

<b>REGISTER NUMBER: 747</b>
<b>NOTIFICATION FOR PRIOR CHECKING</b>
Date of submission: 12/10/2011
Case number: 2011-0926
Institution: Committee of the Regions
Legal basis: article 27-5 of the regulation CE 45/2001 <sup>(1)</sup>
<i>(1) OJ L 8, 12.01.2001</i>
<b>INFORMATION TO BE GIVEN<sup>(2)</sup></b>
<i>(2) Please attach all necessary backup documents</i>
<b>1/ Name and adress of the controller</b>
♦Controller: Tom Haenebalcke, Head of Unit A.3. Directorate A, Administration and Finance, Committee of the Regions, 101 rue Belliard, 1040 Bruxelles. ♦Delegated controller: Ana Maria Hernandez Diaz, Seconded National Expert, Directorate A, Committee of the Regions, 101 rue Belliard, 1040 Bruxelles.
<b>2/ Organisational parts of the institution or body entrusted with the processing of personal data</b>
♦Direction A - Administration/Finances ♦Unit A3 – Working conditions/Rights/Training
<b>3/ Name of the processing</b>
♦360 degree feedback survey for managers
Short description of the processing:
<p>The 360 degree feedback constitutes a Human Resources tool allowing managers to receive feedback from various sources (staff, peers, superiors) concerning their strengths and weaknesses in a wide range of competency areas, on the basis of a survey sent and completed by themselves, as well as by a statistically representative sample of respondents (from the categories of staff, peers and superiors of the manager concerned).</p>
<p>The assessment is based on a questionnaire comprising several sections corresponding to a series of key management competencies.</p>
<p>Participation in this exercise by the jobholder and his/her colleagues (staff, peers and superiors) is entirely voluntary and no consequences derive from either participating or not participating.</p>

The data collected in the questionnaire are, besides numerical data (scores given to each statement), data in the form of open comments or suggestions that the contributors wish to make. These comments can reflect the opinions that the contributors have about the manager concerned, on a specific matter, or give details or reasoning on the score given to him.
The 360 degree feedback exercise begins with a call for expressions of interest sent to the managers of the category (Heads of Unit; Directors/Deputy Directors) referred to in the call. The managers (jobholders) participating in the exercise are contacted by the Feedback Coordinator (FC) and are invited to complete a self-assessment survey within 10 working days.
A statistically relevant sample of potential contributors is established according to the following modalities:
a) from the category of staff: all staff who meet the following conditions: be hierarchically dependent on the manager concerned and/or have a direct working relationship with the latter;
b) from the category of superiors: all his/her hierarchical superiors;
c) from the category of peers: all other managers from the same or other directorate, as well as any additional relevant contributors external to the directorate and/or the institution proposed by the jobholder.
The FC sends the survey to the potential contributors and invites them to complete it within 10 working days. The FC is in charge of sending the surveys via e-mail and receiving the questionnaires once completed. The surveys are saved on a distinct hard drive secured with a UserID and a Password that only the FC knows. The data stemming from the surveys are copied and stored anonymously by the FC in an Excel database. Access to this database is secured with a UserID and a Password that only the FC knows. The FC's UserID and Password are forwarded to the DPO in a sealed envelope in order to allow access to the data in case of absence of the FC.
The database contains raw data that are sent to an external consultant for analysis. The database has no reference to the identity of the respective contributors. Only a reference to the category of respondent (staff, peers, superiors) that has made the contributions and the name of the jobholder evaluated appears in the database.
Once the external consultant receives the database with the raw data, he conducts their analysis, prepares the feedback report and organises face to face debriefing sessions with the jobholder evaluated.
The feedback report is based on the results of the surveys and reflects the most significant findings, either in absolute terms (global scores) or in relative terms (comparing the scores in the different categories of contributors with one another and/or with the scores given by the manager during the self-evaluation). The feedback report also contains the arithmetic averages for each topic area and for each statement within a topic area.
The results of the 360 degree exercise are known only to the jobholder evaluated and to the external consultant. They are not available for any other persons and/or services within the CoR or outside. Even if the results of the 360 degree feedback as such (the raw data stemming from the contributions and the analytic report based thereon) are not to be disclosed, the jobholder is to discuss the overall outcome thereof with his superior and will be recommended to share the main conclusions of the survey with his staff and/or with other stakeholders.

The external consultant sends the original of the feedback report to the jobholder. He sends a copy to the FC (in a sealed envelope) with the purpose of allowing the manager concerned to access the report in case of loss or damage of the original. The sealed envelope is kept in a secured place (locked cabinet) and destroyed once the next 360 degree exercise regarding the same jobholder is completed. In any event, the period of retention of this report cannot exceed ten years.

On the basis of the 360 degree feedback outcome, the manager prepares a Multiannual Personal Development Plan to be discussed with his/her superior.

