

(To be filled out in the EDPS' office)

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 30/07/2013

CASE NUMBER: 2013-0907

INSTITUTION: EUROPEAN COURT OF AUDITORS

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

HEAD OF UNIT HUMAN RECRUITMENT & CAREER DEVELOPMENT
12 RUE ALCIDE DE GASPERI
L1615 LUXEMBOURG

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

Unit HR Recruitment & Career Development

3/ NAME OF THE PROCESSING
Evaluation of staff – COMPASS2

4/ PURPOSE OR PURPOSES OF THE PROCESSING

To comply with Article 43 & 110 of the Staff Regulations, and Articles 15 and 87 of the Conditions of Employment of Other Servants (CEOS).
Secondly it is used during the promotion exercises to compare staff performances to be taken in account to attribute a promotion to certain staff.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

ALL OFFICIALS : PERMANENT, TEMPORARY STAFF, CONTRACTUAL STAFF
BUT STAFF OVER 60 CAN REQUEST TO BE EXEMPTED FROM BEING EVALUATED.

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

Administrative data (name, first name, address, telephone number, date of birth, gender, unit, type of contract, grade, personnel number, etc)

Evaluation of the persons work and activities .

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Yearly staff notice when starting the evaluation procedure.

Each staff member receives an automatic generated e-mail that the evaluation procedure started and which actions to undertake (objectives setting, self-evaluation, evaluation. verification, validation, etc).

A dedicated web page has been created with all guides on how the evaluation exercise functions and how to use the COMPASS2 tool for verifying the administrative data, specify the objectives, fill in the self-evaluation and evaluation, how to verify the evaluation and validate it or specify remarks and eventually request an appeal.

On the Intranet page of the Directorate Human Resources is also a document available that informs all staff concerning the requirements specified in Articles 11 & 12 of Reg. 45/2001.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

All staff have the possibility to consult at any time their data within SYSPER2 & COMPASS2 at any time.

Corrections to the general data as grade, name, seniority, etc. can be modified at any time upon a justified and legitimate request.

Corrections to the evaluations are only possible during the period of the process of the evaluation (see calendar in COMPASS2 guide point 4.4). Once the evaluation has been validated, corrections are no longer possible.

Opposition is possible as long as the evaluation process is on-going until the appeal committee has issued its opinion.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

It's an automatic treatment whereby the general data as name, grade, and seniority are automatically transferred from the SYSPER2 information system into the COMPASS2 system. Then the evaluated staff needs to fill in a self-assessment, training objectives and future job changes/whishes'. Then the evaluator fills in the assessment and a discussion takes place between the evaluated and the evaluator whereby eventually modifications are made to the self-assessment/assessment. Then the evaluation is controlled, eventually completed by the evaluator controller and then validated. After this step the evaluated person can validate the evaluation or appeal against the evaluation. The evaluation is then treated by an appeal committee which invites the evaluated and the evaluator to explain their points of view and the appeal committee can then decide to modify the evaluation or not.

Staff over 60 can request not to be evaluated.

10/ STORAGE MEDIA OF DATA

In digital format in the COMPASS2 information system and when the evaluation period is finished and the report validated by all concerned people a digital copy is transferred into the SYSPER2 information system within the personal file (NDP = Numérisation Dossier Personnel). Paper - in personal files as for the evaluations of the years 2005 - 2011 also a paper copy is stored in the paper version of the personal file. These paper versions of the personal files have been archived.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Article 43 & 110 of the Staff Regulations, and Articles 15 and 87 of the Conditions of Employment of Other Servants (CEOS)

ECA decision 12/2012 laying down general provisions for implementing Article 43 of the Staff Regulations and the introduction of the COMPASS2 system.

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

Internal and external auditor for audit purposes.

OLAF, administrative and disciplinary investigators during investigations.

EDPS and DPO in case of data protection complaints.

For the promotion exercise, Joint Committee on Promotions (Directors appointed by AIPN and certain members of staff committee) and AIPN.

For staff promotions above AD12 to Court Members and Secretary General.

Evaluation reports, being part of the Personal file are transferred to another EU

Institution/Agency/body when the concerned person is transferred to these organisations.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

In COMPASS and COMPASS2 only the last 3 evaluations.

In SYSPER2 for 120 years after the birth of the staff member or 8 years after the last payment to the survivors.

In the archived paper personal files for 120 years after the birth of the staff member or 8 years after the last payment to the survivors.

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS
NO TIME LIMIT.

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

NO TIME LIMIT FOR THE ADMINISTRATIVE DATA.

CORRECTIONS TO THE EVALUATIONS ARE ONLY POSSIBLE DURING THE PERIOD OF THE PROCESS OF THE EVALUATION (SEE CALENDAR IN COMPASS2 GUIDE POINT 4.4). ONCE THE EVALUATION HAS BEEN VALIDATED, CORRECTIONS ARE NO LONGER POSSIBLE.

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
Not foreseen.

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

YES

AS FORESEEN IN:

1 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,

1 Article 27.2.(c)

Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

1 Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

1 Other (general concept in Article 27.1)

17/ COMMENTS

PLACE AND DATE: LUXEMBOURG 17 JULY 2013

DATA PROTECTION OFFICER: JOHAN VAN DAMME

INSTITUTION OR BODY: EUROPEAN COURT OF AUDITORS

