

REGISTER NUMBER: 340

## NOTIFICATION FOR PRIOR CHECKING

Date of submission: 10/03/2008

Case number: 2008-154

Institution: EMCDDA

Legal basis: article 27-5 of the regulation CE 45/2001<sup>(1)</sup><sup>(1)</sup> OJ L 8, 12.01.2001INFORMATION TO BE GIVEN<sup>(2)</sup><sup>(2)</sup> Please attach all necessary backup documents

1/ Name and address of the controller

Mr. Dante Storti, Head of Unit Administration (EMCDDA. Rua da Cruz de Santa Apolonia 23-25. 1149-045. Lisboa)

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

Human Resource Service (a Sector within the Administration Unit)

3/ Name of the processing

Annual exercise of early retirement without reduction of pension rights

4/ Purpose or purposes of the processing

Management of staff's early retirement without reduction of pension rights, in accordance with relevant staff regulations. Each year: publication of the call for expression of interest from officials and temporary agents who wish to benefit from early retirement without penalty.

Evaluation and comparison of applications kept in the Human Resources Management Sector.

Selection and determination of the agents entitle to the benefit.

Publication of the list of potential beneficiaries through e-mail.

The next step is the notification of only the number of staff eligible to enjoy the benefit to the coordinator of the agencies to follow up discussions at inter-institutional level. Once it is decided if agencies enjoy a possibility for early retirement, the agencies counting on suitable applicants are invited to fill in a calculation sheet according to the criteria agreed among them (example attached). Up to this moment the data requested in the form is provided anonymously. Once the agencies determine who is the most suitable applicant circulate the proofs of the suitability of the applicant to the other competing agencies should they have manifested this wish,

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| 5/ Description of the category or categories of data subjects   |
| All staff members of the EMCDDA who present an application for early retirement (Officials and temporary agents).   |
| 6/ Description of the data or categories of data( <i>including, if applicable, special categories of data (article 10) and/or origin of data</i> )  |
| The categories of personal data dealt with in this exercise are the following: family name, name, personnel number, gender, age, seniority, grade, function group, individual situation regarding the eligibility criteria, assessment regarding the criteria establish in the general implementing rules and any other information the applicant would like to provide in support of the application. Applicants are called to complete the expression of interest in the most accurate way as to properly motivate the expression of interest.  |
| 7/ Information to be given to data subjects   |
| Full process is posted in the EMCDDA Intranet for general information together with a declaration of confidentiality and data protection and a form for expressing their interest ( <b>attached</b> ).  |
| 8/ Procedures to grant rights of data subjects( <i>rights of access, to rectify, to block, to erase, to object</i> )  |
| Staff is informed of their rights and have always the possibility to access to their data, verify or correct it.  |
| 9/ Automated / Manual processing operation  |
| n.a   |
| 10/ Storage media of data   |
| Electronic and paper-based storage system   |
| 11/ Legal basis and lawfulness of the processing operation  |
| European Commission decision of 28 April 2004, adopted by the EMCDDA by analogy and Council regulation (EC, EURATOM) No. 1746/2002 of 30 September 2002.  |
| Article 9, paragraphe 2, de l'Annexe VIII du Statut et Article 39 du Régime applicable aux autres agents  |
| 12/ The recipients or categories of recipient to whom the data might be disclosed   |
| Staff member concerned, appointing authority and HR officer in charge. PMO to implement the early retirement. Other competing agencies for the possibility of early retirement to justify the fulfilment of the conditions as set by them upon their request.   |
| 13/ retention policy of (categories of) personal data   |
| Period of 5 years. According to Art. (2) of Annex VIII of the Staff regulations, after 5 years of the adoption of an early retirement, the EC shall submit to the EP and the Council an evaluation report regarding the implementation of early retirement without reduction of pension rights. In order to be able to prepare the mentioned report, the EC shall have at its disposal all information regarding the early retirement exercise and, therefore, the EMCDDA must retain the data to make it available to the EC upon request. The EMCDDA makes sure that the retention of data is done with due care with appropriate measures (within the HR sector under locked cupboards). |
| 14/ Historical, statistical or scientific purposes  |
| After the above-mentioned 5 years, only statistical information may be kept but no data that allows directly or indirectly to identify a given person.  |

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

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

PLACE AND DATE: Lisbon, 10.03.2008

DATA PROTECTION OFFICER: Cécile Martel

INSTITUTION OR BODY: EMCDDA