NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 19/10/2012

CASE NUMBER: 2012-0915

INSTITUTION: EUROPEAN RESEARCH COUNCIL EXECUTIVE AGENCY (ERCEA)

LEGAL BASIS: ARTICLE 27-5 OF THE REGULATION CE N° 45/2001([1])

INFORMATION TO BE GIVEN[2]

1/   NAME AND ADDRESS OF THE CONTROLLER

EUROPEAN RESEARCH COUNCIL EXECUTIVE AGENCY (ERCEA)
PLACE ROGIER 16, 1210 BRUSSELS

REPRESENTED BY:
CARINA LENARDUZZI, HEAD OF UNIT ERCEA D.2 "HUMAN RESOURCES, INFRASTRUCTURE AND DOCUMENT MANAGEMENT", COV2 20/045, TEL: 63668, EMAIL: CARINA.LENARDUZZI@EC.EUROPA.EU

2/   ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA

a) Responsible Unit in the ERCEA: D.2 "Human Resources, Infrastructure and Document Management".
Contact person: Carina LENARDUZZI, HEAD OF UNIT ERCEA D.2 "HUMAN RESOURCES, INFRASTRUCTURE AND DOCUMENT MANAGEMENT", COV2 20/045, TEL: 63668, EMAIL: CARINA.LENARDUZZI@EC.EUROPA.EU.

b) Processors:
* Central and local internal trainers, external trainers and contractors, subject to Framework contracts or individual contracts
* European Commission DG HR (subject to the Service Level Agreement (SLA) of 21/11/2011)
* European Commission, DG BUDG (subject to the SLA of 01/01/2010)
* European School of Administration (subject to the SLA of 15/03/2011)
* OIB, cf. SIN (Secouristes industriels/first aid) training, (subject to the SLA of 8/1/2010, as amended by SLA of 03/12/2010)

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[1] OJ L 8, 12.01.2001.
[2] Please attach all necessary backup documents

3/   NAME OF THE PROCESSING

Management of training requests and training activities for ERCEA staff

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4/   PURPOSE OR PURPOSES OF THE PROCESSING

- The ERCEA processes personal data to plan, develop, organise, communicate, manage, evaluate, report on, purchase and pay training and team building actions.

- The aim of training evaluations is to collect participants' feedback, to check the quality and relevance of the training activity and to adapt the ERCEA training offer accordingly (course content, duration or recommend most appreciated trainers for future training actions purchased by D2/Training). The specific use of a training evaluation is determined on a case by case basis, for external training companies usually by the framework contract. Examples:

    a) European School of Administration (EuSA) Framework Contract EPSO/EAS/PO/2010/116 explains in article 11: "*I.11.4. The ERC Executive Agency will monitor the quality of services supplied under this contract, in particular by means of participant evaluations. If over a period of 5 services delivered, satisfaction rates fall under 50 percent, the ERC Executive Agency reserves the right to reduce payment by 50 percent. The contractor will also be required to take immediate measures to remedy the situation.***"**

    b) The tender specifications of Commission Framework Contract HR/R3/PR/2011/012 in point 3.3.1 state: "*The Commission and the other institutions, bodies and agencies will inform the contractor of the results of training evaluation so that it can adapt the content, programme and/or teaching methods, in collaboration with the various training departments. The service-provider undertakes to send the evaluations to the trainer or consultant during the week in which it receives them, in compliance with the rules of data protection by which the institutions, bodies and agencies are bound***".**

The training evaluation in ERCEA is not intended to verify the level of acquired knowledge of the training participants. There is only one specific case were the acquired level of knowledge is collected by D2/Third Language, i.e. for language training connected to Article 45.2 of the Staff Regulation (proficiency in a third language before promotion). This special case has been covered by a separate prior check notification, EDPS case no 2011-963.

- HR reports are targeted only at the management to give management an overview of the training participation of their team and check if there is an issue of absenteeism. The reports also enable D2/Training and management to complete their reporting and monitor budget spending.

5/   DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

<u>Trainees:</u>
All ERCEA staff members (Contractual Agents, Temporary Agents, Temporary Agents Seconded to the ERCEA by the Commission, Seconded National Experts, Interim staff, Trainees, IT 'Prestataires de Services').

Trainers:
Internal (ERCEA colleagues) and external trainers provided by the European Commission, training contractors, external training bodies or free-lancers.

