



DPO-EDPS meeting 28/04/16 @EU_EDPS **#DPO**



EUROPEAN DATA PROTECTION SUPERVISOR

Why staff appraisal?

"Classic" forms of staff appraisal

- End of probationary period, annual appraisal
- Assess performance and abilities of staff
- Purpose: positive or negative career development
- Legal obligation Staff Regulations and Conditions of Employment of Other Servants



More recent forms of appraisal

Peer evaluation

- Multi-source assessment, usually of managers
- Feedback from the immediate work environment
- Purpose: Self-perception assessment, improve efficiency and teamwork

180°/360° feedback programmes

- Self-development tool for managers
- Feedback from peers, managers and staff
- Purpose: Enhance leadership competencies, develop an effective management culture, professional development

Main difference = Voluntary participation, no legal obligation





What to keep in mind

- Prior checkable under Article 27.2(b)
- Purpose
 - Data collected should not be used in any other form of assessment

Lawfulness

- Article 5(a) does not apply, not "necessary" for the performance of a task
- Article 5(d) Consent

Data quality

- Processed fairly and lawfully
- For specific purposes only
- Adequate, relevant and not excessive
- Accurate (only applies to factual data)
- Not kept for longer than necessary





What to keep in mind

- Special categories of data?
 - Only if explicit consent (Article 10,2(a)), otherwise delete
- Consent
 - Freely given, specific and informed
 - Consent in the working environment should be applied with caution!
 - Possibility to withdraw consent at any time

Processor/sub-processor

- Verify if any sub-contracting is foreseen
- Data protection clause in the contract
- Avoid transfers to third countries

What to keep in mind

Recipients/transfers?

- Clearly specify who the recipients are and what data they will receive
- Inform persons concerned accordingly
- Only transfer data if necessary for the legitimate performance of a task covered by the competence of the recipient (Article 7)

Right of access/rectification

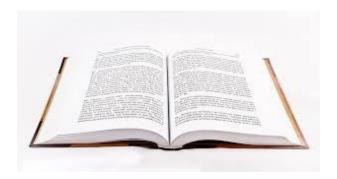
- Rectification of factual data possible upon request
 - Not possible to rectify subjective evaluation data
 - Provide for a possibility to provide comments? (c.f. appeals procedure)

Information to evaluated persons and assessors

- Should be given before the programme is launched
- In particular as regards consent: absence of negative consequences in case of opt-out, possibility to revoke at any time
- Inform of <u>all</u> purposes (e.g. generate aggregated team reports)

More information:

- EDPS Reference Library
- EDPS Guidelines on Staff evaluation
- Prior Check opinions
- Consultations
 - DPO Corner



Thank you for your attention!

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