REGISTER NUMBER: 300

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 19/09/2007

Case number: 2007-575

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)
Avenida de Europa, 4
E-03008 Alicante
Spain

2/ Organisational parts of the institution or body entrusted with the processing of personal data
Human Resources Department - Mr Peter Lawrence, Director of Department
Personal Administration Sector - Ms Graça Canada, Head of Sector

3/ Name of the processing
Early retirement without reduction of pension rights

4/ Purpose or purposes of the processing
The processing operations of personal data consist in:
- collecting applications for early retirement without reduction of pension rights in accordance with article 3 of administrative decision ADM-07-21 (see annex 1 to the notification to the DPO);
- assess the compliance of applications received with the eligibility criteria set up in article 4 of administrative decision ADM-07-21;
- publish the list of eligible candidates;
- examination of the applications;
- publication of selected applicants.

The purpose of the above processing operations of personal data is the implementation of OHIM's administrative decision ADM-07-21 aiming at granting early retirement without reduction of pension rights.

5/ Description of the category or categories of data subjects

statutory staff members

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

No special categories of data in the sense of article 10 of Regulation 45/2001 are processed in this context.

Data are collected by means of a standard application form specifically designed for the purpose of this procedure (see annex 3 to the notification to the DPO).
Data collected are:
- Personal number;
- Identity of the applicant (name, birthdate, email);
- Affectation (department, service, …);
- Administrative position;
- Career within OHIM and EU institutions;
- Other rights already granted;
- Motivation;
- Information as concern the transfer of pension rights;
- Date and signature.

Data published are:
- Personal number;
- First name;
- Surname.

7/ Information to be given to data subjects
The call for applications contains specific provisions as concerns data protection, in compliance with article 11 of Regulation 45/2001 (see annex 2 to the notification to the DPO).

8/ Procedures to grant rights of data subjects *(rights of access, to rectify, to block, to erase, to object)*
Data subjects are to submit a written request to the Controller via a functional mailbox.

9/ Automated / Manual processing operation

Applications are to be submitted either by email or by post mail.
The evaluation processes are manual.
Lists are published only on OHIM's intranet (Insite).

10/ Storage media of data
Email applications are stored in outlook folders with restricted access to the people in charge of the procedure within HRD's Personnel Administration Sector.
Paper applications are stored in locked cupboard in a locked office.

11/ Legal basis and lawfulness of the processing operation
Article 5(a) of Regulation 45/2001 ("*the processing is necessary for the performance of a task carried out in the public interest on the basis of the Treaties establishing the European Communities or other legal instruments adopted on the basis thereof* […]") on the basis of:
- Article 9 of Annex VIII of the Staff Regulation applicable to OHIM's officials;
- Article 39 of Conditions of Employment of Other Servants, applicable to OHIM's temporary agents;
- OHIM's administrative decision ADM-07-21 dated 12/07/2007

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

- OHIM's Management Committee
- OHIM's Joint Committee
- European Commission (only selected candidates for the management of the granted rights)

13/ retention policy of (categories of) personal data

The retention period of applications is 3 years.
Lists are published in OHIM's intranet for a period of about 15 days. They remain accessible in an archive area of the intranet for a period of 5 years (notably at the light of the recommendation of the EDPS in case 2007-0138 (related to OHIM's certification procedure).
Further retention period may be considered in case of appeal.

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)

When justified, the rights of rectification, blocking, erasure and objection data will be granted with immediate effect.
The call for applications (annex 2) draw the candidate's attention of eventual impact that the exercise of such rights may bear on the eligibility of their application.

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,

Not applicable

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

The European Commission will be transfered relevant data as concern the selected candidates (personal number, name) for the purpose of management of retirement financial rights.

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

The processing operations are intended to evaluate personal aspects related to the data subjects as foreseen in article 27.2.(b) of Regulation 45/2001.

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) This prior check refers to processing operations of personal data started earlier in 2007. Therefore, it shall be considered as an "ex-post" prior check.

(ii) Annex: Notification to the DPO (DPN-2007-043), including the following annexes
Annex 1 – Administrative decision ADM-07-21 dated 12/07/2007 (EN + FR)
Annex 2 – Call for application published on 16/07/2007 (EN + FR)
Annex 3 – Standard application form (EN + FR)
Annex 4 – Sample of published list of eligible candidates (EN only)

PLACE AND DATE: ALICANTE, 19 SEPTEMBER 2007

DATA PROTECTION OFFICER: LUC DEJAIFFE

INSTITUTION OR BODY:OHIM (Office for Harmonization in the Internal Market)