

**REGISTER NUMBER: 385**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 07/07/2008

Case number: 2008-145

Institution: OHIM

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

**François Femia, HRD, Head of Career and Development Sector**

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

**HRD**

3/ Name of the processing

**Establishment of annual appraisal reports**

4/ Purpose or purposes of the processing

- On the appraisal tool, the reporting officer generates, for each jobholder assigned to him/her, a blank appraisal report in word format. A cover page on which administrative data are automatically inserted is also generated. Only the reporting officer has access to the personal data of his staff for the period in which the appraisal is going on and for this sole purpose. A list of training activities undergone by the jobholders during the respective period and the languages and corresponding level as indicated in the former appraisal report is accessible exclusively to the reporting officer.

- The reporting officer introduces his/her comments on the report in electronic format, prints the report out and circulates it through the workflow described in Decision ADM-04-18 REV. Once the report is final it is handed over to HRD who registers the entry date, the overall assessment, and the language levels on the appraisal tool. Once all reports are received, these data (overall assessment and the language levels) are transferred to the SAP system including a scanned copy of the report. Data referring to appraisals for each jobholder are updated on a yearly basis before the launching of the appraisal exercise starting in October (reference period of the exercise, assignment to different department or services with the indications of periods whenever relevant, functions group and grade, reporting and countersigning officer, jobtitle and overall purpose of the job).

5/ Description of the category or categories of data subjects

The officials and temporary agents of the Office except grades A\*16 and A\*15 and chairpersons and members of the Boards of Appeal.

6/ Description of the data or categories of data

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

Full name, grade, administrative address, staff number, status, seniority in grade, starting date in job, department and budgetary post number, job title and overall purpose, data of previous job assignments (department, service, sector, period concerned) and the names and job titles of the current and the past reporting officer, if any.

The reporting officer introduces an overall assessment comment dealing with appraisal of: efficiency, ability and conduct in the service.

The reporting officer, the countersigning officer and the jobholder may add comments on the report.

7/ Information to be given to data subjects

Requirements of Article 11 and 12 of R 45/2001 are met in :

Administrative decision ADM 04-18 Rev. (see annex I) gives all the relevant information to the data subjects regarding the procedure.

Appraisal form (see annex II)

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

**Right to have Access:** upon written request to the controller, the data subject may ask for a copy of the personal data used during the procedure.

**Right to Rectify:** upon written request to controller, the data subject shall have the right to obtain from the controller the rectification without delay of inaccurate or incomplete personal data used during the procedure.

**Right to Block:** on written request to the controller, the data subject shall have the right to obtain from the controller the blocking of data under the conditions laid down in the Regulation. Should an applicant request the blocking of his/her personal data needed for the course of the attestation procedure, the Controller would immediately inform him/her about any eventual impact such request may have on the individual procedure.

**Right to Erase:** upon written request to the controller, the data subject shall have the right to obtain from the controller the erasure of the personal data used during the procedure under the conditions laid down in the Regulation. Should an applicant request the erasure of his/her personal data needed for the course of the attestation procedure, the Controller would immediately inform him/her about any possible impact such request may have on the individual procedure.

**Right to Object:** upon written request to the controller, the data subject shall have the right to object to the use of the personal data used during the procedure, under the conditions laid down in the Regulation. Should an applicant object to the use of his/her personal data needed for the course of the attestation procedure, the Controller would immediately inform him/her about any eventual impact such request may have on the individual procedure.

9/ Automated / Manual processing operation

Manual processing operation

10/ Storage media of data

**Network drive, paper.**

11/ Legal basis and lawfulness of the processing operation

**Article 43 of the Staff Regulations**

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

**Data will only be disclosed to:**

- the member of staff appraised
- the reporting officer who is in charge of drafting the appraisal report
- future line managers of the staff appraised
- the countersigning officer who is in charge of validating the report
- the members of Human Resources Department in charge of the appraisal system
- the members of the Management Committee for harmonisation purposes
- the members of the Joint Evaluation and Promotion Committee, only in case of an appeal on the appraisal report.
- the case arising, internal selection committees (if announced in the selection notice)

13/ retention policy of (categories of) personal data

**The final physical paper reports will be filed temporarily, until the end of the appraisal exercise, in the HRD-Career and Development cupboard, at which moment they will be filed definitively in the personal files of the jobholders.**

**No time limits are considered for these documents as they are a part of the personal file existing in the Office until transfer to another institution, permanent leave or retirement.**

**The electronic word files used for the drafting of the individual reports (stored on the individual PCs of the reporting officers until the reports are deemed final) are erased by the reporting officers.**

**The data included on the appraisal tool (access) for the generation of reports are used for the update of the following year's appraisal exercise.**

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,*

**NO**

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

**NO**

16/ The processing operation presents specific risk which justifies prior checking (*please describe*):

**Article 27.2 (b) Processing operations intended to evaluate personal aspects relating to the data subject,**

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 notification is an update. The changes in the appraisal procedure only relate to the media storage.**

PLACE AND DATE: **Alicante 3rd July 2008**

DATA PROTECTION OFFICER: **Ignacio De Medrano**

INSTITUTION OR BODY: **Office for Harmonization in the Internal Market (OHIM)**

*To be filled out in the EDPS' office*