Service providers (excluding trainers):
Staff members of other contractors (cf. team building social activities, venues, catering).

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA *(including, if applicable, special categories of data (Article 10) and/or origin of data).*

- **Trainee identification data and data required for payments:** name of participant, gender, type of contract, category, grade, unit, personal number, user ID, name of participant's line manager, date of entry into service, office address, licence plates, and preferred languages. Pictures of participants may be taken in a training event if participants agree. Bank account number, proof of registration, domain of studies performed externally, registration form and courses' content (individual external training requests) and data on special leave related to external training.

- **Training identification data:** name of training course, number of training application (which allows to trace back the data subject), status of participation (present, absent, withdrawn, etc.), if the trainee is concerned by priority Art. 45(2) of the Staff Regulation for Temporary Agents and Art. 85.3 of the CEOS for Contractual Agents FGIV (see also the ERCEA prior check notification on the assessment of the ability to work in the third language, EDPS case n⁰. 2011-963).

- **Trainer identification and data required for payments:** information on legal and financial identification of the (external) training contractor, CVs and invoices. D2/Training may process information on traveling fees should they be covered by the training budget (i.e. traveling fees paid for a speaker invited for a Team-Building).

- **Evaluation:** personal opinion of training participants on the training they participated in.

For detailed information on the SYSLOG data categories, please see annex 17. The "List of personal data categories used in the SYSLOG application is included in the Commission's notification of SYSLOG. Please note that the SYSLOG section "Information concerning results of exams", see page 3, is not used by the ERCEA.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

- All training requests introduced by staff are dealt with via the Syslog Web Formation application and a Specific Privacy Statement is provided on its welcome page (see annex 16 and notification DPO-446.5 on "Management of central and local training - SYSLOG Formation", which has been prior notified to the EDPS, case No. 2008-481.

- When a staff member requests his/her participation in an external training or a Head of Unit organises a team building, D2/Training sends information concerning the official procedure; either by providing the link to that procedure on the intranet site or by attaching the

procedure in the email. The official procedures include references to data protection (see annexes 9 and 10).

- A Specific Privacy Statement for the evaluation of training activities is provided in case the evaluation is not organised via Syslog Web Formation, for instance if it is carried out through the IPM application ("Interactive Policy Making", owned by the Commission's DG DIGIT) in case of a team building or other external training. The Privacy Statement is provided as an attachment to the email message containing the link to the IPM based evaluation questionnaire (see annex 13).

- Trainers which are signatories to a Framework contract with the ERCEA (i.e. DG HR, EuSA) are informed of data protection rules applying to them and of confidentiality clauses binding them in Articles I.9 and II.9 of the contract respectively, see the examples attached (annexes 20, 21 and 22).

- A Specific Privacy Statement for Trainers (SPS) (internal and external) covering the evaluation process and their right to anonymous evaluation reports is sent to any trainer that takes up his/her activity with the ERCEA by email (see annex 14).

- A Specific Privacy Statement is provided in the ERCEA intranet "HR & PRIVACY" corner to inform staff that information about their individual training status and participation (presences and absences), also enclosed in HR reports targeted at management (see annex 15).

- In case pictures are taken during a training event, the following text will be introduced in the invitation: "*Photographs and audio-visual footage may be taken during the event and published in the ERCEA intranet for internal communication purposes. In order to respect your individual rights and private data as per data protection Regulation 45/2001, you can refuse the publication of your photo. Upon request to the ERCEA D2/Training functional mailbox [ERC-TRAINING@ec.europa.eu] your pictures will be deleted immediately.*"

- Any service contractor of the ERCEA is contractually bound by provisions which address its obligations as processor of personal data on behalf of the ERCEA (as the controller) with respect to Regulation (EC) 45/2001. A separate contract is signed for each service provided by a contractor that establishes the processor's acting only on instructions from the controller and imposes upon the processor the obligation to adopt appropriate technical and organisational security measures to protect the personal data according to their national law.

Example: The tender specifications of Commission Framework Contract HR/R3/PR/2011/012 in point 3.3.1 specify that:
"*The service-provider undertakes to send the evaluations to the trainer or consultant during the week in which it receives them, in compliance with the rules of data protection by which the institutions, bodies and agencies are bound*".

