

REGISTER NUMBER: 760

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 21/10/2011

Case number: 2011-0959

Institution: EU OSHA

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

(1) OJ L 8, 12.01.2001

NOTIFICATION OF NEW DATA PROCESSING OPERATIONS

Processing operation: Reclassification

INFORMATION TO BE GIVEN⁽²⁾

(2) Please attach all necessary backup documents

1/ Name and address of the controller

Christa Sedlatschek, Director
Françoise Murillo, Head of Resource and Service Centre
Eusebio Rial González, Head of Prevention and Research Unit
Andrew J.A. Smith, Head of Communication.

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

Heads of Unit, including the Director (members of the Management Committee)
Staff Committee representatives (members of the Joint Promotion Committee)
Human Resources Section.

3/ Name/exact title of the processing (operation)

Assignment of temporary and contract staff to a higher grade than the one at which they are employed at EU-OSHA.

4/ Purpose or purposes of the processing

Upgrading from the superior grade to that at which staff members are originally employed on the basis of performance, merit and individual aptitude over time as appreciated in the annual evaluation reports under Article 15(2) of the CEOS.

5/ Description of the category or categories of data subjects

Data subjects are all staff members (temporary and contract staff) on long-term employment (at least 3 years).

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

The following categories of data are subject to the reclassification exercise:

- name, last name
- grade and step
- number of points allocated by the reporting officers during the evaluation exercise on the basis of the performance, merit and individual aptitude.

7/ Information to be given by the data subject

As from the next reclassification exercise, staff member receive a privacy statement on the protection of personal data in relation to the reclassification exercise ([Attachment 1](#)) when they are notified by the HR Section of the number of points allocated to them by the Management Committee. The privacy statement will always be made available in the Intranet.

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

The staff members are informed of the number of points that the Management Committee proposed granting him/her for the year under consideration and of his/her accumulated starting level points by the HR Section. They have the possibility to amend their administrative data at that time. They also receive a final letter confirming or amending the number of points allocated to them at the end of the exercise. In both cases, staff members are required to sign an acknowledgement of receipt and return it to the HR Section.

Data subjects can also access and rectify their data by submitting a written request to the controllers and the HR Section. If they want to have access to their report after the exercise is over, they can readdress their request to the HR Section as a copy of the letter is kept in the personnel file.

Rectification is possible only for factual data - not for the number of points which are part of the evaluation of the responsible reporting officer and further assessment of the Management Committee/Joint Promotion Committee.

10/ Storage media of data

Paper version of the letters informing about the number of points allocated to each staff member are kept in the personnel files of the data subjects located in secure lockers in the HR Section. Data subjects are free to keep their copy of the letter where they wish although they are encouraged to do so either in secure lockers or in password protected folders.

11/ Legal basis and lawfulness of the processing operation

Legal basis:

Article 45 Staff Regulations, Articles 10(3) and 15 CEOS, Implementing provisions relating to the career of temporary staff and their assignment to employment of a higher grade than to that which they are employed on the basis of Article 10 of CEOS at EU-OSHA, EU-OSHA Decision No.24/2008 on the rules relating to the career of contract staff and their assignment to a higher grade than the one at which they are employed.

Lawfulness of the processing:

Article 5(a) of Regulation EC 45/2001.

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

Responsible Head of Unit

Appointing authority (the Director)

Human Resource staff in charge (for administrative follow up purposes only)

Legal Service, Civil Service Tribunal, the EDPS, the European Ombudsman.

13/ Retention policy of (categories of) personal data

The retention policy for evaluation reports aligns with the current policy as it is foreseen in EU-OSHA Document Management Policy for all documents included in the data subjects' personnel files (8 years after the extinction of all rights).

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)

Data subjects can block or erase their personal data and sensitive information about them at any time by submitting a request to their reporting officer or by requesting access to the Human Resources section (only administrative 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,

N/A

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*):

Yes

AS FORESEEN IN:

Article 27.2.(a)

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

☒ 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

Attachment 1: Privacy statement on protection of personal data in relation to the reclassification exercise.

Attachment 2: Implementing provisions relating to the career of temporary staff and their assignment to employment of a higher grade than to that which they are employed on the basis of Article 10 of CEOS at EU-OSHA

Attachment 3: EU-OSHA Decision No.24/2008 on the rules relating to the career of contract staff and their assignment to a higher grade than the one at which they are employed.