

*(To be filled out in the EDPS' office)*

**NOTIFICATION FOR PRIOR CHECKING**

**DATE OF SUBMISSION: 17/02/2016**

**CASE NUMBER: 2016-0164**

**INSTITUTION: EC - DG HR**

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

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

1/ NAME AND ADDRESS OF THE CONTROLLER

CONTROLLER : DUFORT GERALDINE

E-MAIL: [Geraldine.Dufort@ec.europa.eu](mailto:Geraldine.Dufort@ec.europa.eu)

DELEGATE : VARNA ANNA

E-MAIL: [Anna.VARNA@ec.europa.eu](mailto:Anna.VARNA@ec.europa.eu)

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

THE EUROPEAN COMMISSION

DG HR - DIRECTORATE B.3

3/ NAME AND DESCRIPTION OF THE PROCESSING

NAME: Online Language Placement Test

To provide Online Language Placement Tests in EN (English), FR (French), DE (German), NL (Dutch), ES (Spanish), IT (Italian) to staff of the organisations, institutions and agencies of the European Union. The online placement tests will take place partly online and partly by telephone conversation. The online platform will be: 1) Altissia, provided by the contractor CLL, 2) AVE provided by the contractor Instituto Cervantes 3) Own platform provided by the contractor

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<sup>1</sup> OJ L 8, 12.01.2001.

Communicaid. The online placement test will consist of a written and an oral part. The written part consists by series of questions which have been devised according to the levels described in the Common European Framework of Reference (Council of Europe). The oral part will consist of oral questions designed to identify the oral comprehension and oral expression level of the participant. The results of the two parts combined will propose a level of language course recommended to the participant. Placement tests are not evaluation tools but diagnostic ones. Their result is not binding and it does not constitute proof of the overall linguistic skills of the people who take them. They are designed so that they can allocate the right level of Language Courses to future participants of these courses. Participants make a request for a Placement Test because they wish to have access to the Language courses and they have some previous knowledge of the language they want to learn. If they are total beginners they do not need to take the test.

#### 4/ PURPOSE OR PURPOSES OF THE PROCESSING, AND PROCESSORS

The purpose of the Online Language Test is to identify the level of previous linguistic knowledge of the future participants in Language courses and assign them to a proposed language course. The purpose of the Language courses and activities is to provide the staff of the European Commission (and their spouses under some conditions) with the linguistic skills necessary for their current job, their future career and to help their integration in the host country.

##### PROCESSORS:

1. CLL Centres de langues Asbl Numéro d'enregistrement légal 0431.176.282 Place de l'Université; 25 B-1348 Louvain-la-Neuve 2. Communicaid Rue Breydel 34 1040 Bruxelles BE 0811.723.714 Tel: 02 235 86503. Instituto Cervantes Avenue de Tervuren 64, 1040, Bruselas, Belgica

#### 5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

1. E.C. candidate language course participants

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

1. Name 2. email 3. telephone number 4. login name 5. password (encrypted) 6. test date 7. test result 8. interface language 9. target language The Oral questions of the placement test will be of general nature and not referring to personal data.

#### 7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Privacy statement A privacy statement is directly accessible from the home page of Syslog and on the Learning and Development Website. In accordance with Articles 11 and 12 of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000, this declaration informs the participants to training courses about the identity of the controller, the legal basis for the collection of data, their rights of access and rectification as well as data storage policy. All staff

members have access to this system. See also article II.6 of the Framework Contract for Lot 2 (English) and Lot 4 (French) for the provision of Language Training.

#### 8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

Access to the personal data of participants is always open to them via Syslog Web formation and an ECAS password. The participants will have access to the results of the tests as soon as the test is completed. The validity of the test results is two years but the history of participants' training path is accessible for the duration of the contract with the member of the staff. Subjects can access it but not modify it. If subjects want to modify some info they can send a message to their local HR, who will then transfer the message to DIGIT SyslogSupport. All staff members have an access to the system via ECAS (European Commission Authentication Service). This access right is limited to reading. Staff members wishing to modify or correct data concerning them can also send a message to their local HR, who will then transfer the message to the Data Controller (HR.B3).

#### 9/ AUTOMATED / MANUAL PROCESSING OPERATION

Oral part of test: The teacher calls the test-taker and has a short conversation with him/her in order to evaluate his/her level of the foreign language and assign them to the appropriate language course. The results of this conversation are immediately encoded in the online system and any trace of this evaluation on paper is destroyed.

#### 10/ STORAGE MEDIA OF DATA

1. CLL: Platform Altissia is managed by CLL. They keep in storage : name, email address, login, password (encrypted), test date, test result, interface language, target language. This is kept in their secured database (access only through a VPN to key IT responsables) on dedicated servers hosted by the European leader OVH. They do nothing with this information except making it available through our reporting system. 2. Communicaid: All tests are hosted in secure servers based in Europe. Information will be deleted after completion of the tests. 3. Instituto Cervantes is hosting the tests in their platform based in Europe and all data will be deleted one year after the realisation of the test.

#### 11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

LawfulnessBased on art.5(a) and (d) of Reg N°45/2001.Prior checking is necessary pursuant to art.27(2)(b) of Reg N°45/2001.Staff Regulations Article 24- Common rules laying down the procedure for implementing Article 24(3) of the Staff Regulations (I.A. n° 839 du 18.3.1994- 11)- Commission Decision E(2002) 729, 7 May 2002 on Staff Training- Staff Regulations, Article 45.2 on the obligation to prove knowledge of third languageArticle 45.1. Promotion shall be by decision of the appointing authority in the light of Article 6(2). Unless the procedure laid down in Articles 4 and 29(1) is applied, officials may only be promoted if they occupy a post which corresponds to one of the types of posts set out in Annex I, Section A, for the next higher grade. Promotion shall be effected by appointment of the official to the next higher grade in the function group to which he belongs. Promotion shall be exclusively by selection from among officials who

have completed a minimum of two years in their grade after consideration of the comparative merits of the officials eligible for promotion. When considering comparative merits, the appointing authority shall in particular take account of the reports on the officials, the use of languages in the execution of their duties other than the language for which they have produced evidence of thorough knowledge in accordance with point (f) of Article 28 and the level of responsibilities exercised by them. 2. Officials shall be required to demonstrate before their first promotion after recruitment the ability to work in a third language among those referred to in Article 55(1) of the Treaty on European Union. The appointing authorities of the institutions shall adopt common rules by agreement between them for implementing this paragraph. These rules shall require access to training for officials in a third language and lay down the detailed arrangements for the assessment of officials' ability to work in a third language, in accordance with Article 7(2)(d) of Annex III. The data subjects have consented to take the Placement Test by placing a request for it since it is a prerequisite for Language Courses.

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

Contractor: 1. CLL Centres de langues Asbl Numéro d'enregistrement légal 0431.176.282 Place de l'Université; 25 B-1348 Louvain-la-Neuve 2. Communicaid Rue Breydel 34 1040 Bruxelles BE 0811.723.714 Tel: 02 235 86503. Instituto Cervantes Avenue de Tervuren 64, 1040 Bruselas, Belgique Tel: 02 737 01 90 4. EC Commission internal staff /services

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The results of Online Placement Tests are valid for two years. They are kept in our databases for the duration of the contract with the member of the staff and subjects can access them but not modify them. The results are kept in the databases of the contractor for one year after the invoicing. After that all data (names - mail addresses - telephone numbers) are erased permanently from the contractor's database. All data is erased from the contractors's database a calendar year after invoicing.

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

All staff members have an access to the system via ECAS (European Commission Authentication Service). This access right is limited to reading. Staff members wishing to modify or correct data concerning them can also send a message to their local HR, who will then transfer the message to DIGIT Syslog Support. In the context of creating an application for training, a Training Map, or evaluation of training, the data subjects have the right to introduce part of the data themselves. Apart from these components, access is limited to consulting all available data regarding their training path. This allows the data subjects to verify the accuracy of the data and, if necessary, to ask for correction either by the local training coordinator, the Central Learning and Development Unit or DIGIT Syslog support. For possible modifications of inaccurate data the Learning and development unit is advised to answer within 3 working days.

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

Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject

Article 27.2.(d) Processing operations for the purpose of excluding individuals from a right, benefit or contract

17/ COMMENTS

18/ MEASURES TO ENSURE SECURITY OF PROCESSING<sup>3</sup> :

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

Each user can access the platform or test using a personal login and password. All the information is stored on a secured database (VPN access) on dedicated servers of our hosting company OVH. Only key IT responsables within the contractor's company have access to these databases. All passwords are encrypted in the contractor's database.

PLACE AND DATE: BRUXELLES, 16.02.2016

DATA PROTECTION OFFICER: RENAUDIERE PHILIPPE

INSTITUTION OR BODY: THE EUROPEAN COMMISSION

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<sup>3</sup> Not to be published in the EDPS' Register (Art. 27(5) of Regulation (EC) N°: 45/2001)

*(To be filled out in the EDPS' office)*

**EDPS OPINION**

OF DATE:

CASE NUMBER:

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**FOLLOW UP** *(in case of acting measures to be taken)*