

(To be filled out in the EDPS' office)

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 08/12/2016

CASE NUMBER: 2016-1130

INSTITUTION: EC - DG OIB

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

CONTROLLER : SODER HIGGINS MARIE

E-MAIL:

DELEGATE : GORGEMANS AGNES

E-MAIL:

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

THE EUROPEAN COMMISSION

DG OIB - DIRECTORATE 01

3/ NAME AND DESCRIPTION OF THE PROCESSING

NAME: OIB : 360° feedback exercise for OIB managers

Terminology:

- Managers: senior and middle managers who agree on a voluntary basis to take part in the 360° feedback exercise for OIB.
- Participants: managers participating on a voluntary basis to the 360° feedback exercise for OIB.
- Raters: all the staff members who agree on a voluntary basis to give feedback to the manager, i.e. collaborators, peers, and superiors.

¹ OJ L 8, 12.01.2001.

- Collaborators: staff members working or having worked for the participating manager. - Data subject: managers and raters.
- External coach: debriefer from the processor. Following the "OIB Away day 2015" Action plan, the OIB Management Board has decided to launch a 360° feedback exercise. This programme will allow managers to obtain anonymous feedback on their management and leadership style and to improve their management and leadership skills. The Programme is voluntary and it is clearly presented as such to the middle managers when being invited to participate. Consent may be revoked at any time, also while the exercise is underway. This free choice should apply to the whole process, including the bilateral session between the manager and his/her director during which the manager presents his/her development plan/actions.

This programme consists of :

- The drawing up of a top-level shared vision for management in OIB.
- The offer to OIB managers of a 360° feedback tool, a questionnaire that combines self-perception input and feedback from raters, to help OIB managers learn about their professional skills and identify strengths and areas for development.
- The offer of individual debriefing session with an external coach and the drafting of a development plan.
- The offer to OIB managers of a coaching session with the external coach.
- The offer to OIB managers of a debriefing session with the respective manager and the external coach to discuss development priorities and appropriate learning activities.
- The offer to OIB managers of a debriefing session with the respective collaborators and the external coach in view of the learning and development objectives of this process.
- The offer to OIB managers of 3 masterclasses based on the findings of the 360° individual feedback, group reports and workshop with Project Team, to equip them with key concepts and tools, and have them practice and work together towards personalized solutions applied to their daily tasks.

The 360° tool takes the form of a self-assessment of the management and leadership style of managers and feedback given by raters by answering, on a voluntary basis, an online questionnaire composed of a set of closed questions and open questions for further individual comments to be made. A disclaimer will explicitly make the raters aware of that their comments made under the open questions will be transmitted to the participants as they write them with the risk of potentially being recognised. Personal data of participating managers and the raters (the managers themselves, their staff, their peers and their respective line managers) are collected by an external data processor, DELOITTE Consulting, using a web-based questionnaire. DELOITTE will take the role as independent controller of data, in close collaboration with its supplier ENVISIA Learning and will not transfer the data to OIB. ENVISIA is registered with the Information Commissioners Office and comply fully with the UK Data Protection Act and European Data laws. From these contributions, an individual feedback report for each participating manager will be produced on an aggregated basis per group of rater, one for the colleagues, one for the peers and one for the superior. Quantitative feedback given by each participant's own line manager (direct superior) is visible as such to the participant. Otherwise, people providing feedback are not identified in the feedback report received by the participating manager or by the coach (for the feedback session with the participant). Except for the quantitative report of the direct line manager, the reports will not allow the identification of raters and the answers given by each rater; it will only indicate the aggregate contributions and the total number of raters. To preserve the anonymity of participants, in case the number of participants is too reduced, no individual report will be generated. The individual feedback reports will be transferred by the processor only to the respective managers participating in the exercise. Each manager will therefore remain in full control of the data contained in his/her report. Group feedback reports will also be produced by the processor in such a way as to preserve the anonymity of the raters. To preserve the anonymity of participants, in case the number of participants is too reduced, no group feedback report will be generated. The group feedback reports will be transferred by the processor to the OIB.01 team in charge of the exercise, and will not contain personal data. They will only be retained in anonymous form. Key figures of these

