

**REGISTER NUMBER: 841**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 10/02/2012

Case number: 2012-0138

Institution: ERA

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

*(1) OJ L 8, 12.01.2001*

**INFORMATION TO BE GIVEN<sup>(2)</sup>**

*(2) Please attach all necessary backup documents*

1/ Name and adress of the controller

European Railway Agency, 120 rue Marc Lefrancq, 59300 Valenciennes -France

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

Administration unit, Mikkel Emborg, Head of Unit

3/ Name of the processing

Renewal of contract of employment of the ERA statutory staff

4/ Purpose or purposes of the processing

Processing personal data of statutory staff members of the ERA in order to comply with the contract management requirements as set out in Art. 8-15 and 81-87 of the CEOS and its accompanying implementing rules, which describe the general conditions of employment (for TA's (Art. 8-15)) and CA's (Art. 81-87)) (*in terms of criteria for engagement, the pre-employment medical check-up, the probationary period and the grading and duration/renewal of contracts of employment*). Prior to the decision whether a contract of employment is to be renewed an evaluation of the evolution of the post itself and the tasks related to it are assessed followed by an opinion on whether the job holder is suited to continue to occupy the post. Next to the above the budgetary implications are taken into account and the consistency with existing practices on prolongation of contracts within the organization is counterchecked. Staff members are informed 6 months before the expiration date of their existing contract of employment whether it is renewed or not. Personal data of ERA staff members are processed in order to facilitate and manage the renewal of contracts of employment. The designated actor in the HR sector informs the Head of Unit no later than eight months beforehand of the

5/ Description of the category or categories of data subjects

ERA staff, temporary agents and contract agents whose contract of employment is up for renewal.

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

In the note for the file contract prolongation: Family name, name of the staff member; A general opinion expressed by the Head of Unit on whether the post holder has the competencies and skills to perform the duties/tasks related to the post; "Any other information deemed necessary" expressed by the HR sector. In the letter informing the staff member of the (non-renewal). Family name, name and since 11.10.11 the FG, grade and step.

7/ Information to be given to data subjects

Once in duty, staff members are informed about allowed access to their personal data in order to check/verify/consult its contents or to take copies of documents. It is also explained that any amendment/alteration/modification/correction/deletion to the personal data file must be -duly justified- introduced by the staff (via the Data Controller for corrections and deletions) and executed by the designated actors in the HR sector. A privacy statement on the renewal of contracts of employment has been drafted and is posted on the ERA intranet.

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

Data subjects have the right to require the Controller to erase data if the processing is unlawful. For this, data subjects need to contact the Controller by email (put in copy the designated HR staff). The Controller shall deal with the request for rectification of data within one month from the introduction of the request. As far as requests for blocking and erasure, the Controller disposes of three calendar months to give follow up to the request from the moment of its reception. Furthermore, you are also free to address to the ERA Data Protection Officer at any time, using the following contact address: [DataProtectionOfficer@era.europa.eu](mailto:DataProtectionOfficer@era.europa.eu).

9/ Automated / Manual processing operation

Manual, paper versions

10/ Storage media of data

Paper

11/ Legal basis and lawfulness of the processing operation

The processing is lawful and necessary under Article 5(a) and under Article 27 of Regulation (EC) 45/2001. EC Regulation No 881/2004 (ERA's statutory Regulation) article 24; Staff Regulations and Conditions of Employment of Other Servants (in particular Articles 8-15 and 81-87); Decision of the Executive Director of ERA No 135/06.2008 on the adoption of implementing rules to Staff Regulations of 1 May 2004; Decision N° 150/09.08 concerning prolongation of contracts of temporary agents; Decision 251/11.2009 on the use and engagement of temporary agents in the ERA; Decision 340/11.2010 on the use and engagement of contract

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

The contracting authority of the ERA; the designated staff in the HR sector. In particular circumstances data may be disclosed on a temporary basis to: Judges of the Civil Service Tribunal, at their request, or the Prosecutor's office by request, or OLAF and/or the IDOC within the frame of their inquests, or the Ombudsman, at his request, or the European Data Protection Supervisor, at his request.

13/ retention policy of (categories of) personal data

Ten years from the termination of employment or from the last pension payment, whatever applicable.

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)*

One month

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,*

Data on (non) renewal of contracts of employment are processed for statistical purposes in an anonymous manner

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

NA

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

Prior to the decision whether a contract of employment is to be renewed an evaluation of the evolution of the post itself and the tasks related to it are assessed followed by an opinion on whether the job holder is suited to continue to occupy the post.

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,

Yes.

☐ 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

Ex-post prior check notification.

Annexes : Procedure on contract renewal and forms (3)

18/ Measures to ensure security of processing (3)

*Please check all points of Article 22 of Regulation (EC) 45/2001.*

*(3) Not to be published in the EDPS' Register (article 27.5 of Regulation (EC) 45/2001)*

PLACE AND DATE: Valenciennes, 10/02/2012

DATA PROTECTION OFFICER: Zografia PYLORIDOU

INSTITUTION OR BODY: European Railway Agency