

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 17/09/2007

Case number: 2007-568

Notification of: EMSA

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

INFORMATION TO BE GIVEN²

Name and address of the controller

Controller: TOM VAN HEES

Delegated Controller: CRISTINA ROMAY LOPEZ

European Maritime Safety Agency (EMSA)

Av. Dom João II, Lote 1.06.2.5

1998-001 Lisbon, Portugal

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

Section Human Resources/ UNIT A/ European Maritime Safety Agency (EMSA)

Name of the processing

Annual Career Development Exercise

See the Decision of the Administrative Board of EMSA on General Provisions for Implementing Article 43 of the SR adopted on 24 November 2006 – Annex I

Purpose or purposes of the processing

To assess the ability, efficiency and conduct in the service of the staff members: permanent, temporary and contract agents (PERM, TAs and CAs) with a view to career perspective, identification of training needs, etc.

¹ OJ L 8, 12.01.2001.

² Please attach all necessary backup documents

Description of the category or categories of data subjects

Staff members (Job Holders): PERMs, TAs and CAs.

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

Personnel number, name, category and grade of the Job Holder

Periods subject to the evaluation

Name of the Reporting Officer and Countersigning Officer

Career history

Job description

Objectives

Personal development goals

Self-assessment

Assessment of the reporting period

Final approval and signatures of the Job Holder and the Reporting Officer

Assessment and signature of the Countersigning Officer

Further review by the Countersigning Officer (if applicable)

Appeal (if applicable)

See Career Development Report (CDR) form – Annex II

Information to be given to data subjects

Until now, none. However, from 2008 exercise the following disclaimer on personal data protection will be added to the CDR form.

Any personal data provided by the Job Holder shall be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movements of such data. It shall be processed solely for the purposes of the performance, management and follow-up of the development of the career of the Job Holder. The Job Holder shall have the right of access to his/her personal data. Should the Job Holder have any queries concerning the processing of his/her personal data, (s)he shall address them to the delegated controller of the data, Head of Human Resources section.

Procedures to grant rights of data subjects

The CDR form is kept in the personal file of each staff member. Personal files are accessible for consultation on request of the Job Holder according to art. 26 of the SR.

If the data subject requests the controller orally, by email or by letter to exert his/her rights, the controller will facilitate the applicant the exercise of his rights in relation to the access and acknowledgement of the data. However, the evaluation data in the CDR form cannot be changed.

Automated / manual processing operation

Manual

Legal basis of the processing operation

Staff Regulations of Officials (SR) and the Conditions of Employment of Other Servants of the European Communities (CEOS), laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68 last amended by Council Regulation (EC, EURATOM) No 31/2005 of 20 December 2004, and in particular Art. 43.

The operation is performed in public interest, so EMSA could evaluate the staff regularly to ensure the quality of their work (in accordance with the Reg. 45/2001, art. 5 (a) – public interest).

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

Head of Unit A

HR Officer

Career Guidance Officer

Job Holder

Hierarchical superiors of staff evaluated

Countersigning Officer

Executive Director

In case of appeal, the members of the Joint Evaluation Committee and the secretary

General indication of the time limits

for blocking:

and/or

for erasing:

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

According to art. 26 of the SR, the CDR forms are kept in the personal files.

EMSA being a new Agency (started its activities on 2003), for the time being all the CDR related documents have been kept. So far, there is no time limit as to how long they should be kept (obviously a certain period after the Job Holder finished its contract with the Agency). Before taking any decision on this matter, the Agency would like to see the results of the Working Party on Time Limits and Blocking.

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.

N/A

Proposed transfers of data to third countries or international organisations

None

The processing operation presents specific risk which justifies prior checking (*Please describe*):
as foreseen in:

1 Article 27.2.(b)

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

The annual CDR exercise intends to evaluate the performance of the staff member and the results can be basis for the future promotion.

Comments

Place and date: Lisbon, 2007.....

Data Protection Officer: Malgorzata Nesterowicz

Institution or body: European Maritime Safety Agency