

To be filled out in the EDPS' office

REGISTER NUMBER: 308

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 02/10/2007

Case number: 2007-585

Institution: EFSA

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

Dirk Detken, Acting Head of Human Resources Unit / Career Development staff in the HR Unit, European Food Safety Authority (EFSA), Largo N. Palli 5/A, 43100 Parma

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

Career Development staff in the HR Unit / Jobholders – Reporting Officers – Countersigning Officers / Joint Evaluation and Promotion Committee / Executive Director

3/ Name of the processing

Career Development and Appraisal Cycle (CDAC)

4/ Purpose or purposes of the processing

Personal data are processed in order to implement the CDAC process detailed in the CDAC policy document (see annex), namely: to bring concurrence to EFSA's long and short-term objectives and the wishes of Jobholders – if Jobholders are developing so is the EFSA. Seen in this perspective career development becomes an opportunity for the Jobholder's self-realisation and displaying of competencies while the EFSA will prosper by setting human resources as its main asset. The Career Development and Appraisal Cycle offers the possibility to: - take stock of the Jobholder's working area and performance - establish the manager's and staff member's mutual expectations - clarify possible development areas for the staff member, seen in the light of existing as well as future tasks - identify possible problems - discuss routines and workflows that matter for the day-to-day work - establish a development plan for the Jobholder in both short and long-term perspective - provide a proper background for assessing the Jobholder - serve as element of background and documentation for a promotion exercise to be established at EFSA in the near future.

5/ Description of the category or categories of data subjects

All EFSA Staff having a contract for a determined period of one year or more, i.e.: Temporary Agents, Contract Agents, Seconded National Experts and a few Auxiliary Agents until the end of 2007.

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

Please refer to the CDAC Form (annex). The following personal data are concerned in the two parts of the procedure:

I. PART 1: Development plan of the Jobholder

A. Objective setting of the Jobholder

B. Definition of training needs of the Jobholder

II PART 2: Appraisal of the Jobholder

A. Self assessment by the job holder

B. Appraisal by the Reporting Officer

C. Assessment by the Countersigning Officer

D. Commenting & Approval of the Jobholder

E. Possibility for further review by the Jobholder

F. Comments and approval by the Jobholder

G. Possible appeal procedure : (a) Opinion of the Joint Evaluation Committee (the Joint Evaluation & Promotion Committee is currently in the process of being established. Besides a Staff Committee representative, the members are at this stage not known yet) (b) Opinion of the Executive Director

H. Decision of the Executive Director

7/ Information to be given to data subjects

The whole process is detailed in the main policy document (CDAC policy document - annex). This policy document was adopted internally in EFSA as a result of an in-depth decision and consultation process, including consultation with EC (DG ADMIN) the EFSA staff committee and also the DPO. The CDAC was presented in a presentation to all staff on 16 March 2007. Training has been organised for reporting officers on objective setting and on job descriptions as well as presentations for Jobholders between 14 and 28 March 2007. The CDAC policy document is available to all EFSA staff on the Intranet.

The CDAC Policy document and the training presentations i.e. clarify the information to be given to data subjects as mentioned defined in art. 11 of the DP Regulation.

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

The Jobholder's (data subject) rights are guaranteed because:

- a) during the process, the rights are built-in, as it is a contradictory procedure. However, it should be noted that for some Jobholders, the EFSA organigramme does not foresee a reporting line for a Countersigning Officer. In the case of strong violations, the Jobholder has the freedom to contact the Member of the Management Board in charge of staff matters.
- b) at the completion of the appraisal cycle, the Jobholder receives a copy of the signed final version of the form.

This is explained to Reporting Officers during the workshops introducing the Appraisal part of the Cycle, as well as to all EFSA staff during an introduction session. These workshops and introduction session are scheduled from 15 to 25 October 2007.

9/ Automated / Manual processing operation

The operation is currently manual, based on the CDAC form (annex). Automation solutions may be investigated and the EDPS will be informed in the case these will be implemented.

10/ Storage media of data

- Binders per Department/Unit, in locked closet;
- Electronic copies (pdf.files) are temporarily uploaded on the in-house document management system, with access restricted to Head of Human Resources and Career Development staff in HR Unit only ; the electronic files are suppressed from the document management system once the appraisal cycle of the Jobholder in question is completed;
- At the end of the process, after the Appraisal, the original completed and signed appraisal form will be placed, in a separate sealed envelope, inside the personal file of the Jobholder.

11/ Legal basis and lawfulness of the processing operation

Art 43 of Staff regulations and Art 15 (2) and 87(1) of the Conditions of Employment of Other Servants of the EC as well as the EFSA Rule implementing them are the legal basis for the CDAC. (annex)

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

- Reporting Officer, Countersigning Officer – Joint Committee – Career Development staff in HR Unit – Executive Director
- Disciplinary Board, once such a body will be established
- EFSA Internal Auditor, Court of Auditors, OLAF, IAS
- Other queries are left to the discretion of the Data Subject to disclose it or not.

13/ Retention policy of (categories of) personal data

The sealed envelope containing the final appraisal form will be taken out the personal file and will be destroyed (1) either after five years of closing of the appraisal cycle (2) or after the Jobholder has terminated employment with EFSA.

A note will replace the destroyed appraisal report in the personal file, mentioning: "*in compliance with EFSA's data protection policy, the appraisal report for year XXXX has been suppressed.*"

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)

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,
not applicable

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

not applicable

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

Annexes to this notification:

Annex I: CDAC Policy

Annex II: CDAC Form

Annex III: EFSA draft Implementing Rules

Annex IV: Controller notification of the personal data processing operation to the DPO

PLACE AND DATE: Parma, 27/09/2007

DATA PROTECTION OFFICER: Claus Reunis

INSTITUTION OR BODY: European Food Safety Authority (EFSA) - Parma