8/   PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

(Rights of access, to rectify, to block, to erase, to object)

To create an application for training, the Training Map, or evaluate a training, data subjects choose and introduce the data themselves. Once the application/training map/evaluation has been completed, access is limited to consulting the available data so as to verify the accuracy of the data and, if necessary, to request a correction.

The privacy policy of the ERCEA establishes that if a data subject wants to check, modify, correct or delete any personal data, s/he should apply to the responsible for such processing (i.e. the Controller) by sending an e-mail giving details of her/his request to the mailbox indicated for each procedure, see attached privacy statements.

- Data centrally managed by the Commission via <u>Syslog</u>:
Staff has access to all data concerning their training participation and can modify or rectify it either themselves or via the local training coordinator for general trainings (ERCEA COFO) or the Commission's Syslog Helpdesk. Staff can request correction from D2/Training should they see a mistake regarding the status of their participation in Syslog. D2/Training will respond immediately. In case D2/Training has to request the Commission to perform the correction, it will be done within three (3) days at the latest and resolved by the Commission within one week (according to the Commission notification, EDPS case no. 2008-481). The data subject will be informed immediately in the exceptional case where the delay may be longer

For a complete list of what data subjects have access to in Syslog please see Commission notification DPO-446.5, on "Management of central and local training - SYSLOG Formation", which has been prior notified to the EDPS, case 2008-481 and section 9 of this notification.

- Specific cases <u>EPI</u> (Equipier de Première Intervention/fire pickets) and <u>SIN</u> (Secouristes industriels/first aid):
If a staff member wants to exercise his/her right to be removed from the EPI and/or SIN lists, s/he can contact the Commission services/OIB, with the ERCEA LSO (Local Security Officer) in copy requesting the removal. The OIB Commission services will proceed according to their own rules.

<u>Participant's evaluation reports on trainings</u>: Evaluations can be requested by Syslog or, on specific cases, by use of IPM (team-building and individual external training).

- Syslog managed evaluations: All staff members have access to the system via ECAS (European Commission Authentication Service). In the context of evaluating of a training the data subject has the right to introduce part of the data her/himself and consult it, in order to verify the accuracy of his/her data and, if necessary, to ask for correction either by contacting the local training coordinator (D2/Training), the Central Learning and Development Unit at the Commission or DIGIT Syslog support. See the Commission's Privacy Statement on Syslog.

- IPM managed evaluations: No personal information (username and IP-address) will be registered by the application, which collects the replies of participants in total anonymity, except in case the participant specifies his/her name in the questionnaire/survey. Because there is a short time frame in which collected replies have to be processed, participants are not allowed to withdraw and modify their responses after completion of the questionnaire. Participants who indicated their names in the questionnaire may access their replies by contacting the controller. They can also request to be deleted from any relevant contact lists created in the frame of a questionnaire.

-External trainers:
In the case of purchase orders, the General Conditions to the contract read: "*The Contractor shall have the right of access to his/her personal data and the right to rectify any such data. Should the Contractor have any queries concerning the processing of his/her personal data, s/he shall address them to the data controller referred to in the purchase order*."
The following data can be accessed: name and address of the contractor, their position in the company, the bank account number.

In the case of framework contracts, article I.9 (or II.9, depending on the contract) reads: "*The Contractor shall have the right of access and the right to rectify any personal data concerning him. All questions regarding the latter should be addressed to the* ERCEA".

- In case pictures are taken during a training event, the following text will be introduced in the invitation: "*Photographs and audio-visual footage may be taken during the event and published in the ERCEA intranet for internal communication purposes. In order to respect your individual rights and private data as per data protection Regulation 45/2001, you can refuse the publication of your photo. Upon request to the ERCEA D2/Training functional mailbox* [ERC-TRAINING@ec.europa.eu] *your pictures will be deleted immediately.*"

9/   AUTOMATED / MANUAL PROCESSING OPERATION

1. A <u>training map</u> is completed annually by each staff member and approved by the relevant Line Manager.

Until December 2011, the training map exercise was done via the Syslog Web Application. From January 2012 onwards, the training map is now part of the CDR via the Sysper2 'learning annex' functionality, though for Commission services only. As this functionality is not yet available to the Agencies the ERCEA uses a paper template:
      - for CDR concerned colleagues, the training map is an annex attached to the report.
      - for colleagues not yet concerned by the appraisal exercise, the training map form is sent by the Training Team to each newcomer.

