

REGISTER NUMBER: 597

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 26/05/2010

Case number: 2010-0400

Institution: European Commission

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

2) Name and First Name of the Controller:LANGLAIS Michel

3) Title:Head of Unit

4) Directorate, Unit or Service to which the Controller is attached:R.1

5) Directorate General to which the Controller is attached:OP

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

26) External Company or Directorate General to which the Processor is attached:

25) External Company or Directorate, Unit or Service to which the Processor is attached:

3/ Name of the processing

List of participants on examinations for proofreaders to work under contract

4/ Purpose or purposes of the processing

Organisation of tests and selection of persons wanting to work as interimaire or freelance proofreaders in order to ensure the proofreading of

In the interest of efficiency and to decrease the probability of passing the test by chance, a candidate can take only two tests per year and three tests over a period of three years. Thus, also data of failed candidates have to be retained.

Also, in the case of a complaint, the test results of a candidate may have to be reviewed, therefore the possibility to associate the test results to the person has to be maintained till the expiry of the complaint period, which is one month.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

Candidates invited to the tests.

16) Category(ies) of Data Subjects:

Candidates of proofreading tests.

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

17) Data field(s) of Data Subjects:

Attention: Please indicate and describe in the answer to this question also data fields which fall under article 10

On paper:

Name

Candidate number (individual number given to identify the test results)

ID card number

E-mail

Phone number

Residential address

Date of first test

Passed first test or not

Date of second test

Passed second test or not

Number of tests taken within a year

CV

In a file:

Name

Data fields under Article 10: None

18) Category(ies) of data fields of Data Subjects:

Attention: Please indicate and describe in the answer to this question also categories of data fields which fall under article 10

Identification data

Contact data

Test dates

Whether passed the tests

7/ Information to be given to data subjects

15a) Which kind of communication(s) have you foreseen to inform the Data Subjects as described in articles 11 - 12 under 'Information to be given to the Data Subject'

When registering for the test, the candidate receives the privacy notice attached.

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

15b) Which procedure(s) did you put in place to enable Data Subjects to exert their rights: access, verify, correct, etc., their Personal Data as described in articles 13 - 19 under 'Rights of the Data Subject' :

The data subjects can send an e-mail to the functional mailbox OPOCE-INTERIM@PUBLICATIONS.EUROPA.EU They will in turn be informed about the data kept and can request - by attaching if necessary a justification showing the change or the correct data - the rectification of their data.

9/ Automated / Manual processing operation

7) Description of Processing:

Attention: Please describe in the answer to this question if you process personal data falling under article 27 "Prior-Checking (by the EDPS - European Data Protection Supervisor)"

The Publications Office employs proofreaders as interim staff or freelance contracts for proofreading (correcting documents) where the capacity of officials, contract and temporary agents and contractors is not sufficient. To ensure the good quality of service, it has to be ensured that the proofreaders employed are competent. To this end, only proofreaders having passed a test can be employed. In order to ensure the efficiency of the procedure and to avoid the risk of "passing by chance", i.e. that someone takes a lot of tests and thus finally succeeds on one without the appropriate knowledge and ties down also significant resources due to the many tests taken, a person can do the test only twice within a year, but no more than three tests in three years. This enables those who acquired additional knowledge to be able to apply again.

The processing serves to enable for the Publications Office to select proofreaders from among those who passed the necessary test and to track whether the person has already done two tests within a year.

The candidates invited to the tests are registered in a file and their CV and data sent in are kept on paper in closed cabinets. Apart from identification and contact data, only the fact that they passed or failed the competition is recorded in the database. The test papers do not bear the names of the candidates, they only bear a number. The jury marks the tests and sends to the Office the results. The test papers and marking sheets are then kept in a locked cabinet for the period of the expiry of the legal claims concerning the test results. Only the officials of the Office doing the management of the tests have access to both the marking sheets and the identification data of the candidates. They are instructed to parse the test results and the personal data of the candidates only in case of a complaint.

This processing affects performance related data covered by Article 27.

8) Automated Processing operation(s):

Possible registration on the website feeds data file - not existing at the moment

9) Manual Processing operation(s):

Manual registration of data at registration and of the fact of passing or failing the test and the test date
Manual search for passed candidates to be employed or manual checking whether a person has passed.
Data sheets and CVs of the candidates are kept in a paper file. An encrypted and compressed file contains the names of the candidates. The data are kept 2 years after the successful test, except if there is continuous work given to them. After 2 years the data subjects will receive an e-mail whether they want us to keep your data and whether the data are still valid. Then we proceed according to the instructions received from the candidates.

The test results and the name and candidate number are kept separately from each other till the expiration of the legal claims concerning test results.

