

## **PROCEDURAL ACT OF THE ENERGY COMMUNITY SECRETARIAT**

### **2019/03/ECS-EnC: On the content of and access to personnel files**

The Energy Community Secretariat,

Having regard to the Staff Regulations of the Energy Community as adopted by the Ministerial Council and amended in 2009,

Having regard to the Secretariat's Data Protection Policy (PA 2019/01/ECS-EnC) dated 1 March 2019,

Whereas every staff member's right for confidential treatment of his/her personnel file is explicitly acknowledged,

Whereas the Secretariat strives at reconciling an efficient human resources management with the protection of staff members' privacy,

ADOPTS THE FOLLOWING PROCEDURAL ACT:

#### **Article 1 Content of the personnel file**

- 1) A personnel file, in a format of a Digital Personnel Act (hereinafter "PDA", "Act or "personnel act'), shall be kept for every staff member of the Secretariat.
- 2) Each file shall contain as a minimum the following information:
  - a) a personal data sheet;
  - b) a copy of the application documents;
  - c) a photo (for website purposes);
  - d) copy of degree certificate;
  - e) a copy of the employment agreement;
  - f) a copy of the job description;
  - g) a copy of an identity card (ID card)/passport;
  - h) proof of health insurance;
  - i) training records providing an account of the training authorized and reimbursed under the Personnel Management Rules;
  - j) list of items/ work materials given to the official
  - k) medical certificates under Staff Regulation 10.3.;
  - l) any authorizations granted by the Director under Staff Regulation 3.3.b);
  - m) documentation of staff dialogue/performance appraisal under Staff Regulation 4.8;
  - n) warnings and/or other disciplinary actions;
  - o) documents relating to the worker's departure from the organisation, such as termination etc.;
  - p) documents relation to staff appeals, arbitration or dispute settlement under Staff Regulations 13 to 15;

- 3) All documents belonging to the personnel file are kept in an electronic version that is part of the institution's human resources database (called DPW).

### **Article 2 Keeping of the personnel file**

- 1) The Head of Administrative and Financial Unit shall be responsible for continuous updates of the personnel files of all officials.
- 2) Personnel files are accessible via a web based solution and a system of individually assigned usernames and passwords to all officials.
- 3) The personnel files shall be kept within three years after termination of the employment agreement with the staff member concerned.

### **Article 3 Access to the personnel file**

- 1) Each staff member has an access to his/her own file through the DPW system.
- 2) Requests for removal of individual documents from the personnel file shall be reasoned and made in writing to the Director. The Director, after having heard the data protection officer, shall decide if the request is legitimate and in this case order the removal.
- 3) Besides the staff member concerned, the Director and the Head of Administrative and Financial Unit shall have unrestricted access to personnel files. Head of Financial and Administrative Unit shall ensure compliance with the Data Protection Rules.
- 4) In case of a request of removal of documents from the personnel file, the data protection officer shall have access to the file. Access to the file shall be also granted in case this is necessary in the context of administrative, court or arbitration proceedings to which the Secretariat, the Energy Community and/or individual staff members are party, and in particular for the establishment, exercise or defense of legal claims.

### **Article 4 Relation to Staff Regulations**

The rules in this Procedural Act may not contradict the Staff Regulations and the Data Protection Rules. In cases of conflict the latter shall prevail.

### **Article 5 Review**

The Head of Financial and Administrative Unit shall assess the well-functioning and efficiency of these rules on regular basis following their adoption and, if necessary, propose modifications thereto.

### **Article 6 Entry into force**

This Procedural Act shall enter into force within 4 weeks upon adoption. All earlier notes and guidelines related to the personnel files shall be revoked.

For the Energy Community,

A handwritten signature in blue ink, appearing to read "Janez Kopač".

Janez Kopač  
Director

Done in Vienna, on 19 March 2019