#### **4/ Purpose or purposes of the processing**

The 360 degree feedback allows the manager concerned to learn the views of people working closely with him on his skills and performance in terms of people management and leadership on the one hand and in a number of other operational management responsibilities (task, process, quality and information management) on the other.

The tool aims to help participants learn about their professional and managerial skills and enhance their own personal development in a professional context. It follows that 360 degree feedback constitutes first and foremost a professional development tool, formally distinct and disconnected from the (managers') appraisal procedure. It can help to increase the individuals' awareness of how their performance is viewed by their colleagues and how it compares with their own impression of their performance. The results of the 360 degree exercise shall contribute to the development of managerial skills by managers, and as a consequence to an adequate working environment within their services.

#### **5/ Description of the category or categories of data subjects**

The different categories of persons potentially affected by the processing of data within the 360 degree feedback are:

1. Members of the management subject to evaluation: Heads of Unit, Directors and Deputy Directors [managers].
2. Employees assigned to their services [staff].
3. Other members of the management or other contributors external to the directorate and/or the institution with which the manager concerned has regular non-hierarchical contact as part of his/her duties [peers].
4. Supervisor(s) of the manager concerned [superior].

Persons involved in the processing of the data are:

1. Controller, through the delegated controller: the Feedback Coordinator designated within Directorate A, bound by the statutory obligation of confidentiality, and in charge of gathering and processing the data.
2. Processor: External consultant in charge of analysing and reporting on the data.

Before the exercise, a confidentiality convention is signed between the controller and the processor, stating that the latter acts only upon instruction of the controller and reminding that obligations with regards to confidentiality and security of personal data are incumbent on him.

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

Personal data processed as part of the 360 degree feedback exercise are mainly: 1) full name, position and e-mail address of the manager concerned; 2) full name, position, category (staff, peers and or superior) and e-mail address of the contributors; 3) assessment on the managerial skills of the manager concerned produced by the jobholder and by the contributors; 4) opinions of the contributors reflected as open comments or suggestions on the managerial skills of the manager concerned.

The term "position" refers to the Unit and Directorate to which contributors are allocated, as well as the precise position of the contributors in the structural chart and closeness of his professional contacts with the

<b>7/ Information to be given to data subjects</b>
The specific Privacy Statement attached hereto relating to the processing of personal data in connection with the 360 degree feedback exercise will be published on the pages of the Intranet site for this procedure. The main elements will be reminded to the participants as part of an introductory section attached to the questionnaire. Information sessions organised prior to the exercise will also contain reference to the processing of personal data. Data subjects will specifically be informed about voluntary character of the participation, confidentiality and security measures taken as regards data protection.
(see Privacy Statement in annex)
<b>8/ Procedures to grant rights of data subjects (<i>rights of access, to rectify, to block, to erase, to object</i>)</b>
The rights of access, rectification, blocking and erasure of personal data by the data subject, as well as the procedure for the exercise of these rights are informed to the data subjects through the Privacy Statement and the information sessions aforementioned. These rights can be exercised upon written request sent preferably by e-mail to the FC.
In the event that a data subject exercises the rights of access, rectification, blocking and erasure of data, the FC creates a list for personal use in which each respondent has a numerical code. This code is placed also in the part of the data copied from this respondent's survey and stored in the Excel database. The code is produced automatically when the survey is saved in the FC's personal folder. When the data subject wishes to exercise any of the rights mentioned, the FC consults the list and obtains the code that corresponds to that respondent. With this code, the FC can give follow up to the request for access, rectification, blocking or erasure of the data concerned without affecting any other data reflected in the database. Access to this list above mentioned is secured with a UserID and a Password that only the Feedback Coordinator knows.
<b>9/ Automated / Manual processing operation</b>
Data processing is done by the Feedback Coordinator (FC) through an automated process with the use of IT tools. First he sends the questionnaires to the participants, with possible reminders. Once he receives the questionnaires he saves them in a distinct drive secured with a UserID and a password. The data stemming from the surveys are also stored in an anonymous Excel database (one per manager participating in a 360 degree feedback exercise). When the FC saves the surveys, a numerical code will be automatically produced.
The Excel database is sent to the external consultant for analysis by e-mail. The consultant receives one database per manager with reference to his/her full name, e-mail address and position, but no reference to the contributors' identity (only reference to their category: staff, peers, superiors). The external consultant analyses the data and produces a feedback report for each manager evaluated. As a general rule, the report presents the results of the 360 degree feedback by means of overall averages (aggregating staff, peers and superiors) as well as by average scores obtained within each category of contributors (staff, superiors and
The feedback report also reflects the results by competency areas and by statements within the competency area. On this basis the external consultant draws a series of operational conclusions (including, where appropriate, the highlighting of diverging perceptions for a single issue between categories of respondents). When the number of contributions received in the staff or peers respondents category is insufficient to ensure statistical relevance and/or to guarantee the confidential and anonymous character of the individual contributions, the summary report shall only present aggregated averages without making distinction according to the various categories of contributors.

