

REGISTER NUMBER: 386

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 08/07/2008

Case number: 2008-426

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 – Head of Career and Development Sector

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

• **Human Resources Department – Career and Development Sector**

3/ Name of the processing

Internal mobility

<p>4/ Purpose or purposes of the processing</p> <p>a. Description of the processing :</p> <p>Within the Career and Development Sector of the Human Resources Department:</p> <ul style="list-style-type: none"> • Request from the concerned department for publication of a vacancy • Checking of conformity for vacancy (formal check) • Publication of vacant posts on the Intranet • Sending of an e-mail message to all internal staff informing about the publication of a new vacancy • Reception of candidatures by e-mail (mail box address: *Internal Vacancies). • When the deadline for receiving candidatures has been reached, the issuing by e-mail of the received candidatures to the departments. In this e-mail a paragraph regarding the protection of personal data is included (annex 1). • Issuing an e-mail to the successful candidate, requesting confirmation of interest in the published post. • Issuing of the letter indicating the results of the candidature by means of a sealed enveloped addressed to the non-successful candidates concerned. • Issuing of a communication to the Director or line manager to whom the vacant post is assigned. • Updating of the mobility tool (Excel sheet) on the above mentioned X-drive folder. <p>Within the requesting department:</p> <ul style="list-style-type: none"> • Organisation of the interviews with the candidates. • Invitation to the interviews to the Secretariat of the Staff Committee, including the applications of the candidates. • Sending an e-mail to C&D sector with information about the selection meeting and report on the procedure including the final results. • Agreement with the successful candidate's Director of Department about the starting date of the candidate in his/her new job. • E-mail to C&D sector informing about starting date of successful candidate. <p>Within the Personnel Administration Sector of the Human Resources Department:</p> <ul style="list-style-type: none"> • Issuing of the decision of the Appointing Authority of the new assignment transmitted to the member of staff concerned • Filing of the relevant documents relating to internal mobility in the personal file. • Introduction of new assignment on the SAP HR database. • Decision of new assignment. <p>b. Frequency of the update: on a case-by-case basis.</p>
<p>5/ Description of the category or categories of data subjects</p> <p>The officials and temporary agents of the Office who apply for a vacant post.</p>
<p>6/ Description of the data or categories of data (including, if applicable, special categories of data (article 10) and/or origin of data)</p> <p>Full name, staff number, function group and grade, status, job title, job description (tasks and competencies) and any other relevant detail that the candidate wishes to add to the application.</p>
<p>7/ Information to be given to data subjects</p> <p>In the e-mail acknowledgement of receipt of the application sent to the applicant by the Career and Development Sector. In this e-mail a paragraph regarding the protection of personal data is included (annex 2).</p>

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

1) Right to have Access

On written request to the controller, the data subject may ask for a copy of the personal data used during the procedure.

2) Right to Rectify

On 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.

3) 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 mobility procedure, the Controller would immediately inform him/her about any eventual impact such request may have on the procedure.

4) Right to Erase

On 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 mobility procedure, the Controller would immediately inform him/her about any eventual impact such request may have on the procedure.

5) General indication of the time limits for blocking and erasure of the different categories of data:

Data are used by the Career and Development Sector only during the vacancy of the post. Some data will be retrieved and stored on the SAP system.

The documents relating to the definition of each vacant post are kept in the Career and Development Sector for a follow-up of the job vacancies.

The documents relating to a decision of reassignment are filed in the personal file of the member of staff concerned.

9/ Automated / Manual processing operation

Manual processing operation

10/ Storage media of data

Place where the data are stored :

Electronically:

- X:\personel\Career and Development Sector\Mobility – Excel file/per year
- SAP HR – mobility module

Hard copy:

- Cupboard of Human Resources Department - Career and Development Sector, for handling of candidatures for vacant posts

<p>11/ Legal basis and lawfulness of the processing operation</p> <p>a) For temporary staff members:</p> <ul style="list-style-type: none"> • Article 7 of the Staff Regulations <p>b) For permanent staff members:</p> <ul style="list-style-type: none"> • Article 29 §1a)i) of the Staff Regulations
<p>12/ The recipients or categories of recipient to whom the data might be disclosed</p> <p>The recipients or categories of recipients of the data : Data will only be disclosed to:</p> <p>a) Candidatures:</p> <ul style="list-style-type: none"> • the Director or line manager to whom the vacant post is assigned. • Staff members to whom the Director or line manager delegates • the members of the Human Resources Department in charge of internal mobility • The staff member in whom the Staff Committee delegates for the specific selection procedures. <p>b) Data related to new assignment (date, job title, department, personal number):</p> <ul style="list-style-type: none"> • the members of the Human Resources Department in charge of the personal files (only for the filing of definitive documents).
<p>13/ retention policy of (categories of) personal data</p> <p>No time limits are considered for the documents regarding the candidatures that are successful as they are a part of the personal file existing in the Office until transfer to another institution, permanent leave or retirement.</p> <p>For the non-successful candidatures, the relevant data are not included in the mobility tool in excel and the documents are stored only in an electronic way, which will be deleted after 5 years.</p> <p>The data included on the mobility tool (excel) are used for the control, follow-up of mobilities and for statistical purposes.</p>
<p>13 a/ time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject)</p> <p>No time limits are considered for the documents regarding the candidatures that are successful as they are a part of the personal file existing in the Office until transfer to another institution, permanent leave or retirement (see above)</p> <p><i>(Please, specify the time limits for every category, if applicable)</i></p>
<p>14/ Historical, statistical or scientific purposes</p> <p><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></p> <p>NO</p>

<p>15/ Proposed transfers of data to third countries or international organisations</p> <p>NO</p>
<p>16/ The processing operation presents specific risk which justifies prior checking (<i>please describe</i>):</p> <p>"Internal mobility" must be regarded as a project within the scope of</p> <p>Article 27.2.(b)</p> <p>Processing operations intended to evaluate personal aspects relating to the data subject</p> <p>AS FORESEEN IN:</p> <p><input type="checkbox"/> Article 27.2.(a)</p> <p>Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,</p> <p><input type="checkbox"/> Article 27.2.(b)</p> <p>Processing operations intended to evaluate personal aspects relating to the data subject,</p> <p><input type="checkbox"/> Article 27.2.(c)</p> <p>Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,</p> <p><input type="checkbox"/> Article 27.2.(d)</p> <p>Processing operations for the purpose of excluding individuals from a right, benefit or contract,</p> <p><input type="checkbox"/> Other (general concept in Article 27.1)</p>
<p>17/ Comments</p> <p>/</p>
<p>PLACE AND DATE: ALICANTE, 8th July 2008</p> <p>DATA PROTECTION OFFICER: Ignacio DE MEDRANO CABALLERO</p> <p>INSTITUTION OR BODY: Office for Harmonization in the Internal Market</p>