A copy of the training maps is kept in a paper file in the D2/Training Coordinator's office while the original training map of the colleagues concerned by the CDR is stored together with the CDR reports in the files of the D2/Career team. D2/Training has no access to the CDR files.

2. <u>Management of training</u>:

2.1. <u>Management by D.2/Training in 'Syslog Formation'</u>:
Syslog Formation is the administrative management tool for training and is administered by the European Commission. Syslog Formation is managed at both central level (by the Learning and Development Unit, DG HR and DIGIT) and local level (in this case, by ERCEA/D2/Training). The European Commission's notification applies to the architecture of the general system, both centrally and locally (see Commission notification DPO-446.5 on "Management of central and local training - SYSLOG Formation", which has been prior notified to the EDPS in case no. 2008-481) with this notification specifying only the ERCEA specific features.

D2/Training uses SYSPER to plan, organise, manage, report on and evaluate all training actions (except: SIN and EPI training requests – see details point 2.3 of this section)

Only D2/Training has access rights to Syslog Formation in order to manage the following tasks:
      - create course content, the generic description of the course;
      - create related courses with a specific date and place;
      - manage applications: accepting application, issuing the invitation via Outlook Calendar, note or e-mail and any further management;
      - monitor evaluation of participants of the courses;

- print out presence list and encode participation after a training event;
- consult the history of the training courses followed (training passport) by ERCEA staff members;
- monitor statistics (number of training courses, participation in courses).

2.2. Training requests in 'Syslog Web Formation':

Syslog Formation's web interface, Syslog Web Formation, is dedicated to enabling staff members to manage their participation in training activities available (except team building, external training, EPI and SIN).

ERCEA staff members enter a training request via the Syslog Web application for internal and central courses. The Line Manager can either validate or reject this request. Once validated D2/Training checks the compliance with training prerequisites and with target audience, budget availability, and further validates the request.

The validated requests are then handled by the course organiser, either centrally or locally, who registers the participants, sends the invitation and provides related logistical support for the organisation of the event.

Via Syslog Web, staff members are able to:
- consult the catalogue of courses available in the ERCEA and in Commission Services;
- get information on logistics of courses planned (dates, duration, place, language);
- create, cancel or transfer their training application and follow the evolution of each application;
- evaluate courses followed (except team building, external training, EPI and SIN);
- consult the history of training courses they followed (training passport);
- consult and modify personal data (languages, Line Manager);
- subscribe to information e-mails (e.g. to get informed about new courses).

2.3. Particular enrolment process: EPI, SIN - not via Syslog:

All enrolment requests from ERCEA participants are dealt with via Syslog Formation except for two types of training requests: "Equipier de Première Intervention" (EPI - fire pickets) and "Secouristes industriels" (SIN - first aid). In these two cases, training requests in electronic format are sent to and stored only in restricted functional mailbox of the Local Security Officer (LSO): **ERC-LSO@ec.europa.eu** that is "cleaned", meaning all data stored in the mailbox is deleted, once the candidate has been formally enrolled and invited by DG HR/DS (EPI) or OIB (SIN). Once staff members are trained; their names, addresses and roles are included in the EPI and SIN excel sheet available on the ERCEA and Commission intranet as staff members must be able to contact them in case of need for assistance (see annex 26).

3. Follow-up:

3.1. Attendance to ERCEA training courses:

As a general rule, attendance lists are generated by Syslog Formation and managed by D2/Training. They serve as a proof for payment purposes and for the update of Syslog on the basis of actual participation of staff. Staff can request correction from D2/Training should they see a mistake regarding the status of their participation in Syslog. D2/Training will respond immediately.

3.2. Evaluations of training courses organised by the ERCEA:

As a general rule, at the end of a training action, participants are automatically requested to evaluate the course via Syslog Web and can review their personal evaluation once it has been completed.

Evaluation reports are sent automatically by Syslog Web to the course organiser as an XML file. D2/Training only receives the evaluation for courses that have been organised internally and provides anonymous evaluation results to internal trainers and external training providers concerning any of these trainings that were organised and paid for directly by the ERCEA.

The reports are anonymised: No names, only the number of the training application generated by Syslog Formation appear in the reports. This number is referenced to the name of the participant in Syslog Formation and only D2/Training is entitled to view a specific participant's evaluation. Trainers have no access to a participant's evaluation.

