

REGISTER NUMBER: 103

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 13 June 2006

Case number: 2006-297

Institution: European Economic and Social Committee

Legal basis: article 27-5 of the regulation CE 45/2001⁽¹⁾

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN⁽²⁾

(2) Please attach all necessary backup documents

1/ Name and adress of the controller

Erik MADSEN, Head of Unit

2/ Organisational parts of the institution or body entrusted with the processing of personal data

European Economic and Social Committee (EESC) -
Directorate of Financial and Human Ressources Recruitment

3/ Name of the processing

Periodical staff report for officials and temporary agents.

At least once every two years the ability, efficiency and conduct in the service of each official is subject to a periodical report drawn up by his/her director or head of unit (depending on the grade of the official).

For each yearly staff report procedure, the secretary-general draws up a list of the names of the assessors and appeal assors, in accordance with the provisions of Art. 3 of Decision N°. 410/04 A of 12 October 2004 (see Attachment I to the present notification)

According to the "Instructions for Assessors", the staff report must, inter alia, help to provide a clear and precise knowledge of the tasks performed so that a file can be drawn up justifying the existence of the relevant post and suggesting ways of improving competence, output and conduct in the service by recommending, if necessary, a personalised training plan.

The staff report is thus one of the instruments that enables the appointing authority to compare the merits and aptitudes of the various officials who are qualified to carry out duties and responsibilities at a higher level.

Once finalized, these reports are processed by a member of the DRHF to prepare the work of the Promotions' committee that enables the Committee to propose the most "deserving" candidates for promotion by comparative merits. For that purpose, lists with points given in the performance reports (and sums of points in the grade of the official) are drawn up.

The processing in this framework implies operations such as collecting, storing, copying and distributing these reports to the members of the Committee, as well as destroying these copies directly after consulting them.

4/ Purpose or purposes of the processing

The main purpose lies in drawing up the list of promotable officials by merit; the official with the highest sum of all marks obtained in the staff report since the last promotion is ranked first.

These lists facilitate finding the officials proposed for promotion. Certain lists are published. These lists are the following:

- list of promotable officials,
- list of promotable officials by order of the total number of points they have obtained (without the number of points obtained, but in the right order),
- list of officials considered by the Appointing Authority being worthy of promotion,
- list of officials proposed for promotion by the promotions' committee,
- final list of officials who are promoted

5/ Description of the category or categories of data subjects

All permanent officials as well as temporary agents who have been in service for the whole assessment period are subject to a performance report. According to Art. 43 of the Staff Regulation, periodical reports are to be drawn up "at least every two years"; however, they can be drawn up more often and assessment periods may vary. In the EESC, assessment periods are normally one year but due to special circumstances (reform for e.g.) the notation periods have sometimes been modified in the past.

6/ Description of the data or categories of data (including, if applicable, special categories of data (article 10) and/or origin of data)

The data used in the periodical staff report are the following:

- Name
- Category and grade of the official,
- Description of duties carried out by the official
- Knowledge of languages and new knowledge acquired during the reference period
- Assessment of the official (ability, efficiency and conduct in the service)
- Objectives for the next reporting period,

7/ Information to be given to data subjects

Data subjects sign their report. This is done after having evaluated and discussed their performance together with their assessors in the interview, which is an essential part of the assessment procedure. A special appeal procedure exists as well. Officials can at any time request their number of accumulated points at the DRHF; information is only given about the personal situation, not about other officials.

8/ Procedures to grant rights of data subjects(*rights of access, to rectify, to block, to erase, to object*)

This information has not yet been transmitted to the data subject but will be as of the next notation exercise using a privacy statement.

The content of the privacy statement will be the following:

Your personal data are being processed in accordance with Regulation (EC) n.45/2001 on the protection of individuals with regard to the processing of personal data by Community institutions and bodies and on the free movement of such data. The purpose of the processing operation is to facilitate the selection procedure for the granting of promotions. The data will be disclosed solely to the Directorate for Financial and Human Resources and to the Promotion's Committee. The information will not be divulged to any third parties, unless it is necessary for the fulfilment of the purposes identified above. You have the right to obtain access to your personal data as well as rectification of any inaccurate or incomplete personal data.