Responses to enquiring mails sent by the candidates are not tied to the database and fall under the notification of the e-mail system of the Commission. No additional files of enquiries are held.

10/ Storage media of data

Paper in a locked cabinet, Encrypted and compressed computer file on the secure servers of the Office.

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

Decision of the European Parliament, the Council, the Commission, the Court of Justice, the Court of Auditors, the European Economic and Social Committee and the Committee of the Regions of 26 June 2009 on the organisation and operation of the Publications Office of the European Union - 2009/496/EC, Euratom Article 1, paragraph 1 states: The task of the Publications Office of the European Union (hereinafter the Office), which is an interinstitutional office, shall be to publish the publications of the institutions of the European Communities and the European Union under optimum conditions.

Article 5, paragraph 1 states:

1. Tasks performed by the Office shall include the following:

?

(b) the preparation, graphic design, correction, page make-up and verification of the texts and other components, in whatever format and on whatever medium, as instructed by the institutions and in compliance with the typographical and linguistic presentation requirements established in cooperation with the institutions;

?

(i) quality control;

(j) acceptance as regards quality and quantity;

12) Lawfulness of Processing:

Answering this question please also verify and indicate if your processing has to comply with articles 20 "Exemptions and restrictions" and 27 "Prior checking (by the EDPS)"

Art. 5 a) Processing necessary to execute a mission in the public interest (publishing the Official Journal and other publications of the European Union in good quality and appropriate deadlines)

To ensure the good quality processing, only proofreaders can be applied who have the appropriate knowledge and this has to be tested. To avoid abuse, the number of tests one person can take within a time span has to be limited.

This processing requires a prior checking by the EDPS according to article 27.

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

20) Recipient(s) of the Processing:

Officials of the Publications Office organising the tests, 2 persons plus one backup

Only officials of the Publications office in charge of interim staff (members of the HR Unit) will use the list of successful candidates in order to recruit interim staff for the Office.

This is without prejudice to a possible transmission to the bodies in charge of a monitoring or inspection task in accordance with Community legislation such as Internal audit, ECA, OLAF, IDOC?)

21) Category(ies) of recipients:

Officials of the European Institutions

13/ retention policy of (categories of) personal data

For candidates who failed the third test: The data are conserved for 3 years after the candidate has failed the third test.

For successful candidates: The data are kept 2 years after the successful test, except if there is continuous work given to the candidate. After 2 years the candidates receive an e-mail whether they want us to keep their data and whether the data are still valid. Then we proceed according to the instructions received from the candidates.

The test results are kept separately and are conserved only within the time limit of expiry of legal claims. Even within this phase, test results are kept separately from the personal data of the candidates, linked with a number and only in cases where an claim is made are the two files joined.

After that the test results are destroyed.

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)
(on justified legitimate request from the data subject)
(Please, specify the time limits for every category, if applicable)

22 b) Time limit to block/erase data on justified legitimate request from the data subjects

10 working days

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,

22 c) 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

27) Legal foundation of transfer:

Only transfers to third party countries not subject to Directive 95/46/EC (Article 9) should be considered for this question. Please treat transfers to other community institutions and bodies and to member states under question 20.

Not applicable

28) Category(ies) of Personal Data or Personal Data to be transferred:

Not applicable

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

7) Description of Processing:

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Answering this question please also verify and indicate if your processing has to comply with articles 20 "Exemptions and restrictions" and 27 "Prior checking (by the EDPS)"

Art. 5 a) Processing necessary to execute a mission in the public interest (publishing the Official Journal and other publications of the European Union in good quality and appropriate deadlines)

To ensure the good quality processing, only proofreaders can be applied who have the appropriate knowledge and this has to be tested. To avoid abuse, the number of tests one person can take within a time span has to be limited.

This processing requires a prior checking by the EDPS according to article 27.

☐ Article 27.2.(a) Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

n/a

☐ Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject,

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☐ Article 27.2.(c) Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

n/a

☐ Article 27.2.(d) Processing operations for the purpose of excluding individuals from a right, benefit or contract,

n/a

☐ Other (general concept in Article 27.1)

n/a

17/ Comments

1) Date of submission:

10) Comments if applicable:

36) Do you publish / distribute / give access to one or more printed and/or electronic directories?

Personal Data contained in printed and/or electronic directories of users and access to such directories shall be limited to what is strictly necessary for the specific purposes of the directory.

If Yes, please explain what is applicable.

no

37) Complementary information to the different questions if applicable, including attachments to this notification which should not be public :

PLACE AND DATE:26/05/2010

DATA PROTECTION OFFICER: GEORGES Louis

INSTITUTION OR BODY:European Commission