4. Specific procedures:
For team building/away day events and individual external training requests, specific procedures have been put in place as regards the application and evaluation process.

4.1. Team Building:
Units and departments have the opportunity to organise team building activities. The aim is to achieve specific learning objectives to improve the quality and performances of teams as well as strengthening synergies and group dynamics. The manager provides D2/Training with the Needs Assessment Form mentioning the objectives of the event and the names of the participants.

Once the event has been defined, the services required (trainer, venue, catering, transport) can be either ordered via existing framework contracts or purchased via ad hoc procurement procedures by D2/Training in close collaboration with the requesting unit. For organisational purposes, the participant's list may be provided by D2/Training to the contractors once the contract has been awarded (another personal data that could be provided is the car licence plates in the special case of parking places reservation in external locations).

After the team building event, participants are requested to fill in an evaluation form via the Interactive Policy Making (IPM) tool to assess the performance of the activity. The aim of the evaluation is to collect participants' feedback, to check the quality and the relevance of the training activities, to adapt the ERCEA training offer accordingly and recommend best appreciated activities and trainers. The concerned trainer and the Line Manager responsible for the event receive an anonymous evaluation overview which may include comments on the trainer's personal performance. Only D2/training can link an evaluation to a specific participant.

In the future, D2/Training will also inform a contractor (when it is not already part of the framework contract) providing a social activity and other services such as room location and catering about the evaluation exercise in an anonymous report as poor evaluation results could prevent D2/Training from contracting him/her again for future team building actions.

4.2. Individual external training:
All staff members except interim staff and trainees can introduce such a request. An individual record is kept for each participation in an external training activity that becomes part of the individual training passport in Syslog.

After the training event, applicants are requested to fill in an individual evaluation form via IPM in order to assess the relevance of the training event and the impact on the personal and professional development. The questions in the evaluation form do not ask for the identification of an individual (for instance, the name of the trainer).

Personal data in the different forms and/or relevant supporting documents processed during the "external training procedure" (application form, invoicing, payments, special leave, reimbursement, etc.) are collected for purchasing the course participation, training passport registration and for evaluation purposes. All forms are available on the ERCEA intranet.

No data is collected relating to the level of knowledge or knowledge level acquired by the participants.

The Agency supports three different types of external training request and the procedure differs in terms of conditions, financial contribution, leave compensation and supporting documents needed.

4.2.1. *External training at the request of the service*:
This type of training request is identified by the hierarchical superior as necessary and in the interest of the service in order to carry out the work or to function more effectively either at Agency, Department or Unit level.

Once approved, exclusively the registration fees and examination rights of the external training requested are fully financed by the Agency's training budget provided that financial resources are available. If travelling fees are necessary, they may be covered by a mission order. Time spent attending a training course at the request of the service is considered working time and does not require special leave.

The applicant prepares the request file including the application form and gathers the supporting documents:
  a) a note signed by the Line Manager addressed to the Director justifying the interest of the service,
  b) course programme and a document from the institution offering the training mentioning the price of the course VAT free,
  c) coordinates of the institution providing the training including the bank account number,
  d) proof of registration or pre-registration (if possible) and
  e) the legal and financial identification forms for the training body (the two forms are available on DG BUDG Internet site. The forms processing of these forms will be notified in a separate notification on the ERCEA operative budget).

Currently, the applicant circulates the file in ARES with a parallel paper signataire to the Line Manager, the Head of Department (if relevant), D2/Training, Head of Unit D2 and to the Director. The ERCEA envisages circulating only electronic files by the end of 2012.

The purchasing and payment steps are as follows: The file is processed by D2/Training who initiates the purchase order to the attention of the training body which is circulated together with the initial request file following the ad hoc financial workflow. The payment of the training action is then processed by the financial cell once the training body returns the signed purchase order together with the invoice. D2/Training certifies that the invoicing information is correct and adds a proof of attendance. If exceptionally the applicant had to pay for the course in advance and then ask for reimbursement, the applicant's bank account number will be collected in the reimbursement form for payment purposes only.

4.2.2. *External training on individual initiative*:
The training request is introduced by a member of staff on his/her own initiative.

Such training may be partially financed by the Agency. The contribution covers the registration fees and the examination rights and is due after payment proof is provided.

The applicant prepares the request file including the application form and gathers the supporting documents:

a) an explanatory note signed by the applicant addressed to the Line Manager,

b) course programme and a document from the institution offering the training mentioning the price of the course,

c) coordinates of the institution providing the training,

d) proof of registration or pre-registration (if possible).

