

REGISTER NUMBER: 275

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 20 July 2007

Case number: 2007-475

Institution: OHIM

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

OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (TRADE MARKS AND DESIGNS)
Mr JÖRG WEBERNDÖRFER
Deputy Director, Coordinator of Linguistic Team
General Affairs and External Relations Department (GAERD)

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

GAERD, Linguistic Team
Linguistic experts from any other OHIM's Department

3/ Name of the processing

Evaluation of the Members of the Linguistic Team

Description:

Members of the Linguistic Team of OHIM's General Affairs and External Relations Department are subject to evaluation of their translation or revision work by means of two processing operations of personal data aiming at making, on the one hand, a qualitative assessment, and on the other hand, a quantitative assessment. Both processing operations pursue the same purpose of evaluating both the team's performance and the individuals' work.

<p>a) qualitative assessment</p> <p>Linguistic expert within OHIM, namely native of the language to be assessed, are submitted a proof sample of one individuals' work together with an evaluation form to be filled in (see model of evaluation form in Annex A). The evaluation form identifies the evaluator as well as the member of the linguistic team whose work is subject to assessment.</p> <p>Once completed, the evaluation form is returned to the coordinator of the linguistic team (the controller) who transmits a copy to the person concerned and files the original in a nominative file stored in a locked cupboard only accessible by the controller. Evaluation forms are kept for a period not longer than 3 years in order to have a view on the progress made by the evaluated persons. These evaluations are used as qualitative input for the yearly appraisal exercise.</p> <p>b) quantitative assessment</p> <p>All requests for translation and/or linguistic revision of documents are assigned to members of the linguistic team in accordance with their respective language profile. These assignments together with data concerning requests, title documents, number of pages, type of work (revision or translation) linguists who makes the revision/translation, department requesting the revision, fulfilment of the requested deadline, are recorded in a XL workbook referred to as the "SYCOPAT" table (see extract in Annex B).</p> <p>The number of pages translated and/or revised per individuals provides with a quantitative information as regard (i) the tendency of the workload according to the languages and/or type of work (proof reading, revision, translation, ...) and (ii) subsequent needs in terms of staff resources. This information is most important for organisational purposes. It is used as a planning tool in weekly meetings to discuss priorities, delays, ... with the whole team.</p> <p>This table is also used to get an objective indicator as to the work performed by each member of the linguistic team and is therefore also used in the yearly appraisal exercise.</p>
<p>4/ Purpose or purposes of the processing</p> <p>a) Overall quality control of the work performed by the linguistic team</p> <p>b) Quantitative control of the work performed ("SYCOPAT" table)</p> <p>c) Evaluation of individuals</p>
<p>5/ Description of the category or categories of data subjects</p> <p>The members of Linguistic Team who do translation and revision work.</p> <p>Linguistic evaluators (for the qualitative assessment). These are linguistic experts working in other parts of the Office.</p>
<p>6/ Description of the data or categories of data(<i>including, if applicable, special categories of data (article 10) and/or origin of data</i>)</p> <p>a) Quality control:</p> <p>Name of evaluated staff members</p> <p>Name and language knowledge of evaluators</p> <p>Quality evaluation of work done by the linguists (see evaluation form)</p> <p>b) Quantitative control of the work performed ("SYCOPAT" table):</p> <p>production data, including data concerning requests, title documents, number of pages, type of work (revision or translation), name of linguist who made the revision/translation, department requesting the revision, fulfilment of the requested deadline. See extract of the "SYCOPAT" table in annex.</p>
<p>Special categories of data in the sense of article 10 of Regulation 45/2001 are not processed in the present context.</p>
<p>7/ Information to be given to data subjects</p> <p>a) Overall quality control:</p> <p>The evaluation forms and the nominative file where they are stored, are attached a data protection statement (see annex A).</p>

