

REGISTER NUMBER: 72

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 20/12/2005

Case number: 2005/406

Institution: COMMISSION

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

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN⁽²⁾

(2) Please attach all necessary backup documents

1/ Name and adress of the controller

Name and First Name of the Controller: SOUKA Irene

Title: Director

Directorate, Unit or Service to which the Controller is attached: A.

Directorate General to which the Controller is attached: ADMIN

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

External Company or Directorate, Unit or Service to which the Processor is attached:

1.B
.03

External Company or Directorate General to which the Processor is attached:

1.DIGIT

3/ Name of the processing

SYSPER2 - e-CV, the Commission's human capital database

4/ Purpose or purposes of the processing

The e-CV will allow for a better and more performing management of human resources in the Commission. The processing will facilitate the Commission, its services and its staff to decide on several elements relating to human resources management and / or individual career development. The e-CV will be used for the following purposes: elaborate statistics from real data, human resources policies design, planning and allocation, mobility management and career guidance.

Examples of different processing options and authorised users are presented in the attached file.

5/ Description of the category or categories of data subjects

Data Subject(s) concerned:

By the final phase, it would be desirable that all members of staff directly employed by the Commission have an e-CV. In the first phase of the implementation, officials and temporary staff will be invited to fill in their data. The other groups of staff will be invited to do the same on a later phase.

The data will be gathered on a voluntary basis, except for the officials who want to apply for a vacancy. In these cases, the use of the e-CV is mandatory based on the Guidelines on Mobility and the Directions for the implementation of the Guidelines on Mobility mentioned at the point 11. After the mobility procedure, candidates have a possibility to leave the data in the e-CV or remove it.

Category(ies) of Data Subjects:

Data Subjects cover all members of staff directly employed by the Commission

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

Data field(s) of Data Subjects: Attention: Please indicate and describe in the answer to this question also data fields which fall under article 10

Data concerning name, personal number, category and grade, administrative address, telephone number, nationality and in-house training are provided by Sysper2. The use of personal numbers is justified in order to identify job holders in a reliable way.

Data Subjects are invited to introduce data on their education and training which is not provided by the Syslog Web Formation (Sysper2) and on their professional experience, knowledge skills and talents and language skills.

Category(ies) of data fields of Data Subjects: Attention: Please indicate and describe in the answer to this question also categories of data fields which fall under article 10

All data fields contain exclusively work-related data for members of staff. They relate to the administrative situation (identification data, category, grade), professional experience, education and training and knowledge, skills and talents and language skills.

The use of personal numbers is justified in order to identify job holders in a reliable way.

7/ Information to be given to data subjects

Which kind of communication(s) have you foreseen to inform the Data Subjects as described in articles 11 - 12 under 'Information to be given to the Data Subject'

An Administrative notice stating the information under the above mentioned articles will be addressed to the staff.

During several and extensive information and communication initiatives which are foreseen in the framework of a general communication strategy for the e-CV, staff will be informed in greater detail on the purposes of processing and will be invited to enter the data required.

8/ Procedures to grant rights of data subjects (*rights of access, to rectify, to block, to erase, to object*)

Which procedure(s) did you put in place to enable Data Subjects to exert their rights: access, verify, correct, etc., their Personal Data as described in articles 13 - 19 under 'Rights of the Data Subject' :

The entire staff has access to the e-CV and its specific privacy statement via the Sysper2 homepage containing the Sysper2 specific privacy statement and a link to the Regulation 45/2001 itself. As the access will be via Sysper2, all the rules applicable to Sysper2 are also applicable to the e-CV.

The verification and correction of data coming from other Sysper2 modules follows the rules stated in the specific privacy statement of Sysper2.

The most substantive part of the data is introduced by the Data Subjects who are responsible for the quality of the data and hence for the verification and correction of the data.

The Data Subjects will be able to verify who has accessed their profiles and when by consulting the history of their profile record.

The e-CV and the data processing do not include any automated decision making.

9/ Automated / Manual processing operation

Description of Processing: Attention: Please describe in the answer to this question if you process personal data falling under article 27 "Prior-Checking (by the EDPS - European Data Protection Supervisor)"

The objective is to potentially collect data on the professional profile of all staff members in order to improve the management of human resources in the Commission and to give all staff members an opportunity to create their electronic personal CV.

The exploitation of the data will be possible through a search engine and a matching tool. The search engine is mainly designed for management purposes: it helps to identify and localize different competencies and their frequency. In addition the search engine will provide statistics for reality-based decisions on staff policies.

The matching tool enables the staff to verify which jobs correspond to their own profile and where they are. This is a means to the staff to make the comparison and plan their career moves and personal development. It is also a tool for career guidance officers who give individual guidance to the staff about career possibilities in the Commission.

Automated Processing operation(s):

Automated processing operations concern solely the transfer of data that already exists in Sysper2 (name, personal number, category and grade, administrative address, telephone number, nationality and in-house training). This transfer of data is justified in order to avoid double entry of data and possible errors linked to the entry.

The search engine and the matching tool perform automatic searches when activated by queries.