Currently, the applicant circulates the file in ARES together a with parallel paper to the Line Manager, the Head of Department (if relevant), D2/Training, D2/Leave Coordinator (GECO), Head of Unit D2 and to the Director. The applicant's bank account number is collected in the reimbursement form for payment purposes only. The ERCEA envisages circulating only electronic files by the end of 2012.

Attendance proof is collected to enable the leave coordinator (GECO) to grant special leave following the rules mentioned in the ERCEA procedure and in the "Detailed rules for the application of the general provisions for giving effect to the third paragraph of article 24 of the regulations as regards training for Commission staff" (Title IV, Article 12, point 2 thereof - available on European Commission intranet).

4.2.3. *External language training on individual initiative*:
External language training on individual initiative is not financially supported by the Agency. However, special leave can be granted following ERCEA procedure and the rules mentioned in the "Detailed rules for the application of the general provisions for giving effect to the third paragraph of article 24 of the regulations as regards training for Commission staff " (Title IV, Article 12, point 2 thereof – available on the European Commission intranet).

The application procedure, circulation of the file, deadlines and leave compensation mechanism are the same as for external training on individual initiative.

5. <u>Reporting and monitoring (budget and other)</u>:
D2/Training and D1/Reporting collect data on training activities and training attendance:

- reports on the attendance of ERCEA staff to certain compulsory or highly recommended courses or in other types of training upon request;

- reports on training attendance/absenteeism and on training days realised per staff members are requested by the management as part of ERCEA Internal Scorecards (Human Resources section) and in view of upcoming HR reports for Line Managers.

The HR reports include names of participants, their unit and the status of their participation in registered trainings.

Line Managers only have access to reports on their respective unit/department and only the Director, Head of Department D and Head of Unit D2 (Human Resources) as well as the D1/Reporting and D2/Training teams have the full overview of the data.

D2/Training monitors the budget line related to training expenditures (financial initiation, commitments follow up, certifies correct on invoices).
The team also prepares reports on staff participation to all courses that are charged for budget monitoring purposes. These reports include the duration in days, by domain, cost/budget consumption and the verification of debit notes under SLAs.

As a general rule for payment purposes, D2/Training is asked to provide proof of attendances/lists of participants in order to certify that an expenditure/invoice is correct.

10/ STORAGE MEDIA OF DATA

- Syslog Formation is the administrative management tool for training and is administered by the European Commission and stored on-line in the database hosted by the Data Centre of the Commission (see Commission notification DPO-446.5 on "Management of central and local training - SYSLOG Formation", prior checked by the EDPS in case no. 2008-481).

- Currently, business objects (BO) reports in the form of electronic files are extracted by the IT service from Syslog and filed by D2/Training on the ERCEA shared drive when necessary. At a later stage D2/Training wishes to produce such kind of BO Reports.

- Paper filing are used to store: training maps, individual external training requests, team building requests, purchase orders and payments for training actions, attendance lists and BO reports.

- EPI and SIN application forms are stored electronically in the LSO's functional mailbox.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

- Staff Regulations of Officials, Articles 1(e) and 24(a) and Conditions of Employment of Other Servants, Articles 10, 11, 80(4) and 81;

- Commission Decision on Training of 7 May 2002 C(2002) 1577;

- Article 20.1(c) of Regulation (EC) N°45/2001 applies to the extent that trainers do not know the identity of the author of an individual course evaluation in order to safeguard the rights and freedoms of the participants;
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- ERCEA Learning and Development Framework 2012-2013 (Ref. Ares(2012)497943);

- ERCEA Procedure for Team Building request (Ref. Ares(2011)1080758);

- ERCEA Procedure for external training request (Ref. (2010)D/605322).

This processing operation is lawful pursuant to Article 5(a) because it is "*necessary for performance of a task carried out in the public interest on the basis of the Treaties established the European Communities or other legal instruments adopted on the basis thereof*".

12/ THE RECIPIENTS OR CATEGORIES OF RECIPIENT TO WHOM THE DATA MIGHT BE DISCLOSED

*A Union institution/body:

- The Training Coordinator (COFO), whose role is to ensure the overall coordination of the training activities and to closely monitor the training budget, receives applications for training activities and manages them. The COFO also receives costs related data.

