

REGISTER NUMBER: 171

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 1/03/07

CASE NUMBER: 2007-0138

NOTIFICATION OF: OHIM

LEGAL BASIS: Article 27-5 of the Regulation CE N° 45/2001¹

INFORMATION TO BE GIVEN²

1. Name and address of the controller

Office for Harmonization in the Internal Market (Trade Marks and Designs)
Avenida de Europa, 4
E-03008 Alicante
Spain

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

- Human Resources Department
Juan Ramón Rubio, Director
- Human Resources Department
Career and Development Sector
François Fémia, Head of sector

3. Name of the processing

Certification procedure (2006-2011)

4. Purposes of the processing

The purpose of the processing operations is the selection of the officials authorised to take part in the compulsory training programme for the certification procedure. The processing operations of personal data will be governed by OHIM's decision ADM-06-15 related to the certification procedure (see Annex 1) and the working method used in the selection of the candidates (see Annex 5).

The processing operation includes:

¹ OJ L 8, 12.01.2001.

² Please attach all necessary backup documents

- Reception of electronic applications (sent by applicant to *certification (HRD) inbox, which has an access restricted to members of staff in Career and Development Sector dealing with the certification procedure) and applications on paper in sealed envelope handed over by the applicant to the members of staff in Career and Development Sector dealing with the certification procedure. See Annexes 3 (model of call for application) and 4 (application form)
- Electronic storage of the applications on X:\Personnel\Career and Development Sector\Certification; physical storage of paper documents in locked cupboard in Career and Development Sector, with access restricted to members of staff in Career and Development Sector dealing with the certification procedure.
- Setting up of a list of applicants in electronic format internal to Career and Development Sector for the formal checking and the admissibility check of applications.
- Setting up of the list of admissible applicants for publication by the Career and Development Sector. The application files of the applicants who have been found admissible will be stored on X:\Certification for the restricted access of directors of departments.
- Publication of the list of admissible applicants
- Files including the admissible applications and a copy of the three last appraisal reports of each candidate are handed over personally to each Director of Department, together with the list of admissible candidates. (Once the works of the Management Committee are over, the files are handed over to the Career and Development Sector, who will be in charge of their destruction).
- Proposals for the selection of officials authorised to take part in the compulsory training programme are discussed in the Management Committee meeting (deliberations are secret however minutes are drafted and the members of the JEPC might have access to these minutes if necessary for the examination of appeals). A draft list of officials authorised to take part in the training programme is published.
- An individual notification indicating the provisional result is sent to each admissible candidate.
- Appeal deadline for contesting the draft list: 10 working as from the publication of the draft list.
- Regular appeal procedure follows (Joint Evaluation and Promotion Committee – “JEPC”). Every appellant is individually notified with the opinion of the JEPC.
- After hearing the opinion of the Joint Evaluation and Promotion Committee, the Appointing Authority decides on the final list of officials authorised to take part in the compulsory training programme.
- Publication of the final list of officials authorised to take part in the compulsory training programme.
- Sending of the list of names to EAS (under own declaration on protection of personal data for certification training).

5. Description of the category or categories of data subjects

The officials in function group AST of grade 5 and higher who apply for certification.

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

Data of a personal nature allowing the identification of the official:

- full name,
- staff number
- grade, seniority in grade, seniority in grade AST5 or above

Information provided by the official allowing the practical organisation of the selection procedure:

- administrative address and telephone number,
- priority area chosen for the certification procedure,
- present organisational assignment: department, service, sector, jobtitle and duties and functions undertaken, seniority in job (eventually), any other details the applicant wishes to insert,
- previous job assignments or employments: employer, place of employment, periods, job title and duties and functions undertaken, any other details the applicant wishes to insert
- language competencies (capacity to work in FR or EN),
- training undertaken of academic or professional character: title of diploma or training, level when relevant, name of training organisation, training periods, relationship with priority area chosen.
- Preference for Brussels or Luxembourg as a training site;
- Content of the annexes the applicant joins to the application form providing justification for the abovementioned data.

Data included in the three last appraisal reports (copied from the personal folder of each applicant, if not provided by applicant), in particular:

- The comments of the reporting officer on performance, competencies and conduct in the service and general comments where relevant.
- The overall assessment awarded
- The justification of the reporting officer for checking the box F.3 (potential)

7. Information to be given to data subjects

At the launching of the certification procedure each year, data subject are duly informed about the detailed procedure and data collected for the purpose of the certification procedure. In particular, a call for applications (see Annex 3) and its relevant annexes such as the application form (Annex 4) and the selection method (Annex 5) are published on OHIM's intranet ("Insite").