The external consultant communicates this report solely and directly to the manager subject of the 360 degree feedback, accompanied by an analytical report in which draws the attention of the manager concerned about the findings of the exercise. The consultant also sends a copy of the feedback report to the FC, contained in a sealed envelope, to allow the manager evaluated to access the copy in case of loss or damage of the original. Ownership of both the original and the copy belong to the jobholder evaluated. The sealed envelope is kept in a secure place (locked cabinet) and destroyed once the next 360 degree exercise regarding the same jobholder is completed. In any event, the period of retention of this report cannot exceed ten years
<b>10/ Storage media of data</b>
The data are stored in electronic files that can be accessed by the FC only. The files are protected with a UserID and password that only the FC knows. The files are kept for a period of 6 months after the end of the exercise (according to the modalities laid down in point 13). The FC's UserID and Password are forwarded to the DPO in a sealed envelope in order to allow access to the data in case of absence of the FC.
The sealed envelope containing the copy of the feedback report, referred to in section 9 above, is stored in a locked cabinet within the FC office. The sealed envelope containing the copy of the feedback report is destroyed once the next 360 degree exercise regarding the same jobholder is completed. In any event, the period of retention of this report cannot exceed ten years.
<b>11/ Legal basis and lawfulness of the processing operation</b>
The present processing is based on a clear and unambiguous consent of the data subject – article 5 (d) Regulation 45/2001.
Further legal basis can be found in the attached Policy paper (to be adopted by the Appointing Authority of the CoR).
Consent of the managers (jobholders) is considered given, when they reply to the call for expressions stating in a clear manner their wish to participate in the exercise. Consent of other participants (staff, peers, superiors) is considered given, when they reply to the invitation of the FC, by way of completing the survey sent to them and sending it back to the FC. The managers and the participants are clearly informed, through the information sessions and the introduction to the survey, about the voluntary nature of the exercise and about the fact that no consequences can derive from either participating or not participating in the 360°
<b>12/ The recipients or categories of recipient to whom the data might be disclosed</b>
The Feedback Coordinator (FC) has access to the data contained in the questionnaires completed by the managers concerned and by the contributors. The external consultant has access to the databases (one per manager) obtained from the questionnaires which make reference to the identity of the manager concerned. The databases have no reference to the identity of the contributors, but they indicate the category of each respondent that makes the contributions (staff, peers, superiors). The manager concerned has access to the report prepared by the external consultant but ignores the identity of the contributors that have completed the survey. Contributors ignore the identity and the contents of the contributions made by others.
<b>13/ retention policy of (categories of) personal data</b>

The electronic files containing the surveys completed are retained for the duration of the procedure. In order to allow the external consultant to verify his analysis whenever the jobholder contests the reliability of one of the conclusions drawn in his feedback report, the electronic files will be destroyed (erased from the database) 6 months after the feedback report regarding the manager concerned has been elaborated and transmitted by the external consultant. Whilst the original of the feedback report is communicated to the jobholder, a paper copy of the feedback report inside a sealed envelope is sent to the Feedback Coordinator to allow the jobholder to access the report in case of loss or damage of the original. The FC keeps the sealed envelope in a locked cabinet at the premises of the CoR. The sealed envelope containing the copy of the feedback report is destroyed once the next 360 degree exercise regarding the same jobholder is completed. In any event, the period of retention of this sealed envelope cannot exceed ten years.

### **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)***

Upon a written request by the data subject, sent to the data controller or the Feedback Coordinator, data will be blocked, modified or erased within 15 working days from the day of reception of the request. The data subjects can exercise these rights any time during the celebration of the exercise or the time limit set for storing the data.

Jobholders and contributors will be informed that the data stemming from the 360 degree feedback exercise will not be analysed until 15 days after the deadline for sending in the contributions in such a way as to allow them to exercise their rights of access and rectification in an effective manner before the analysis of the data

### **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,***

After deletion of the electronic and paper format data upon expiry of the retention periods and according to the modalities indicated under point 13 above, only a limited set of information will be stored for historical and statistical purposes. In this framework, for each 360 degree feedback exercise, the following data will be retained, until the end of the jobholder's career:

- a) names of the jobholders having participated in the exercise;
- b) for each jobholder, the number of contributions received within each category of respondents (staff, peers, superiors).

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

N/A

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

N/A

AS FORESEEN IN:

☐ 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,

The data processed in the framework of the 360 degree feedback make reference to the managerial and leadership competencies of the evaluated manager.

☐ 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**

None

PLACE AND DATE: Brussels, 07/10/2011

DATA PROTECTION OFFICER: Rastislav Spáč

INSTITUTION OR BODY: Committee of the Regions