NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 12/12/2014

CASE NUMBER: 2014-1154

INSTITUTION: EACEA

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
Education Audiovisual and Culture Executive Agency, Avenue du Bourget 1, BOUR, BE-1140 Brussels

2/ ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA
UNIT A1 - Erasmus+: Schools, Prospective Initiatives, Programme Coordination Head of Unit BOU2 01/017

3/ NAME OF THE PROCESSING
Erasmus + Online Linguistic Support scheme

4/ PURPOSE OR PURPOSES OF THE PROCESSING
The OLS' purpose is to provide a scheme for measuring progress in language competences through mobility. The other objective relates to the support of language learning prior to and during the mobility period, to the level which is useful for participant's purpose. More specifically, the data processing is necessary to: - enable OLS to function; - allow OLS registrants to communicate and collaborate in the spirit of mutual trust and respect;

---

[1] OJ L 8, 12.01.2001.

[2] **Please attach all necessary backup documents**

and,
- extract aggregate data for statistical purposes.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

(a) Erasmus+ Mobility participants,

(b) Staff working for National Agencies and Erasmus+ sending institutions/organisations: contact person.

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

Data whose processing is likely to present specific risks and is subject to prior checking by the European Data Protection Supervisor.

Data relating to the evaluation of personal aspects of the data subject (such as his or her ability, efficiency and conduct): Results of language assessments and courses of Erasmus+ mobility participants.

Other categories of data processed

Erasmus+ mobility participants: last name, first name, gender, contact e-mail, nationality, year of birth, mother tongue, type of mobility, language to test, country of destination, estimated start of the mobility period, sending institution, period of mobility, time zone, estimated end of the mobility.

Erasmus+ mobility participants: other data submitted by participants of mobility on the OLS (e.g., messages in forums, online discussions and threads, files and pictures).

Information relative to National Agencies and Erasmus+ sending institutions/organisations: Project number, PIC number, project name, project start date, project end date, project contact person, project contact telephone number, contact project e-mail, number of licences for language assessments and number of licences for language courses.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

A specific Privacy statement is permanently available on the OLS webpage:
http://erasmusplusols.eu/de/

When registering for the first time to the restricted area of the OLS webpage by creating a user profile, explicit consent to the Privacy statement and data processing is required.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS
(Rights of access, to rectify, to block, to erase, to object)

Participants are informed about their rights through the specific Privacy statement. Data subjects can access and rectify their data themselves on the OLS webpage.

The Privacy statement indicates the contact address of the data controller for additional information on the subject.

Concerning the above mentioned IT-tools "Erasmus+ Link" and "Mobility tool" under the responsibility of DG EAC, it seems that DG EAC has also privacy statements in place in order to inform National Agencies about the processing of their personal data.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Activity in the frame of which the processing is carried out

Erasmus+ is the European Commission's new programme for education, training, youth and sport covering the period 2014-2020.

The European Commission is responsible for the overall implementation of the programme while the management of certain parts lies within the remit of the Education, Audiovisual & Culture Executive Agency (EACEA) and the National Agencies (NA) at national level in the Programme countries.

One of the strategic objectives of Erasmus+ is to strengthen language competences through its mobility activities so that participants can fully benefit from the experience and ultimately improve their job prospects. The performance indicator for mobility, as defined in the legal base for the programme, will be the percentage of participants in long-term mobility who have declared increased their language skills.

The Online Linguistic Support (OLS) is part of the Erasmus+ Programme. The OLS platform aims to provide a secured and safe online environment for mobility participants, complete language assessments prior to their mobility period and upon their return, as well as to take language courses. **It is steered by a Steering Committee, composed of DG EAC representatives (horizontal Units, operational Units + IT Unit) and EACEA representatives.**

The OLS is implemented by the EACEA which acts as contracting authority with the service provider for the OLS tool (see below). The tool is hosted under the following web site: http://erasmusplusols.eu/de/

The specific objectives underlying the creation OLS platform are two-fold. One relates to the information need of the European Commission on Erasmus+ mobility participants' language competence improvements. The OLS will provide a scheme for measuring progress in language competences through mobility. Through the OLS DG EAC, EACEA and the National Agencies (NA) as well as national beneficiaries (such as Universities) are able to monitor the progress in language competence on individual and aggregate level. Concerning national beneficiaries: these are beneficiaries of the NAs and do not have a contractual link to EACEA. The relations with the NAs fall under the competence of DG EAC.
The OLS platform is composed of three levels:

• Licence Management Tool – it allows for the allocation and reallocation of licences (for language assessments and courses) from National Agencies to Beneficiaries, and from Beneficiaries to Mobility participants. Moreover it is instrumental in providing data for monitoring and analysis of language assessment results.