anonymous group reports might be made available on OIB Intranet. The participating managers will be offered to discuss key learning and development findings with their external coach. On an entirely voluntary basis, the participating managers might decide to share the/some of results of the exercise with their colleagues and their line manager in view of the learning and development objectives of this process. The participation in this exercise is totally voluntary for participating managers and for the raters. Anyone participating in the exercise in either capacity can opt-out at any time, before the launching of the exercise and while the exercise is underway, and request the deletion of their personal data. Moreover, there is no obligation for the participating managers to share the reports with anybody but the external coach. Info sessions will be organised both for the managers during which the programme and conditions of the participation of managers and raters will be explained. The processing of personal data falls under article 27 "Prior-Checking by the EDPS" as the processing operation intends to evaluate personal aspects relating to the data subjects, including his or her ability, efficiency and conduct. The development programme for managers by using 360° feedback tool is largely similar to the ones already used by other services in the Commission. The notification takes into account the recommendations made by the EDPS concerning procedures related to SG: "360° Leadership feedback report (Case 2009-0215) and self-perception questionnaire "PERFORMANSE" (Cases 2012-0590 and 2013-1290), DG MARE: "360° Feedback leadership Circle" (Case 2014-0906) and DG COMP: "Use of a 180° feedback tool" (Case 2014-0446) (see opinions attached to this notification).

4/ PURPOSE OR PURPOSES OF THE PROCESSING, AND PROCESSORS

The purpose of the processing is to allow reviewees in the development programme for OIB managers to obtain feedback on their management and leadership skills to help them develop their competencies. The data will not be used in any form of evaluation (appraisal) process of any of the persons involved. First, Envisia processes the data supplied by the senior managers (reviewees) and their colleagues. The data from the different sources will be consolidated. An automatic individual report will be generated that identifies the reviewee's strengths and areas for development in relation to the leadership competency model. The data collected take the form of numerical data, i.e. answering "yes" or "no" to a series of set questions, and textual data where the person concerned can choose to complement the numerical data with individual comments or not. A disclaimer will explicitly make the reviewers aware of the data protection risk linked to the possibility of recognising their writing style – and will invite them to take the necessary precautions. The reviewee will not receive information revealing the identity of the persons who reviewed his or her skills. Then, a group report will also be generated and provided to HRM unit, who will have access only to aggregated information about the compiled group results (such as most voted and less voted competencies, number of participants), without any possibility to track or identify individual responses (only the total number of reviewers will be indicated). It will help to build the three masterclasses to equip them with key concepts and tools, and have them practice and work together towards personalized solutions applied to their daily tasks.

PROCESSORS:

- DELOITTE Consulting, contractor under framework contract "EPSO/EUSA/PO/2013/063"- Consultancy services for those dealing with human resources in the EU Institutions, Agencies and other bodies.
- ENVISIA Learning, subcontractor which helps in the specialised process of data for the 360° feedback tool. It is registered with the Information Commissioners Office and complies fully with the UK Data Protection Act and European Data laws. - The framework contract has data protection and security clauses in place to ensure the proper processing of data.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

- Reviewees: OIB managers participating in the development programme herein described.
- Reviewers: reviewees' managers, peers and staff members who worked with the manager for at least six months.

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

- Data of a personal nature allowing the identification of the data subject (name, first name, electronic address, position, administrative entity)
- Information provided by the reviewees on their own perception of their competencies related to OIB's leadership competency model
- Information provided by reviewers on their perception of the reviewees's competencies related to OIB's leadership competency model
- Feedback reports regarding the reviewees mentioning strengths and areas for development (in relation to the DG's established leadership competency model)
- Recommendations on training and on-the-job development activities matching development needs of reviewees

The categories of data contained in the individual report and in the group report will be communication and cooperation, giving and receiving feedback, building teams, vision and strategy, priority setting and organising and managerial courage and integrity.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

All persons participating in this activity will receive an information message to explain the processing and the treatment of data. This information message contains a link to the privacy statement. A copy of the privacy statement itself is attached.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

The procedure to grant rights is explained in the privacy statement attached (see point 7).

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The processing operation is both automatic and manual. ENVISIA Learning will automatically aggregate the individual responses per line manager. A report will be generated automatically. DELOITTE Consulting manually reviews the reports, and selects key development points for further coaching purposes. An individual coaching discussion between DELOITTE Consulting and the Line Manager will take place. A group discussion will take place with the entire Management Team based on the Group Report.