- Line managers and senior management receive HR reports, training participation information, applications and training maps and manage training activities of their staff.

- The Commission Services, meaning all Directorate Generals that organise trainings, receive the trainee's identification data, so that ERCEA staff can participate to central training courses, via Syslog based on the DG HR Service Level Agreement with the ERCEA.

- The European School of Administration, external contractors and trainers.

- ERCEA D.2/LSO and related back up and OIB receive the EPI and SIN training applications.

- DIGIT/SYSLOG Support Team receives the trainee's identification data necessary to give support to the data subject and has access to all information in Syslog (when acting as a Help Desk).

- ERCEA D.2/Career Team and D.2/Third Language Team receive the information relevant for the staff member's career development, see also prior check notification case n°. 2011-963.

- ERCEA D.2/GECO receives the trainee's application and proof of participation, only for individual external trainings on personal initiative, so as to grant special leave.

- D.1/Reporting has access to training data: applications, training status, evaluations, as they process the data in order to prepare the reports.

- In specific cases recipients may be ERCEA units requesting names of participants to specific courses for the purpose of verifying if the Agency has complied with its duties to supply the training to certain or all staff.

- The ERCEA's Responsible Formation Informatique (REFOI): for the time being, the function of the REFOI in the Agency (part of D1 unit) is only to attend the REFOI meetings; but in the future this person could be also managing training actions as the rest of the D2/Training Team.

* <u>Recipients subject to national law adopted for the implementation of Directive(EC)95/46</u>:
For contractors under framework contracts and external training bodies/free-lance trainers: based on the contract, participant's lists (names of participants) and anonymous evaluation reports may be communicated to the trainer.

13/   RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

(Please, specify the time limits for every category, if applicable)

- Syslog Formation: all training records are kept for the duration of the staff member's career (training passport) in any of the Commission's services including Agencies that use Syslog Formation. This retention period responds to the need for trainees to exercise certain rights

and obligations derived from their staff member status and to the impact of training in the career path of the staff member.

A ticket has been registered on 04.07.2012 by DIGIT SYSLOG SUPPORT for a question on the duration of storage of data in Syslog and the way data is deleted; no answer so far. As the Commission is the sole controller of Syslog and the ERCEA is bound by e-domec rules to apply the same retention periods of the Commission, the Commission's retention periods apply to the ERCEA by analogy.

- Presence lists of the training actions are kept in paper version for the period of five (5) years determined under the Financial Regulations as justification document for the payment of debit notes under SLAs and of the external contractor's invoices.

- Evaluations of training actions provided by external trainers and CVs of external trainers are kept according to the duration of the contract with the external contractor.

- Evaluations of training actions provided by internal trainers are kept for a maximum period of ten (10) years, as established in section 12.3.1 of Annex I to the Common Retention List (SEC(2007)970.

- Training Maps and individual external training requests in paper form are kept for a maximum duration of ten (10) years, according to section 12.3.1 of Annex I to the Common Retention List (SEC(2007)970).

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13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS

- If a staff member wants to exercise his/her right to be removed from the EPI and/or SIN lists, s/he can contact Commission services/OIB, with the ERCEA LSO in copy requesting the removal. The OIB Commission services will proceed according to their own rules.

- Staff can request correction from D2/Training should they see a mistake regarding the status of their participation in Syslog. D2/Training will respond immediately. In case D2/Training has to request the Commission to perform the correction, it will be treated within three days at the latest and will be resolved within one week (according with the Commission DPO notification n. 446.5, which has been prior notified to the EDPS, case 2008-481). The data subject will be informed in case of exceptional cases where the delay may be longer.

- In case pictures are taken during a training event, the following text will be introduced in the invitation: *"Photographs and audio-visual footage may be taken during the event and published in the ERCEA intranet for internal communication purposes. In order to respect your individual rights and private data as per data protection Regulation 45/2001, you can refuse the publication of your photo. Upon request to the ERCEA D2/Training functional mailbox [ERC-TRAINING@EC.EUROPA.EU] your pictures will be deleted immediately."*

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

Not applicable

16/   THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING *(Please describe):*

* As a general rule, at the end of a training action, the participants are automatically requested to evaluate the course via Syslog Web and can review their personal evaluation once it has been completed.

