

(To be filled out in the EDPS' office)

REGISTER NUMBER: 1427

EIT REGISTRATION NUMBER: 00857.EIT.2016.D.VP

(To be filled out in the EDPS' office)

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 03/01/2017

CASE NUMBER: 2017-0035

INSTITUTION: EIT

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY (EIT)
1/E NEUMANN JANOS STREET, INFOPARK, 1117 BUDAPEST HUNGARY

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

Unit: Services and Finance

Head of Unit: Jari Ahola (until 31 December 2016), Szabolcs Borda (Acting Head of Unit as of 1 January 2017)

Contact person: Patricia Juanes Burgos, Legal Corporate Officer and Governance Matters,
patricia.juanes@eit.europa.eu

3/ NAME OF THE PROCESSING

Annual appraisal exercise for contract agents at the EIT

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The main purpose of the processing is to carry out the annual appraisal of contract agent staff, including the drafting of an individual qualitative performance appraisal of the jobholder's efficiency, ability and conduct (including level of responsibilities, communication (oral, written, use of languages), learning and development achievements) based on factual elements; the identification of learning needs; and the conclusion on

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

whether the jobholder's overall performance of his/her professional activities are assessed as satisfactory or unsatisfactory.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Contract staff at the EIT

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA

6.1 Personal data (Article 2(a))

Data collected include name, surname, personnel number, function group, grade, seniority in step, unit/sector, function, job description, job objectives, self-assessment report.

6.2 Special categories data (Article 10)

N/A

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

The EIT ensures that the data subjects are adequately informed as required by Article 11 of Regulation 45/2001.

Data subjects have full access to the relevant decision of the Governing Board, as well as to explanatory documents concerning the appraisal procedure on the page dedicated to the appraisal exercise on SharePoint on the EIT internal webpage (on EIT Staff intranet). EIT Staff is also informed by email circulated at the beginning of each yearly appraisal exercise.

Information concerning the processing of data is included in the Privacy Statement for Annual Appraisal Exercise of Contract Staff at EIT (see Annex 1), which is also available on the dedicated internal webpage. The privacy statement provides information in particular on the identity of the data controller, the purpose of the processing, the types of personal data processed, the data recipients, the retention period, the rights of data subjects and the procedure to be followed to exercise them, the legal basis and the grounds for lawfulness of the processing.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

Contract staff have the right for information and the right to access their personal data. In addition, the contract staff have the right for the rectification of their inaccurate or incomplete factual personal data. In case the contract staff member contests the accuracy of the data, it is also entitled to obtain blocking of the data. Contract staff also have the right to obtain erasure or blocking of their unlawfully processed data.

The rights of data subjects can be exercised only based on a written request. The exercise of such rights may not result in unequal treatment of the contract staff and be contrary or harmful to the aim of the appraisal procedure.

Contract staff may, on a written request, gain access to their personal data and rectify any personal data that

is inaccurate or incomplete, as long as it does not call into question the appraisal report and result in unequal treatment. Data relating to the evaluation may be rectified by means of the respective appeal procedures.

In case of any queries concerning the processing of personal data, the contract staff may send their written requests to HR@eit.europa.eu. As a general rule, requests for access, rectification, erasure and blocking are handled within 15 working days from the date of submission of the request. In case the contract staff member contests the accuracy of the data, upon request, the data is blocked immediately for the period of verification of the accuracy of the data.

The data subjects have the right of recourse at any time to the Data Protections Officer of the EIT (EIT-DPO@eit.europa.eu) and to the European Data Protection Supervisor (EDPS@edps.europa.eu) for matters relating to the processing of their personal data.

Exemptions and restrictions as specified in Article 20 of Regulation 45/2001 apply.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The processing of contract staff data is conducted manually during the various stages of the appraisal procedure.

The appraisal procedure is composed of the following steps:

- 1) Self-assessment report is collected and added into the reporting officers report;
- 2) Dialogue between the contract agent and the reporting officer takes place;
- 3) Joint assessment of the staff member's performance is carried out;
- 4) Appeal procedure may be initiated, addressed to the Interim Director of the EIT;
- 5) The appraisal report is drawn up.

10/ STORAGE MEDIA OF DATA

- Computer storage: the files concerning the appraisal procedure are stored in specifically dedicated parts of the common drive accessible only to the staff of the Human Resources Section, the reporting officer and the staff member concerned.

- Hard copies: The data are stored in locked cabinets in the offices of the EIT Human Resources Section, accessible only to the staff of the Human Resources Section and to the staff member concerned.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

11.1 Legal basis

- Regulation (EC) No 294/2008 of the European Parliament and of the Council of 11 March 2008 establishing the European Institute of Innovation and Technology (hereinafter referred to as the "EIT Regulation") as amended by Regulation (EU) No 1292/2013 of the European Parliament and of the Council of 11 December 2013, and in particular Section 5 (1) of the Statutes annexed to the EIT Regulation.

- First paragraph of Article 43 of the Staff Regulations and Article 87 (1) of the Conditions of Employment of Other Servants of the European Union.

- Governing Board Decision 19/2015 on laying down general provisions for implementing Article 87(1) of the Conditions of Employment of Other Servants of the European Union and implementing the first paragraph of Article 43 of the Staff Regulations (see Annex 2).

11.2 Grounds for lawfulness

In line with Article 5(a) of Regulation 45/2001, the processing is necessary for the performance of a task carried out in the public interest on the basis of the EU Treaties or other instruments adopted on the basis thereof and for the legitimate exercise of official authority vested in the EIT.

In particular, the processing is necessary for the execution of the appraisal procedure provided for in the Staff Regulations and in the Conditions of Employment of Other Servants.

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

12.1 EU institutions and bodies:

- **Within the EIT:**
 - Head of Unit of the contract staff concerned – reporting officer
 - Interim Director in case of an appeal
 - Designated HR Staff from the Human Resources Section of the EIT
- **Within the Commission and other EU institutions and bodies:**

For the purpose of safeguarding the financial interests of the European Union, personal data may be disclosed to the Internal Audit Service of the European Commission (IAS), the European Court of Auditors and the European Anti-Fraud Office (OLAF) upon request and to the extent necessary for official investigation or audit purposes.

For the purpose of handling review procedures, personal data may be discussed to the European Ombudsman, the European Data Protection Supervisor, the Civil Service Tribunal, the General Court and the European Court of Justice upon request and to the extent necessary for handling the review procedure.

12.2 Third parties subject to Directive (EC) 95/46

N/A

12.3 Third parties not subject to Directive (EC) 95/46

N/A

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Ten years from the termination of employment or from the last pension payment, whatever applicable.

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

Requests for blocking and erasure of 'data subjects' are handled by the EIT within 15 working days from the date of submission of the request. In case the contract staff member contests the accuracy of its data, upon request, the data is blocked immediately for the period of verification of the accuracy of the data.

15/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES

After the deadline indicated under point 13, data collected are only processed for statistical reporting purposes in an anonymous manner.

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

No

17/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING

The processing operation presents a specific risk justifying prior checking as foreseen in Article 27 paragraph 2 (b) of Regulation 45/2001: processing operations intended to evaluate personal aspects relating to the data subject. The appraisal procedure is intended to evaluate the ability, efficiency and conduct of the contract staff concerned.

18/ COMMENTS

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PLACE AND DATE:

DATA PROTECTION OFFICER:

EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY