Notification to the Data Protection Officer under Article 25 of the Rules on Data Protection (Decision 235/16/COL) ('the Rules')

Changes affecting the information contained in the notification must be notified promptly to the Data Protection Officer, see Article 25(3) of the Rules.

Date of submission: 12.12.2017

Part 1: Processing

- Unit responsible for the processing operation

ADM

- Name of processing operation

Treatment and payment of salaries and salary related allowances and reimbursements.

- General description of the processing operation

Salaries are prepared on a monthly basis for all staff members, College Members and trainees by the HR and Payroll assistant (HRPA). An overview in Excel (stored in the document management system GoPro) is used, as well as an electronic HR/Payroll ERP system: Empower. The Finance Officer (FO) verifies the information inputted before the salary payment file is created. The payments are registered manually by the HRPA in the banking system, Isabel, and thereafter verified by the FO. The payment file is signed by two officials in ADM with a power of attorney to sign for the bank accounts. The FO prepares the Excel overviews for the insurances for all officials and their dependents affiliated to the insurance schemes (reference is made to Data Protection Notification on Management of Health and Life and Disability insurances) as well as an overview for the savings fund contributions (reference is made to Data Protection Notification on Management of Savings Fund) to be transferred to the bank managing the savings fund of the Authority. Payslips are automatically created in Empower and visible for the officials in the self-service portal EmpowerMe.

Yearly, an internal tax statement is produced per staff member, by the FO, summarizing the total emoluments received during the previous year. These statements are sent to the Belgian Ministry of Finance for the declaration of the earnings of the staff of the Authority. The individual tax statements are kept electronically in GoPro in the personal case of each staff member.

The process comprises the following steps:

Collection, input, archiving, treatment, usage and consultation of personal data related to career, family situations and personal deductions of the officials of the Authority.

The payroll process is handled in the following way:

1) Collection of information to be inputted in the HR system Empower (careers, family situations, personal deductions)
2) Input and update of data in response to changes (careers, family situations, personal deductions) in Empower
3) Update of Excel overview of salary, allowances and personal deductions
4) Calculation of salaries in Empower
5) Verification of the data and salaries in Empower and cross reference with Excel overview
6) Creation of Excel overviews for insurances and savings fund contributions
7) Creation of salary payment file in Empower
8) Creation of electronic payslips in Empower visible for the officials in EmpowerMe
9) Creation of accounting overview for salaries grouped on general ledger (GL) account in Empower
10) Payment of salaries via the banking system Isabel
11) Archiving of career information, family status updates and personal deductions

- Sub-contractors

N/A

- Automated / Manual operations

The personal information, careers and changes in family status is manually inputted in Empower and Excel. Empower automatically calculates the salaries, creates payslips and payment files. The Excel files are stored in the document management system GoPro with limited access to HR and Finance officials. The data is stored in Empower and GoPro in order to provide information upon request from former employees concerning their employment dates, salaries and allowances received.

Bank details are inputted and stored in Isabel manually. Payments are manually inputted and signed off by authorised officials. Bank accounts are kept in Isabel for 12 months after the end of the staff member's employment contract to allow for transfers of allowances and claims due to the staff member.

Tax certificates are manually produced and sent by post to the Belgian Ministry of finance. The certificates are manually saved in electronic form in GoPro.

- Comments

The salary process might need prior checks by the EDPS following art. 27

- Security measures

Empower is only accessible to HR, Payroll and Finance officials and protected by log-in and password. Data files kept in GoPro, are protected by access rights limited to the HR and Payroll group. Only officials with a power of attorney to execute and sign for payments have access to Isabel with their personal log-in card and password.

Part 2: Purpose and legal basis

- The purpose(s) of the processing operation

Data is collected and retained for processing of monthly emoluments.

- The legal basis of the processing operation

The legal basis for treatment and payment of salaries are defined in the Staff Regulations and Rules of the Authority (SRR) and more specifically in:

SRR 21: Salary

SRR 25: Rent Allowance

SRR 30: Dependency benefits

SRR 31: Savings Fund

SRR 32: Health insurance

SRR 33: Death and Disability compensation

Payments and the handling thereof are regulated by the Financial Regulations and Rules of the Authority (FRR) and more specifically in:

FRR 15: Custody of Funds and Treasury Management

FRR 16: Cash advances, loans and cash handling

FRR 17: Invoices and claims

FRR 18: Payments

The treatment is necessary to fulfil the requirements in the SRR, FRR of the Authority and the Headquarters Agreement between the EFTA Surveillance Authority and the Kingdom Belgium.

Reference is made to the EFTA Surveillance Authority Decision of 15 December 2016 laying down Rules on Data protection (Doc. 802433) Article 5 b.

Part 3: Data subjects/fields

- Categories of data subjects

Current and former staff members, College Members, trainees and affiliated spouses/partners and children.

- Categories of data / Data fields

Professional and private data stored for salary processing.

Data stored in Empower:

First and last name

Full address on duty station and home station

Date of birth

Nationality

ID card number

Sex (M/F)

Telephone

Title

Status: Local/non-local

Family status

Dependants (first and last name, address, date of birth, nationality)

Career information and history: Grade, step

Department

Unit

Bank account details

Data stored in Isabel:

First and last name

IBAN and BIC

Country of bank account

Data stored in Excel files to insurance company:

First and last name

Basic salary

Dependency allowances

Premiums for affiliated spouse and children

Split of premiums – staff member/employer

Total premium per staff member

<u>Data stored in Excel file and sent to Bank managing the savings fund:</u>

First and last name

Basic salary

Grade

Savings fund account number

Currency for savings fund account

Fund investment choices for those investing in funds

The data for approbations and resignations could fall in the scope of Article 10 of the Rules.

Part 4: Rights of the data subjects

- Information to be provided to the data subjects

Privacy statement for New Starters, provided with employment contract. Procedure to grant rights

Authority procedure for data subject access requests (DSAR) (document no 863894)

- Retention policy and time limit

Salary related data is kept in its original form in Empower and GoPro and not anonymised.

Due to the limited capability to delete data related to former staff from the HR/Payroll system (empower), all data stored in that system is retained indefinitely. Salary related data stored in GoPro is retained indefinitely. The data stored in Empower and GoPro is only used to provide attestations and information to active and former employees, upon their written request for information concerning their salaries and salary related allowances received during their employment with the Authority.

Data concerning insurances is kept in GoPro in its original form and kept for 5 years to ensure that staff members on continued coverage are fully integrated in the national system.

Data concerning savings fund account set-up and closure is kept in GoPro for 5 years.

If any data is used for statistical purposes, it is anonymised.

Part 5: Recipients

- Categories of recipients of the data

Finance Officer, HR and Payroll assistant, Director of Administration, HR Officer, College Members

- Transfer of the data

An overview of basic salary and dependency allowances per staff member is transferred monthly to Allianz (Medical and Life & Invalidity insurance provider of the Authority) for the purpose of calculation of the insurance premiums.

An overview with basic salary per staff member is transferred monthly to DNB Luxembourg (managing bank for the Authority's savings fund scheme) for the purpose of the savings fund contributions calculation.

Payment files are transferred via the payment system Isabel to ING Bank Belgium for the payment of emoluments.

Summarized emolument information per staff member is transferred to the Belgian Ministry of Finance for the purpose of declaring the employees' earnings.

The transfers are within the EU/EEA Member states who are also bound by Directive 95/46.