



GIOVANNI BUTTARELLI  
ASSISTANT SUPERVISOR

Mr Martin EKVAD  
Data Protection Officer  
Community Plant Variety Office (Cpvo)  
Bp 10121 3, Boulevard Marechal Foch -  
Bp 10121  
Fr- 49101 Angers  
France

Brussels, 14 January 2010  
GB/TS/ktl D(2010)0054 C 2009-759

Dear Mr Ekvad,

Having examined the additional information provided in connection with your notification concerning promotion of permanent staff members on 12 January 2010, we have come to the conclusion that this procedure has **not to be subjected to prior checking under Article 27(2)(b) of the Regulation 45/2001.**

According to the information provided, the only *"processing operation intended to evaluate personal aspects relating to data subjects"* taking place within the promotions at the CPVO consists of the collection and processing of personal data from/within the career development reports (CDRs). Yet, the annual appraisal procedure at the CPVO has been already subjected to prior checking by the EDPS (cf. Opinion issued on 14 April 2008 in case 2007-403 closed on 16 September 2008).

With respect to the fact that the other processing operations taking place within promotions seem to consist solely in collection and use of administrative data, the EDPS has decided to close the case.

In any case, the EDPS will issue Guidelines on Evaluations of Staff in the coming months that should serve as a reference document against which the current practices should be checked and eventually, notifications to be submitted.

If needed, the modified notification on the CPVO promotions should provide for additional information about the possible processing of "evaluation data" in connection with the practice of the President asking the Reporting Officers for propositions of officials to be promoted, as well as about the "Article 6 meeting" (minutes etc.). Further information about the rights of data subjects at this stage of the promotion procedure should also be provided.

Yours sincerely,

(signed)

Giovanni BUTTARELLI