• Compulsory language assessment test – it evaluates the language skills of Erasmus+ mobility participants according to the Common European Framework of Reference for Languages (CEFR). All participants of Erasmus+ mobility activity are requested to complete the assessment tests both

prior to departure and upon return in order to monitor progress in language skills. Selected mobility participants may be granted the opportunity to take a free online language course. Starting from October 2014 language assessments are offered in the following six languages: English, German, Spanish, French, Italian and Dutch. Other official EU languages will be progressively added both for the assessments and the interface.

• Online language courses - some mobility participants, selected by their sending institution (Beneficiaries) after undertaking the first assessment test, may have the opportunity to take an online language course in their mobility language free of charge[1]. Due to budget constraints, the number of courses is limited and not all students can benefit from these courses. For Higher Education organisations, for example, the final target will be around 40% of the mobility participants of mobility; for European Voluntary Service institutions and Vocational Education and Training institutions the final target will be around 70%. In case of additional budget availability, the percentage of online language courses to be awarded may increase. Language courses are offered starting from October 2014 in the following six languages: English, German, Spanish, French, Italian and Dutch. Other official EU languages will be progressively added for both the language courses and the interface. The participation in language classes is determined by the test results.

The platform has been launched on 1st October 2014 with limited functionalities and limited languages that will be continuously developed and improved. Its use will be mandatory for mobility participants as of 1st January 2015.

Working procedure followed within the framework of this activity

I. Online assessment of language competences

1) Following the grant award decision process (=selection of mobility participants) carried out by the National Agencies, the NA's beneficiaries feeds into an IT system the necessary data on the individual participants leaving on mobility in the framework of its project. These databases are under the responsibility of DG EAC (namely "EPlus Link" and "Mobility tool"). The database also contains data relative to National Agencies and Erasmus+ sending institutions/organisations: Institutional data: Project number, PIC number, project name, project start date, project end date, project contact person, project contact telephone number, contact project e-mail, number of licences for language assessments and number of licences for language courses.

2) DG EAC transfers extracts from these databases ("Business objects") to EACEA and its service provider: the consolidated list of NAs with their contact details (including contact person), number of licences allocated per NA for the assessment tests and any other required references through order forms. The data are then imported by the service provider into the OLS tool.

3) The service provider delivers the required numbers of licences to the NAs.
4) NAs assign licences to beneficiary institutions. The latter receive user names and passwords as an institution. They distribute licences for language assessment test and language courses to the selected participants in mobility, by inserting participants' email addresses in the OLS tool.

This process described above 2-4 may be automated in the future in case of the OLS' integration with DG EAC IT systems.

4 a) Students registered with their email address receive an email invitation from the service provider to take the mandatory language test on the OLS website. The login screen on the website requests further personal data from participants. Data is provided by the users themselves by registering. At this moment, participants have also access to a specific privacy statement.

4 b) The following data are submitted by participants

- Mandatory registrant data: last name, first name, gender, contact e-mail, nationality, year of birth, mother tongue, type of mobility, language to test, country of destination, estimated start of the mobility period, sending institution, period of mobility, time zone, estimated end of the mobility.
- Other optional data submitted by participants of mobility on the OLS (e.g. messages in forums, online discussions and threads, files and profile pictures).

5) The participants will take the first language assessment test before departure. Failure to take the test may result, after 4 reminders, in reduction of the individual mobility grant (NB: the potential reduction is a decision of the beneficiary institution). The service provider monitors the uptake of assessment tests and implements a set of reminders and motivational strategies to ensure that all participants complete the tests

6) Results of the first language assessment will be communicated electronically by the service provider to participants in mobility and, where relevant, to beneficiary institutions. Participants have a unique identification number and the system allows tracing the participants who took the assessment test and followed the language course.

7) The results of the language assessment do not have any impact on the grant or on the mobility.

8) The beneficiary institutions will be in charge of distributing accesses for optional language courses among the mobility participants. The decision lies exclusively with the sending institutions and is based on the first language assessment (priority shall be given to participants with weak results). As mentioned above, due to budget constraints, the number of courses is limited and not all students can benefit from these courses. Participants identified to follow online courses will have access to the course between the two language assessments. Beneficiary institutions are expected to encourage maximum uptake of the courses and completion rates. The service provider monitors the uptake of language courses and implemented a set of reminders and motivational strategies to ensure a maximum completion rate. If a participant does not use his course licence, there are no negative consequences other than that the beneficiary has lost a licence.

9) At the end of the mobility all participants shall take a second compulsory language assessment. The results of the second assessment will be communicated electronically to participants and, where relevant, to beneficiary institutions in the same manner as for the results of the first assessment. The service provider issues reminders to participants of mobility and monitors the progress of the assessments.

10) The platform includes a front end (for participants of mobility as users) and a back end (for the contracting authority, NAs and beneficiaries to monitor the overall progress and access dashboards). Data related to individual participants of mobility is accessible to sending institution/organization having an access to the backend licence management system OLS and can decide on its use.

More precisely, for the access to the website, several access levels were defined by EACEA:

• EACEA/DG EAC level
• NA level
• Beneficiaries level
• Participant level.

Each user has a restricted access to a subset of data, based on the corresponding access rights.

This "access rights" layer follows authorization and roles web standards. Individual testing results are only available for sending institutions of the mobility participant.

11) Attached to this notification is a chart illustrating the overall data workflow of the OLS tool (excerpt of Call for Tenders EAC-24-2014, page 22).

10/ STORAGE MEDIA OF DATA

The collected personal data and all related information are stored on secured servers of the service provider (CLL) for the duration of the contract with the consortium.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Legal basis

- COMMISSION IMPLEMENTING DECISION of 18 December 2013 establishing the 'Education, Audiovisual and Culture Executive Agency' and repealing Decision 2009/336/EC (2013/776/EU): Article 3 (a).

- 'Erasmus+': the Union programme for education, training, youth and sport established by Regulation (EU) No 1288/2013 of the European Parliament and of the Council of 11 December 2013 and repealing Decisions No 1719/2006/EC, No 1720/2006/EC and No 1298/2008/EC (OJ L 347 of
20.12.2013, p. 50–73).

- Article 5 (e) foresees that "[the Programme shall pursue the following specific objectives] to improve the teaching and learning of languages and to promote the Union's broad linguistic diversity and intercultural awareness." In addition, Annex I foresees "The Programme will be monitored closely on the basis of a set of indicators intended to measure the extent to which the general and specific objectives of the Programme have been achieved and with a view to minimising administrative burdens and costs. To that end, data will be collected as regards the following set of key indicators". The indicator under "Education and training" specifies "The percentage of participants in long-term mobility declaring that they have increased their language skills".

Grounds for lawfulness

Article 5 (a) of Regulation 45/2001: processing is necessary for the performance of a task carried out in the public interest on the basis of the Treaties establishing the European Communities or other legal instruments adopted on the basis thereof;

Article 5 (d) of Regulation 45/2001: the data subject has unambiguously given his or her consent.

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

Data relating to the evaluation of personal aspects of the data subject Erasmus+ sending institutions/organisations concerning their own participants Consortium, EACEA (aggregated data)

Erasmus+ mobility participants personal data: Erasmus+ sending institutions/organisations Consortium, EACEA

1292/2014-1154

Erasmus+ mobility participants: other data submitted by participants of mobility on the OLS (e.g. in a forum)
Consortium, EACEA, Other participants

Information relative to National Agencies and Erasmus+ sending institutions/organisations
Consortium, EACEA

Other potential recipients of all categories of data processed
- the European Court of Justice, the Court of First Instance and/or the Civil Service Tribunal, or a national judge as well as the lawyers and the agents of the parties in case of a legal procedure
- OLAF in case of an investigation conducted in application of Regulation (EC) No 1073/1999 and the Decision of the Steering Committee of the Agency of 9 June 2006
- the European Commission within the scope of the management and supervisory tasks entrusted to it by the Delegation Act
- the internal auditor within the scope of the tasks entrusted to him/her by Articles 85 to 87 of the Financial Regulation and by Article 49 of Regulation (EC) No 1653/2004
- the Court of Auditors within the tasks entrusted to it by Article 248 of the EC Treaty and Article 20, paragraph 5, of Regulation (EC) No 58/2003
- the European Commission within the scope of the control of the legality of the acts of the Agency provided by Article 22 of Regulation (EC) No 58/2003
- the European Ombudsman within the scope of the tasks entrusted to it by Article 195 of the EC Treaty
- the European Data Protection Supervisor in accordance with Article 47, paragraph 2, of Regulation (EC) No 45/2001.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Data relating to the evaluation of personal aspects of the data subject and results of language assessments and courses
Data related to the profile of the user are kept for one year after the user's last login. After one year from the last login, the user profile will automatically be set to inactive, i.e., no longer visible to other users. A notification is sent to the user to inform her/him that her/his profile has been set to inactive and that he/she can re-activate his/her account by logging in again. A second and final reminder is sent after two additional years informing the user that 3 years after her/his last login, his/her profile will be deactivated permanently. All personal information is then made anonymous.