You also have the right to information on the following:

** legal basis of the processing operations*

** delays of conservation of the data.*

Should you have any queries relating to the processing of your personal data, please address them to the Head of Unit Recruitment / Career / Training at the EESC Directorate of Financial and Human Resources, (entity acting as "data controller"), rue Belliard 99, 1040 Brussels. You can also send an e-mail to the Data Protection Officer of the EESC: data.protection@eesc.europa.eu. You have the right to have recourse at any time to the European Data Protection Supervisor (<http://www.edps.europa.eu/01_en_presentation.htm>).

9/ Automated / Manual processing operation

So far the processing of information is conducted manually.

A processing via the database CENTURIO is being discussed, but not yet in action.

10/ Storage media of data

Performance reports are scanned and stored on a CD, which is kept in a locked cupboard in the personal unit. In order to prepare the work of the promotions' committee, paper copies of performance reports for all promotable officials per grade are made (and directly afterwards destroyed). Originals of performance reports are kept in the archives and personal files unit.

11/ Legal basis and lawfulness of the processing operation

Art. 43 of the Staff Regulation stipulates that "the ability, efficiency and conduct in the service of each official shall be the subject of a periodical report made at least one every two years...".

Art. 45 of the Staff Regulation specifies that "When considering comparative merits (for promotion), the Appointing Authority shall in particular take account of the reports on the officials....". Decision 410/04 A from 12 October 2004, adopting general implementing provisions on periodical staff reports.

Lawfulness: The reports are established by the assessor and sent to the DRHF. The reports are absolutely confidential; the information is used solely and exclusively in the framework of the promotion exercise. In that context, members of the Promotions' committee are reminded of the highly confidential nature of their work.

All personal data requested from the data subjects in this framework are necessary and/or relevant in order to facilitate the promotion procedure. Thus, the processing is necessary to carry out the human resources policy of the institution.

12/ The recipients or categories of recipient to whom the data might be disclosed

Members of the Promotions' Committee receive the lists by e-mail (always with the reference "confidential") and examine the reports (distributed directly in the meetings). Directly afterwards, the copies of the reports are given back to the secretariat of the Promotions' Committee who destroys the copies.

13/ Retention policy of (categories of) personal data

The points obtained in the performance reports are added up from the date of the seniority in this grade (date de grade) until the next promotion. In case of a promotion the sum is put back to "0"; in this case the old performance reports don't play a role anymore. The originals are kept in the personal file during the time of retention of the personal file. In the past, copies of the reports themselves have been kept in a locked cupboard, until the next appraisal exercise started. Since 2005, these reports are stored on a CD, which is also kept in a locked cupboard.

13 a/ Time limits for blocking and erasure of the different categories of data

(on justified legitimate request from the data subject)

(Please, specify the time limits for every category, if applicable)

BLOCKING: ----- two weeks

ERASURE: ----- two weeks

14/ Historical, statistical or scientific purposes

If you store data for longer periods than mentioned above, please specify, if applicable, why the data must be kept under a form which permits identification,

Lists are stored on a secured drive for a number of years, because sometimes an official stays in one grade for many years and wants to obtain information about the lawfulness of his position within the grade. Statistics are established for average waiting time for promotion per grade and given to the Budget Authority (Art. 6 of the Statut).

15/ Proposed transfers of data to third countries or international organisations

Lists are stored on a secured drive for a number of years, because sometimes an official stays in one grade for many years and wants to obtain information about the lawfulness of his position within the grade. Statistics are established for average waiting time for promotion per grade and given to the Budget Authority (Art. 6 of the Statut).

Not applicable

16/ The processing operation presents specific risk which justifies prior checking (please describe):

AS FORESEEN IN:

Article 27.2.(a)

Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

- - - does not apply

x Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject,

Yes, the periodical staff reports include personal aspects, including the ability, efficiency and conduct of the data subject.

Article 27.2.(c)

Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

- - - does not apply

Other (general concept in Article 27.1)

- - - does not apply

17/ Comments

There are two annexes attached to the present notification:

Annex I: Decision No. 410/04 A adopting general implementing provisions on periodical staff reports

Annex II: Decision No. 511/04 A amending Decision No. 238/01 A, of 23 July 2001, setting up a Joint Promotions Committee

PLACE AND DATE: Brussels, 12 June 2006

DATA PROTECTION OFFICER: Elena FIERRO SEDANO

INSTITUTION OR BODY: European Economic and Social Committee