Manual Processing operation(s):

Individual staff members are requested to manually introduce their personal data according to online instructions.

Queries will be input manually into the search engine and the matching tool.

10/ Storage media of data

Electronic database stored at the Data Centre of the Commission.

11/ Legal basis and lawfulness of the processing operation

Legal basis of Processing:

- Reforming the Commission ? A White Paper ? Part II ? Action Plan (COM(2000) 200final, 1.3.2000;

Chapter IV ? Human Resources:

?Action 35 Provide access to career guidance

(?)

A personnel database to replace the current SYSPER will be developed to include information profiles, job descriptions and skills of individuals. This database will be a useful tool for better career guidance and development. In developing the new database, specific attention will be paid to security aspects, and the protection of confidential and of personal data in accordance with Community law.?

- Guidelines on Mobility (Commission decision (SEC(2002) 146) point 2.2 Improving the organisational framework for filling vacant posts:

? (4) Applying for a post: officials applying for a post must:

? fill in a standard application form,

? provide a curriculum vitae following the format recommended by the

Commission recommendation for a standard format for curricula vitae (CV)

and

? attach a letter explaining the reasons for their interest in the post.?

Lawfulness of Processing: Answering this question please also verify and indicate if your processing has to comply with articles 20 "Exemptions and restrictions" and 27 "Prior checking (by the EDPS)"

1. Treaty establishing the European Community

?Article 218:

1. The Council and the Commission shall consult each other and shall settle by common accord their methods of cooperation.

2. The Commission shall adopt its Rules of Procedure so as to ensure that both it and its departments operate in accordance with the provisions of this Treaty. It shall ensure that these Rules are published.?

2. ?Code of good administrative behaviour?:

?Quality service

The Commission and its staff have a duty to serve the Community interest and, in so doing, the public interest.

The public legitimately expects quality service and an administration that is open, accessible and properly run.?

The processing is necessary and lawful under Art .5.a of Regulation (EC) No 45/2001 (functioning of the Commission and management of staff).

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

Recipient(s) of the Processing:

See below point 21.

Category(ies) of recipients:

The users are the following:

- DG Personnel and Administration
- Resource Directors and local human resources units in Directorate Generals
- Directors-Generals, Directors and Heads of Unit
- identified specialised central services according to their functional needs
- Staff

SCOP will update a list of identified specialised central services who have been given access to the data. This list will be available to the staff via Sysper2.

See the attached file for complete illustration of access rights.

13/ retention policy of (categories of) personal data

The data will be available in the e-CV data system as long as the member of staff is in active service with the Commission.

DG ADMIN defines the active status and the data will no longer be available once the active status is removed according to existing rules applicable to Sysper2.

13 a/ time limits for blocking and erasure of the different categories of data
(on justified legitimate request from the data subject)

(Please, specify the time limits for every category, if applicable)

Time limit to block/erase data on justified legitimate request from the data subjects:

Data subjects can erase at any moment the data they have themselves introduced in the system. Data that has been introduced through e-CV to participate administrative procedures mentioned in the point 8 can be erased by the data subjects after their expiration date. Data collected for the purposes of these procedures will be stored by DG ADMIN till the procedures are completely finished.

If data subjects detect mistakes in their administrative data not introduced by themselves, they can inform DG ADMIN following to a procedure specified in the e-CV and request that the data be modified or erased. Competent services will proceed an investigation, inform data subjects in question and modify, erase or maintain the data.

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,

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:

The administrative data, i.e. data that has been automatically introduced in the e-CV through other administration IT systems, will be maintained according to existing rules applicable to Sysper 2.

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

Legal foundation of transfer: Only transfers to third party countries not subject to Directive 95/46/EC (Article 9) should be considered for this question. Please treat transfers to other community institutions and bodies and to member states under question 20.

Not applicable.

Category(ies) of Personal Data or Personal Data to be transferred:

Not applicable.

16/ The processing operation presents specific risk which justifies prior checking (*please describe*):

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AS FORESEEN IN:

Article 27.2.(a)

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

Not applicable

Article 27.2.(b)

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

The processing operations on personal data relating to "SYSPER2 - e-CV, the Commission's human capital database" are submitted potentially under this paragraph of article 27.

Article 27.2.(c)

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

Not applicable

Article 27.2.(d)

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

The processing operations on personal data relating to "SYSPER2 - e-CV, the Commission's human capital database" are submitted potentially under this paragraph of article 27.

Other (general concept in Article 27.1)

The processing operations on personal data relating to "SYSPER2 - e-CV, the Commission's human capital database" are submitted under this paragraph of article 27.

17/ Comments

Date of submission:

Comments if applicable:

The e-CV does not constitute a means for any automated decision making.

Do you publish / distribute / give access to one or more printed and/or electronic directories?

Personal Data contained in printed and/or electronic directories of users and access to such directories shall be limited to what is strictly necessary for the specific purposes of the directory.

If Yes, please explain what is applicable.

no

Complementary information to the different points if applicable:

PLACE AND DATE:20/12/2005

DATA PROTECTION OFFICER: HILBERT Nico

INSTITUTION OR BODY:European Commission