the workplace); other information concerning failure to respect the core hours (for instance, for presences outside the bandwidth outside the office, the staff member’s line manager has to give his/her prior approval, for these hours to be considered as working hours at validation process).

Data is used only for managing the working hours and the use of flexitime of the EO staff.

9. Time limit for keeping the data and, where possible, for erasure⁹: Data concerning flexitime is kept during the ongoing calendar year. It is deleted after the closure of the procedure of carrying -over of the days of annual leave not taken to the following year, and at the latest, at the end of the month of March of that following year.

10. Recipients of the data¹⁰: The recipients are the line managers of the staff members concerned, the Head of PAB Unit and the staff members from HR sector responsible for flexitime management under SYSPER.

11. Are there any transfers of personal data to third countries and/or to International Organisations?¹¹: No

⁷ Article 55(4) of the Staff Regulations: “*The appointing authority of each institution may introduce flexible working-time arrangements. Under those arrangements, entire working days shall not be granted for officials in grade AD/AST 9 or higher. (...)*”.

⁸ In case data categories differ between different categories of persons, please explain as well (e.g.: suspects vs. witnesses in administrative inquiries)

⁹ Indicate your administrative retention period including its starting point; differentiate between categories of persons or data where needed (e.g. in selection procedures: candidates who made it onto the reserve list vs. those who did not).

¹⁰ Who will have access to the data within the European Ombudsman? Anyone outside the office? No need to mention entities that may have access in the course of a particular investigation (e.g. OLAF, EDPS, Court of Auditors).

¹¹ If yes, include the identification of the country or International Organisation and the documentation of suitable safeguards (e.g. processor in a third country using standard contractual clauses, a third-country public authority you cooperate with based on a treaty).



12. General description of security measures¹²: Only the staff member, his/her line manager, the staff members from HR sector responsible for flexitime under SYSPER, and the Head of PAB Unit have access to the working hours registered. The data is kept according to the security measures developed by the EC that owns the IT tool SYSPER.

13. Information on how data subjects can exercise their rights of access and rectification, and where applicable, of erasure, restriction and data portability¹³:

Staff members can access and rectify their own data in SYSPER. They can also ask to have access to their own personal data and to relevant information concerning how the EO uses it. They can also request rectification of any incomplete or inaccurate data concerning them. They have a right to object to the use of their data by the EO on grounds relating to their particular situation, at any time. Under certain conditions, they have the right to ask that the EO deletes their personal data or restrict its use.

At any time, they may ask the EO information concerning the processing of their personal data by e-mail (EO@ombudsman.europa.eu) or by contacting PAB Unit - HR sector. The EO will reply to their requests as soon as possible and within one month at the latest. They may also contact the EO Data Protection Officer at: dpo-eo-ombudsman@ombudsman.europa.eu.

If they wish to complain about the Ombudsman's handling of their personal data, they may contact the European Data Protection Supervisor (www.edps.europa.eu) at the following address: EDPS@edps.europa.eu

¹² Where possible. Include a general description of your security measures that you could also provide to the public. See Article 33 on security of processing of Regulation 2018/1725: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1725>

¹³ Consider publishing the relevant part of the privacy statement and providing a link. See Articles 15 and 16 on the information to be provided to the data subject(s) and Article 17 to 22 on the rights of data subjects of Regulation 2018/1725: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1725>



Privacy Statement

relating to the management of flexitime in the European Ombudsman's Office

This privacy statement explains the reason for the processing, the way the European Ombudsman (EO) collects, handles and ensures protection of all personal data provided, how that information is used and what rights the data subjects may exercise in relation to their data.

The controller is the EO. The joint controller is the European Commission that manages the IT tool SYSPER, used by the EO staff members to register their working hours and exercise their rights under the Office's flexitime scheme.

1. What personal data will the European Ombudsman process?

We process the following data:

- Data necessary to identify the staff member (surname, first name, personnel number, status);
- Information included in the staff member's timesheet (daily working hours; times of arrival/departure; lunch break; place of work (mission or work at or outside the workplace); other information concerning failure to respect the core hours (for instance, for presences outside the bandwidth outside the office, the staff member's line manager has to give his/her prior approval, for these hours to be considered as working hours at validation process).

Data will be used only for managing the working hours and the use of flexitime of the EO staff.

2. Why does the European Ombudsman process these personal data?

The purpose is to monitor the implementation of the office's internal rules on working hours and flexitime. Flexitime gives staff the option to vary the times at which they start and finish work. Subject to authorisation, and provided that certain conditions are met, it also enables staff to recoup excess hours worked by taking half or full days off ("recuperation").

3. What are the legal bases and necessity for processing this data?

The legal basis are the [European Ombudsman's decision on working hours and flexitime at the Ombudsman's Office](#) of 12 December 2016 and Article 55(4) of



the Staff Regulations¹⁴. The processing is necessary on the basis of Article 5(1)(a) of the Regulation (EU) 2018/1725 (performance of a task carried out in the public interest).

4. Who is responsible for processing the data?

Data is processed by the Unit Personnel, Administration and Budget (PAB), Sector "Human Resources" (HR) and the line manager of the staff member concerned.

5. Who will be recipients of the data?

The recipients are the line managers of the staff members concerned, the Head of PAB Unit and the staff members from HR sector responsible for flexitime management under SYSPER.

6. How long will the data be kept?

Data concerning flexitime is kept during the ongoing calendar year. It is deleted after the closure of the procedure of carry-over of days of annual leave not taken to the following year, and at the latest, at the end of the month of March of that following year. This period is necessary to apply the provision foreseen by Article 8.4 of the EO decision¹⁵ on working hours and flexitime.

7. How do we protect the data subject's data?

Only the staff member, his/her line manager, the staff members from HR sector responsible for flexitime under SYSPER, and the Head of PAB Unit have access to the working hours registered. The data is kept according to the security measures developed by the European Commission that owns the IT tool SYSPER.

8. What are your rights and how can you exercise them?

You have the right of access and rectify your own data directly in Sysper. You have a right to object to the use of your data by the EO on grounds relating to your particular situation, at any time. Under certain conditions, you have the right to ask that the EO deletes your personal data or restrict its use.

You may ask the EO information concerning its processing of your personal data by e-mail. The EO will reply to your requests as soon as possible and within one month at the latest.

¹⁴ See Article 55(4) of the Staff Regulations: "*The appointing authority of each institution may introduce flexible working-time arrangements. Under those arrangements, entire working days shall not be granted for officials in grade AD/AST 9 or higher. (...)*".

¹⁵ According to this article, a negative balance in excess of 16 hours at the end of the month should be considered unauthorised absence and offset by the deduction of a corresponding number of half- or full days of annual leave.



9. Who to contact in case of queries or complaints concerning data protection issues?

At any time, you may send data protection related questions concerning the management of flexitime to the EO or by sending an e-mail to the PAB staff member (HR sector), at the following address:

European Ombudsman
1 avenue du Président Robert Schuman
CS 30403
F-67001 Strasbourg Cedex
EO@ombudsman.europa.eu

You also may contact the EO Data Protection Officer at the following address:
DPO-Euro-Ombudsman@ombudsman.europa.eu

You have the right to lodge a complaint to the European Data Protection Supervisor (https://edps.europa.eu/data-protection/our-role-supervisor/complaints_en) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data.