<p>b) Quantitative control of the work performed ("SYCOPAT" table):</p> <p>The "SYCOPAT" table is a tool used by all persons concerned for the organization of the translation/revision activity. The content of the table is discussed with all the concerned colleagues in regular team meetings. Therefore, they all have awareness of its existence, purposes and content. The personal data are rectified or erased without delay in accordance with the outcome of the linguistic team meetings where this table is discussed.</p>
<p>8/ Procedures to grant rights of data subjects (<i>rights of access, to rectify, to block, to erase, to object</i>)</p> <p>Access is granted immediately without constraint.</p> <p>Rights of rectification, blocking, erasure and objection are granted on request in accordance with the provisions laid down in Regulation 45/2001 (namely when it is duly justified).</p>
<p>9/ Automated / Manual processing operation</p> <p>The qualitative assessments are manual although evaluation forms and documents used for the assessment are also sent by email to the linguistic evaluator.</p> <p>The XL "SYCOPAT" table is feeded manually. Nevertheless, the total number of pages per individuals is computed by mean of an XL function.</p>
<p>10/ Storage media of data</p> <p>Only paper versions of evaluation forms are store in nominative file in a locked cupboard with the controller. These nominative file do not contain any other data or document. They are not part of the personal file of the person concerned (in the sense of article 26 of the Staff Regulation).</p> <p>The "SYCOPAT" table is an XL workbook stored on a shared drive accessible only by the members of the linguistic team and their coordinator (the controller)</p>
<p>11/ Legal basis and lawfulness of the processing operation</p> <p>Article 5(a) of Regulation 45/2001, the legal instrument being articles 43 and 45 of the Staff Regulations</p>
<p>12/ The recipients or categories of recipient to whom the data might be disclosed</p> <p>Apart from the respective data subjects and the coordinator of the linguistic team (the controller), only the Director of the department (GAERD) may be recipient of the data.</p>
<p>13/ retention policy of (categories of) personal data</p> <p>All the personal data processed in this context are kept for a period not longer than 3 years, in particular to have a view on the progress made by each individuals.</p>
<p>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)</p> <p>The data may be blocked or erased in accordance with the provisions of Regulation 45/2001 on request by the data subject to be transmitted to the controller. Where duly justified, such rights would be granted without delay.</p>
<p>14/ Historical, statistical or scientific purposes</p> <p>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,</p> <p>Not applicable</p>
<p>15/ Proposed transfers of data to third countries or international organisations</p> <p>Not applicable</p>
<p>16/ The processing operation presents specific risk which justifies prior checking (<i>please describe</i>):</p> <p>Article 27.2.(b)</p> <p>The processing operations are intended to evaluate personal aspects of the data subjects (the members of the linguistic team), in particular their ability, efficiency and conduct.</p>

AS FORESEEN IN:

Article 27.2.(a)

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

Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to 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,

Other (general concept in Article 27.1)

17/ Comments

(i) The present prior check to the EDPS results from 2 processing operations of personal data notified to OHIM's DPO, respectively referenced DPN-2007-010 ("Quality Control of the Linguistic Team") and DPN-2007-011 ("Table 'SYCOPAT'") for the purpose of OHIM's Data Protection Register. They are submitted as one prior check since they are intended to pursue the same purpose.

(ii) This prior check refers to processing operations of personal data already performed within OHIM for several years. Therefore, it shall be considered as an "ex-post" prior check.

(iii) Annexes:

- A - Notification to the DPO, DPN-2007-010, including the model of evaluation form and the data protection statement
- B - Notification to the DPO, DPN-2007-011, including an extract of the "SYCOPAT" table

(iv) As concerns the processing operations of personal data related to appraisal reports, please refer to case EDPS 2004-0293.

PLACE AND DATE:

ALICANTE, 20 JULY 2007

DATA PROTECTION OFFICER:

LUC DEJAIFFE

INSTITUTION OR BODY:

OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (TRADE MARKS AND DESIGNS)