



GIOVANNI BUTTARELLI
ASSISTANT SUPERVISOR

Jaime PEREZ VIDAL
Head of Division EEAS MDR.C.4
Career and Learning Development
European External Action Service
EEAS JOYE 7/191

Brussels, 17 July 2014
GB/TS/sn D(2014)1544 **C2013-1034,1035,1036**
Please use edps@edps.europa.eu for all correspondence

Subject: Prior checking notifications concerning promotion, certification and attestation of the EEAS officials

Dear Mr Perez Vidal,

I refer to the notifications for prior checking concerning promotion, certification and attestation submitted to the European Data Protection Supervisor (EDPS) by the Data Protection Officer (DPO) of the European External Action Service (EEAS) on 20 September 2013.

We note that these procedures are in most aspects in compliance with Regulation (EC) No 45/2001¹ (the Regulation) as outlined in the EDPS Staff Evaluation Guidelines² and will therefore only address the existing data conservation practices which do not seem to be fully compliant in this respect.

According to the information provided in the notification, data processed within promotion, certification and attestation procedures are kept for up to five years after the retirement from active service. The privacy statement for the promotion procedure even refers to ten years after retirement from active service.

The Article 4(1)(e) of the Regulation states that personal data can be kept for no longer than necessary for the purposes for which the data were collected or further processed.

We observe that the promotion, certification and attestation decision may need to be kept until the end of career of the official concerned; the files of successful applicants for certification and

¹ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the EU institutions and bodies and on the free movement of such data.

² Guidelines concerning the processing of personal data in the area of staff evaluation adopted on 15 July 2011 (EDPS 2011-042).

attestation for up to five years after the end of the actual procedure, whereas the files of unsuccessful applicants for certification and attestation can be kept until all appeal channels have been exhausted, including the time limits for appeals before the Civil Service Tribunal.

Therefore, we invite the EEAS to reconsider the existing time limits or to provide precise justification as to why the data need to be kept beyond the end of the career of the official concerned.

In conclusion, the EDPS considers that there is no reason to believe that there is a breach of the provisions of the Regulation provided that the consideration contained in this Opinion is fully taken into account.

The EDPS expects the EEAS to implement the recommendation accordingly and will close the case.

Thank you for your cooperation.

(signed)

Giovanni BUTTARELLI

Cc: Carine CLAEYS, DPO