10/ STORAGE MEDIA OF DATA

All data will be exchanged electronically using a secure link and will be stored under the control of Deloitte. The legal basis of the processing operation for which the data are intended: Project under EUSA Framework Contract, ENVISIA is registered with the Information Commissioners Office and comply fully with the UK Data Protection Act and European Data laws:

- data is stored for 7 years at ENVISIA side on their own dedicated servers in a secure data centre in London (UK) ;
- data is stored at Deloitte side on their own secured dedicated servers in their Deloitte Data Centre.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Legal basis: Article 24a of the Staff Regulations. The Commission decision of 24 June 2016 on the implementation of the learning and development strategy of the European Commission, C(3828) and the Communication to the Commission of 24 June 2016 on Learning and Development Strategy of the European Commission, C(3829) :

- in Point 2 that learning is not an end in itself, it is only a means to an end. The purpose of investing in learning and development is to make the Commission more effective at achieving its goals.

- in Point 5.1.5 that the role of managers in driving the policy of the Institution and in supporting the learning of their staff means that they are the most important group in the Institution to learn. They need to learn about their subject areas; learn how to manage staff and resources; pass on knowledge and skills to their staff; and learn how to help their staff learn. Potential future managers must be supported, in particular to contribute to achieving gender-balanced representation in management jobs.

- in Point 5.3.that the managers have the same obligations as other staff to take responsibility for their own learning and to share their learning with others. This is especially important for managers, since staff look to them for information and advice. The development programme for OIB managers forms part of the OIB Training Strategy 2016 currently being completed, which includes coaching of managers as one of the priorities for the development of professional and personal competencies necessary to achieve the objectives specified in the DG's Management Plan. It follows also one of the fifteen actions of the "OIB Away day 2015" Action plan agreed by OIB Management board. To organise the development programme for its managers, the OIB has used a multiple framework service contract (EPSO/EUSA/PO/2013/063) which has been signed between the European Administrative School (EUSA) and DELOITTE Consulting (contractor) for the delivery of consultancy services for those dealing with human resources in the European institutions, bodies and agencies. This contract includes an article (II.6) regarding data protection. OIB will contract services from DELOITTE Consulting for a development programme for OIB managers with the use of developmental feedback tool (ENVISIA Learning, 360° feedback).

Lawfulness: Art. 5.d of Regulation 45/2001, the data subjects participating in the development programme give their consent to the processing of personal data. The consent covers the whole process, including group reports and the bilateral session with the hierarchical superior. This consent can be revoked at any time, also while the exercise is underway. When this happens, the exercise as regards this specific participant has to be stopped and any personal data collected will be deleted. Article 27 of Regulation 45/2001 will apply.

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

After agreement of the participants, their professional email address will be communicated to the subcontractor which will then send by mail the necessary instructions to complete the questionnaire. The unique recipient of the individual report, automatically generated by Envisia questionnaire (combining both self-perception questionnaire and reviewers' feedback), is the reviewee. When requested by the reviewee, the external de-briefer from the subcontractor ("consultant/coach") will receive his/her reports in order to provide individual feedback to the reviewee. OIB HRMunit will receive only the group report, without the possibility of identifying any personal data.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The data collected for the launch and completion of the 360° feedback questionnaire are kept until the anonymised data is prepared for the duration of the project/project stage plus three months and then deleted. Once the manager (reviewee) has obtained the individual 360° feedback report, the report will be deleted automatically by the subcontractor ENVISIA after three months. The group reports, containing aggregated information without any possibility to track or identify individual answers, will be kept by the OIB HRM unit for two years. The reason is to allow an analysis of the evolution in case OIB decides to repeat the exercise. The contractual terms between ENVISIA Learning and DELOITTE Consulting have the flexibility to request early deletion of data (standard seven years, earlier based on OIB request).

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

For all justified legitimate requests received by the controller, a response will be given within 15 working days from the day OIB HR Unit receives the correspondence, which may however send a justified holding reply, in the circumstances set out in point 4 on the Code of Good Administrative Conduct.

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

17/ COMMENTS

All data are processed solely for the purposes of providing feedback. Nobody within the Institutions, offices or agencies will have access to any data contained in the individual feedback reports. Reviewees will be made aware of the above. The data processing will be carried out by DELOITTE Consulting and ENVISIA Learning who will be sub-contracted for this purpose by one of the contractors providing the training service for OIB. As sub-contractors they will be subject to the same conditions concerning data protection set out in the contract with the contractor. Any future change of contractor will be indicated in the specific declaration made available to data subjects. The current contractors are set out under question 3.

PLACE AND DATE: BRUXELLES, 08.12.2016

DATA PROTECTION OFFICER: RENAUDIERE PHILIPPE

INSTITUTION OR BODY: THE EUROPEAN COMMISSION