

*(To be filled out in the EDPS' office)*

**REGISTER NUMBER: 0259**

*(To be filled out in the EDPS' office)*

**NOTIFICATION FOR PRIOR CHECKING**

**DATE OF SUBMISSION: 20/05/2015 (UPDATE)**

**CASE NUMBER: 2007-0418**

**INSTITUTION: EMA**

**LEGAL BASIS: ARTICLE 27-5 OF THE REGULATION CE N° 45/2001<sup>(1)</sup>**

**INFORMATION TO BE GIVEN<sup>2</sup>**

1/ NAME AND ADDRESS OF THE CONTROLLER

Luc Vanheel, Head of Administration Division e-mail: [luc.vanheel@ema.europa.eu](mailto:luc.vanheel@ema.europa.eu)  
Administrative address: 30 Churchill Place, Canary Wharf, E14 5EU, London

2/ ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA

Human Resources Department

3/ NAME OF THE PROCESSING

Promotions

4/ PURPOSE OR PURPOSES OF THE PROCESSING

Collection of data in order to select suitable candidates for promotion once a year

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

TA Staff

---

<sup>1</sup> OJ L 8, 12.01.2001.

<sup>2</sup> **Please attach all necessary backup documents**

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA

*(including, if applicable, special categories of data (Article 10) and/or origin of data)*

Personal data being used to evaluate personal aspects of the data subject (ability, efficiency, conduct)  
Personal data concerning the data subject career  
Personal data concerning leave and absences

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Information about the processing of data for promotion is provided to staff members in the data protection declaration, upon taking up service at EMA;  
Information about processing of personal data at EMA is provided both in the Intranet and on the external website;  
Information is provided in the EMA Rules on Promotion.

On top of the above information concerning the processing, a specific short information notice regarding the publication in the Intranet of the justifications for promotion decisions made by EMA is given by electronic communication to all TA staff members concerned, in general with the same communication announcing the start of promotion exercise.

The statement reads as follows: *"In accordance with the obligations of transparency and good administration of EU public bodies, the EMA will publish a short high-level summary of the justifications for the decisions concerning the staff members promoted. The processing of your personal data is in accordance with Regulation (EC) 45/2001:*

*[http://www.ema.europa.eu/ema/index.jsp?curl=pages/home/general/general\\_content\\_00516.jsp&mid=](http://www.ema.europa.eu/ema/index.jsp?curl=pages/home/general/general_content_00516.jsp&mid=) . You have the right to object to the publication of your personal data for justified reasons based on legitimate grounds relating to your personal situation. "*

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

*(Rights of access, to rectify, to block, to erase, to object)*

Procedures to grant rights to the data subjects are laid down in the EMA Implementing rules on the protection of personal data, addressing the request to the Data Controller.

A general application form is stored in the Data Protection microsite of the Intranet. Staff members can also request advise writing to the EMA DPO [dataprotection@ema.europa.eu](mailto:dataprotection@ema.europa.eu)

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Both automated and manual processing of data are intended to form part of a filing system. In particular, data are collected manually and successively transferred into an electronic format. On a second stage the data are also gathered in order to generate lists.

A member of HR department is in charge of storage and processing of data. Each person is bound by a confidentiality undertaking to treat the data as confidential and to respect Regulation (EC) 45/2001

10/ STORAGE MEDIA OF DATA

Data are stored both electronically and on a hard copy. Promotion decisions are stored in the staff member's personal file.

--

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION
--

Articles 10 and 15 Staff Regulations EMA Implementing Rules on promotion The processing meets a functional need of the service.
---

12/ THE RECIPIENTS OR CATEGORIES OF RECIPIENT TO WHOM THE DATA MIGHT BE DISCLOSED
---

Executive Director, and Heads of Divisions/Departments, Human Resources personnel, Staff Committee.  After the promotion decisions, staff members of EMA will be able to have access to a document summarising the justifications for the promotion decisions of each staff member that has been promoted. The document will be posted on the EMA Intranet, in the same page where the list of staff members that have been promoted will be posted. The document will be accessible only to EMA staff members and will contain a high-level summary of key professional achievements and results obtained during the past year by the staff member concerned that have been taken into account by EMA to make the promotion decision. (Please see Annex for a template of fictitious example of publication of promotion decisions)
--

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA
---

Data are confidentially disposed after 5 years after the financial discharge of the budget execution of a given year.
---

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS <i>(Please, specify the time limits for every category, if applicable)</i>
--

A request for blocking of the data will be implemented within 45 working days from receipt of a valid request. Erasure of the data shall follow without delay once a motivated request has been accepted. A Decision on a request for erasure shall be communicated within 15 working days from receipt.
--

14/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES <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>
--

Anonymised data on promotion will be used for statistical purposes.
---

15/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS
--

N/A
-----

16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING (*Please describe*)

AS FORESEEN IN:

Article 27.2.(a)

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

Article 27.2.(b)

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

Article 27.2.(c)

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

Article 27.2.(d)

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

Other (general concept in Article 27.1)

17/ COMMENTS

This processing notification is an update of the previous notification lodged with the European Data Protection Supervisor on 25 June 2007 and for which the EMA received the Prior check Opinion on 20 February 2008 (Case 2007-418).

The essential modification of the processing is the envisaged publication of extracts/summaries of the justifications supporting the promotion decisions related to the individual staff members that have been promoted. These summaries (please cfr. Annex) will be contained in a document to be posted in the EMA Intranet webpage and accessible to all EMA staff members.

The rationale for this modification is to provide transparency and accountability of EMA with regard to the decisions taken concerning promotion of staff, in line with Article 41 of the Charter of Fundamental Rights of the EU (right to a good administration).

PLACE AND DATE: LONDON, UNITED KINGDOM, 20/05/2015

DATA PROTECTION OFFICER: ALESSANDRO SPINA

INSTITUTION OR BODY: EMA EUROPEAN MEDICINES AGENCY