8. Procedures to grant rights of data subjects

Data subjects are to send a written request to the Head of the Career and Development Sector.

9. Automated / manual processing operation

The selection of officials authorised to take part in the compulsory training

programme for the certification procedure is ruled by the working method used in the selection of the candidates (see Annex 5).

10. Legal basis and lawfulness of the processing operation

Article 5(a) of Regulation 45/2001 (*“processing is necessary for the performance of a task carried out in the public interest on the basis of the Treaties establishing the European Communities or other legal instruments adopted on the basis thereof [...]”*)

→ Legal instruments:

- Council Regulation 40/94 of 20 December 1993 on the Community Trade Mark
- Article 45bis of the Staff Regulations (as applicable in accordance with article 112 of Regulation 40/94)
- OHIM’s administrative decision ADM-06-15 (see Annex 1)

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

Data corresponding to all applicants will be disclosed to:

- the members of Human Resources Department in charge of the certification procedure for organisational purposes (formal and admissibility check, setting up of lists and files, publication and sending out of notifications...) and the IT business support of the HRD for IT reasons.

Data corresponding to admissible candidates will be disclosed to:

- the members of the Management Committee for selection purposes

Data included in published lists (available to all OHIM staff):

- list of admissible candidates: full name of official
- draft list of officials authorised to take part in the training programme: full name of official
- final list of officials authorised to take part in the training programme: full name of official

Data corresponding to the appeal files (of candidates who are not on the draft list of officials authorised to take part in the training programme and who have introduced an appeal) will be disclosed to:

- the members of the Joint Evaluation and Promotion Committee for the examination of appeals, and its secretariat

Right of access and verification: applicants to the certification exercise may send a written request to HRD-Career and Development for obtaining an abstract of their personal data as registered for the certification.

12. General indication of the time limits

For Blocking: immediate

And/or

<p>For erasing: immediate</p> <p>Of the different categories of data (<i>please, specify the time limits for every category, if applicable</i>)</p> <p>Data as described in the present document are used during the certification (selection) procedure.</p> <p>The application files will be filed, until the end of the certification procedure (total closure of the exercise), in a locked HRD-Career and Development cupboard and further 1 year.</p> <p>Should an applicant request the erasure or the blocking of his personal data needed for the course of the certification procedure, the Controller would immediately inform him/her about any eventual impact such request may have on the admissibility of the application.</p>
<p>13. Historical, statistical or scientific purposes</p> <p><i>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.</i></p> <p>Not applicable.</p>
<p>14. Proposed transfers of data to third countries of international organisations</p> <p>Not applicable.</p>
<p>15. The processing operations presents specific risks which justifies prior checking (<i>please describe</i>):</p> <p>The purposes are related to the evaluation of personal aspects related to the data subjects.</p> <p>As foreseen in:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Article 27.2(a) <i>Processing of data relating to health and to suspected offences, criminal convictions or security measures</i> <input checked="" type="checkbox"/> Article 27.2(b) <i>Processing operations intended to evaluate personal aspects related to the data subject</i> <input type="checkbox"/> Article 27.2(c) <i>Processing operations allowing linkages not provided for pursuant to national of Community legislation between data processed for different purposes</i> <input type="checkbox"/> Article 27.2(d) <i>Processing operations for the purpose of excluding individuals from a right, benefit or contract</i>

☐ **Other (general concept in Article 27.1)**

16. Comments

This prior check notification does not include the processing operations of personal data performed by the European Administration School and delegated to it (management of the participation to the training, management of exams).

OHIM will be recipient of the following data from the EAS:

- Absences (according to which the candidate may sit in the test or not, see Article 8.2 of OHIM's decision ADM-06-15, Annex 1)
- Results (in terms of "passed" / "not passed" without any further detail)
- Invoicing

17. Annexes

Original notification to the DPO including:

- ☒ Annex 1. OHIM's administrative decision ADM-06-15 dated 10/01/2007
- ☒ Annex 2. Commission's decision dated 26/12/2006
- ☒ Annex 3. Call for applications
- ☒ Annex 4. Application form
- ☒ Annex 5. Evaluation method

Place and Date : Alicante, 1st March 2007

Data Protection Officer: Luc Dejaiffe

Institution of body: Office for Harmonization in the Internal Market (Trade Marks and Designs)