Evaluation reports are sent automatically by Syslog Web to the course organiser as an XML file while an external contractor is informed of the results of any training evaluation separately. D2/Training only receives the evaluations for courses that have been organised internally and provides anonymous evaluation results to internal trainers and external training providers concerning any of these trainings that were organised and paid for directly by the ERCEA.

*In case of team building events: after the event, participants are requested to fill in an evaluation form via the Interactive Policy Making (IPM) tool to assess the performance of the activity. The aim of the evaluation is to collect participants' feedback, to check the quality and the relevance of the training activities, to adapt the ERCEA training offer accordingly and recommend best appreciated activities and trainers. The concerned trainer and the Line Manager responsible for the event receive an anonymous evaluation overview which may include comments on the trainer's performance.

In the future, D2/Training will also inform the contractor (when it is not already part of the framework contract) providing a social activity and other services such as room location and catering about the evaluation exercise in an anonymous report as poor evaluation results could prevent D2/Training from contracting him/her again for future team building actions.

*In case of individual external training: After the training event, applicants are requested to fill in an individual evaluation form via IPM to assess the relevance of the training event and the impact on the personal and professional development. The questions in the evaluation form do not ask for the identification of an individual (for instance, the name of the trainer).

Poor training evaluations may lead to a trainer not being hired again.

The training evaluation in ERCEA is not intended to verify the level of acquired knowledge of the training participants. There is only one specific case were the acquired level of knowledge is collected by D2/Third Language, i.e. for language training connected to Article 45.2 of the Staff Regulation (proficiency in a third language before promotion). This special case has been prior checked by the EDPS in case no 2011-963.

AS FORESEEN IN:
[i]   Article 27.2.(a)

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

X⌐¬ **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,

X⌐¬ **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

Since the processing operations have already been established (since 2009), the present notification concerns an ex-post prior check.

List of attachments:

1)   Commission Decision on Training of 7 May 2002 C(2002)1577
2)   Service Level Agreement with OIB (cf. SIN training)
3)   Service Level Agreement ERCEA-DG HR (Ref. Ares(2012)132119) (general training and EPI training)
4)   Service Level Agreement ERCEA-EuSA (Ref. Ares(2011)613369)
5)   Service Level Agreement ERCEA-DG BUDG of 01/01/2010
6)   Memorandum of Understanding (DIGIT - 00111 - 03) ERCEA-DG DIGIT of 23/06/2011
7)   Operational Guidelines between the ERCEA and the Director-General Research and Innovation (Ref. Ares (2012)785785), which replaces the Memorandum of Understanding ERCEA-DG RTD of 15/07/2009
8)   Learning and Development Framework 2012-2013 (Ref. Ares(2012)497943)
9)   ERCEA Procedure for External Training and its 3 annexes: Application form, request for reimbursement form and evaluation form (Ref. (2010)D/605322)
10)   ERCEA Procedure for Team Building and its 2 annexes: the "needs assessment form" and the evaluation form (Ref. Ares(2011)1080758)
11)   Template of an evaluation sheet for internal trainers
13)   ERCEA Specific Privacy Statement on "Satisfaction surveys on training activities" (only if an evaluation not organised via Syslog Web Formation)
14)   ERCEA Specific Privacy Statement "ERCEA Training provision and evaluation" (through this SPS internal and external trainers are informed about the evaluation process and their right to anonymous evaluation reports)
15)   ERCEA Specific Privacy Statement "Reporting on training activities and ERCEA staff's training participation - For ERCEA staff" (to inform staff that information about their

individual training status and participation (presences and absences) will be enclosed in HR reports targeted at management)

**16)	Commission notification DPO-446.5 Management of central and local training - SYSLOG Formation – European Commission: http://ec.europa.eu/dpo-register/details.htm?id=28081 and Privacy Statement published on the Commission's Syslog site**

**17)	List of personal data categories used in the SYSLOG application**

**18)	Training Map 2011: What, why, How… Guidelines for Staff (Ref. Ares(2012)151587)**

**19)	Training Map template 2012**

**20)	Service Level Agreement order form template**

**21)	Framework contract order form template**

**22)	An example of a framework service contract**

**23)	A template of the excel sheet used to collect and publish participants to the EPI and/or SIN training**

PLACE AND DATE: **Brussels, 19/10/2012**

DATA PROTECTION OFFICER: **Nadine KOLLOCZEK**

INSTITUTION OR BODY: **European Research Council Executive Agency**