Data related to statistics and research purposes is kept for the entire duration of the OLS. At the end of the contract, the consortium will hand over all information and data to EACEA and not keep a copy of confidential information, documents and personal data in whatever format. EACEA will render the data anonymous.

Information relative to National Agencies and Erasmus+ sending institutions/organisations
Files relating to grant procedures, including personal data, are to be retained in the service in charge of the procedure until it is finalised, and in the archives for a period of 7 years following the end of the procurement contract according to the Commission Retention List, point 7.7.1.

Data related to statistics and research purposes is kept for the entire duration of the OLS. At the end of the contract, the consortium will hand over all information and data to EACEA and not keep a copy of confidential information, documents and personal data in whatever format. EACEA will

render the data anonymous.

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS *(Please, specify the time limits for every category, if applicable)*

BLOCKING
According to Article 13, paragraph 3, of EACEA's Implementing rules of Regulation 45/2001.

(1) When the data subject contests the accuracy of his/her data, the data should be blocked "for a period enabling the controller to verify the accuracy, including the completeness of the data." Thus, when receiving a request for blocking on this ground, the EACEA should <u>immediately</u> block the data for the period necessary for verifying the accuracy and completeness of the data.

(2) When the data subject requires the blocking of his/her data because the processing is unlawful, or when data must be blocked for purpose of proof, the EACEA will need some time to make this assessment before deciding to block the data. In such cases, even though the request for blocking may not take place immediately, it should however been dealt with promptly in order to preserve the data subject's rights. The decision as to whether to block the data is taken by the EACEA <u>as soon as possible</u> and at the latest within the delay of 15 working days

ERASURE
Max. 15 working days after the reception of the request.

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*)

<u>STATISTICAL DATA WILL BE KEPT IN AN ANONYMOUS FORM (SEE ALSO ABOVE UNDER RETENTION POLICY)</u>
Erasmus+ mobility participants: last name, first name, gender, contact e-mail, nationality, year of birth, mother tongue, type of mobility, language to test, country of destination, estimated start of the mobility period, sending institution, period of mobility, time zone, estimated end of the mobility.

Erasmus+ mobility participants: results of language assessments and courses

Project number, PIC number, project name, project start date, project end date, project contact person, project contact telephone number, contact project e-mail, number of licences for language assessments and number of licences for language courses.

15/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

<u>RECIPIENT</u>
National Agencies taking part in the Erasmus+ Programme situated in third countries. Participating third countries are defined in Article 24 of the E+ legal base.

<u>CATEGORIES OF DATA</u>
Project number, PIC number, project name, project start date, project end date, project contact person, project contact telephone number, contact project e-mail, number of licences for language assessments and number of licences for language courses.

PURPOSE

OLS licence monitoring and statistical analysis

MODALITY

Direct access through the OLS

RECIPIENT

Respective Erasmus+ sending institutions/organisations situated in third countries

CATEGORIES OF DATA

Erasmus+ mobility participants: last name, first name, gender, contact e-mail, nationality, year of birth, mother tongue, type of mobility, language to test, country of destination, estimated start of the mobility period, sending institution, period of mobility, time zone, estimated end of the mobility.

Erasmus+ mobility participants: results of language assessments and courses

Project number, PIC number, project name, project start date, project end date, project contact person, project contact telephone number, contact project e-mail, number of licences for language assessments and number of licences for language courses.

PURPOSE

OLS licence monitoring and statistical analysis. Provision of language classes.

MODALITY

Direct access through the OLS

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

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,*)

☐ 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

1292/2014-1154

See cover note accompanying this notification for specific issues. Annexes:
- Annex 1 - Data Flow chart
- Annex 2 – Call for tender EAC 24-2013
- Annex 3 - Framework service contract 2014-319
- Annex 4 – Framework service contract 2014-321
- Annex 5 – Amendment 1 to service contract 2014-319
- Annex 6 – Amendment 1 to service contract 2014-321
- Annex 7 – Specific Privacy statement

PLACE AND DATE: BRUSSELS, 11 DECEMBER 2014

DATA PROTECTION OFFICER: HUBERT MONET, DIRK HOMANN

INSTITUTION OR BODY: EDUCATION, AUDIOVISUAL AND CULTURE EXECUTIVE AGENCY

1292/2014-1154