

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 8 February 2005

Case number: 2004 - 274

Notification of: European Central Bank

Legal basis: Article 27-5 of the regulation CE n° 45/2001⁽¹⁾

INFORMATION TO BE GIVEN²

1/ Name and address of the controller

Head of Recruitment and Staff Development Division
European Central Bank
Kaiserstrasse 29
D-60311 Frankfurt am Main

2/ Organisational parts of the institution or body entrusted with the processing of personal data

Directorate Human Resources- Recruitment and Staff Development Division

3/ Name of the processing

Filing of the appraisal forms of ECB staff members

¹ OJ L 8, 12.01.2001.

² Please attach all necessary backup documents

4/ Purpose or purposes of the processing

The annual appraisal is a documented formal communication exercise between individual staff members and their managers. After interviews have taken place, the key conclusions are summarized in the appraisal form. Purpose of the appraisal is to reflect positive as well as negative views held by the two parties, and to focus on the individual achievements (compared with expected contributions) and on the individual's unique and specific situation during the year.

5/ Description of the category or categories of data subjects

- A) all staff members with permanent contracts or with fixed term contracts are appraised and consequently they are data subjects
- B) the appraisers with respect of their expressed comments/opinions and with respect of the expressed opinions/comments of the appraisees concerning the appraisers

6/ Description of the data or categories of data (including, if applicable, special categories of data (Article 10) and/or origin of data).

- A) Basic personal data of staff members and data related to their performance on the following ECB sections:
 - 1) Key responsibilities
 - 2) Objectives
 - 3) Values
 - 4) Competencies
 - 5) Personal training and development plan
 - 6) Management competencies (only for appraised ECB Managers)
- B) Comments of the appraisers on each task-section
- C) General comments of the appraisers
- D) General comments of the appraisee

Data belonging to the special categories described in Art. 10 of the Regulation are not being collected or processed during the appraisal procedure.

7/ Information to be given to data subjects

Staff members are annually informed about the appraisal procedure by their managers. The Recruitment and Staff Development Division has issued and circulated to all staff members an analytical “Guide to the ECB Appraisal Procedure” containing also a general “Data Protection Information Text”. The relevant information is also published on the internal Website of the ECB. Staff members can contact the Controller for any additional information falling under the scope of Art. 11 and 12 of the Regulation.

8/ Procedures to grant rights of data subjects

a) As to the exercise of the right of access (Art. 13):

Once the appraisal forms are filed in the personal file the general rules described in the ECB "Staff Rules" apply. According to the Staff Rules every member of staff has at any time access to his/her personal file and consequently to his/her appraisal forms.

b) As to the exercise of all other rights laid down in Section 5 of the Regulation, the data subject shall contact the Controller.

c) As to Art. 14 of the Regulation (Rectification), the Controller can consider rectification only of facts contained in the appraisal form and not of opinions (e.g. comments made by the appraiser).

9/ Automated / manual processing operation

Personal data contained in appraisal forms do not undergo any automated processing operation. Only the hard copy of the appraisal forms (original) - signed by all parties- is kept in the personal file.

10/ Legal basis of the processing operation

The ECB Conditions of Employment (Annex 2, Art. 5)

11/ The recipients or categories of recipient to whom the data might be disclosed

According to the Staff rules the only recipients of the personal file/appraisal form can be:

- a) Members of the Executive Board;
- b) Members of staff who, for professional reasons, need to have access to the information contained in the file and whose access is authorised by the Director Human Resources. These parties will be subject to the legal obligation of professional secrecy.
- d) A member of staff may authorise the Directorate Human Resources - subject to the approval of the Executive Board - to make his/her personal file available to third parties.

12/ General indication of the time limits

for blocking:

There is no special period foreseen for blocking the data-

and/or

for erasing:

The personal files shall be destroyed 10 years after staff members have left the ECB if there are no pending claims or any other still open issues concerning their ECB employment relationship. The personal file of pensioners will be destroyed 10 years after the end of the year in which the last ECB pension payment was made to either the pensioner or one of his entitled dependants, respectively, provided that there are no pending claims or other still open issues.

of the different categories of data (*Please, specify the time limits for every category, if applicable*)

13/ 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.

There are no specific rules or procedures in place concerning longer storage periods for historical, statistical or scientific purposes.

14/ Proposed transfers of data to third countries or international organisations

There are no proposed transfers of appraisal data to third countries or international organisations.

15/ The processing operation presents specific risk which justifies prior checking (Please describe):

as foreseen in:

í Article 27.2.(a)

Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

X Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject,

í Article 27.2.(c)

Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

í Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

í Other (general concept in Article 27.1)

16/ Comments

Place and date: Frankfurt am Main, 31 January 2005

Data Protection Officer: Wolfgang Sommerfeld *[signed]*

Institution or body: European Central Bank