

REGISTER NUMBER: 391

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 11/07/2008 (courrier attendu)

Case number: 2008-436

Institution: Council of the european Union

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

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

DGA5 (The Workflow team on behalf of DGA III). Mr Philippe Vleminckx (7138)

3/ Name of the processing

Pilot Project on Individual Productivity Monitoring: Further processing of personal data in Workflow.

4/ Purpose or purposes of the processing

General translation statistics are regularly used by the Heads of Language Units.. The general statistics focus on the volume of the translations per unit and not on individual production. A. At present Heads of Language Units have no individual statistics at their disposal. However, such individual performance indicators are considered essential management tools contributing to a fairer assessment of staff, in particular during the reporting exercise, and to improved planning. The proposed tool should enable:

1. individual members of staff to monitor their own production. 2. the head of the data subject's unit to monitor the production of any given member of their unit. 3. the head of the data subject's unit to monitor the production of all members of their unit in one simple operation. 4. individual members of staff to compare their own production with the unit's average. 5. better planning and monitoring (as recommended in the Court of Auditors Special Report N° 9/2006 concerning Translation expenditure incurred by the Commission, the Parliament and the Council , in particular §88, §109 thereof) .

On the basis of actual output as compared to the actual working time spent on translation and revision (core activities) an objective picture of individual performance can be established on the basis of: 1/ comparable statistical data regarding the core activity of linguists, i.e. translation and revision, so that the average translation and revision output of each individual linguist can be compared with the unit average 2/ a breakdown of the actual use of working hours on the one hand by individual linguists and on the other hand at the unit level.

5/ Description of the category or categories of data subjects

Officials of the GSC, Other servants, AD officials in translator or reviser function

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

Document number - Document title (as the only indication of the nature of the document, which will help in assessing the difficulty) - Source language - Target language - Date & time when attributed to the person. - Date & time when finished. - Net pages - Translator(s), reviser(s)who worked on the document - Staff availability for translation/revision work Data required:

1/ from the Workflow: - individual average translation/revisionoutput per month, quarter, half-year, year calculated on the basis of the person's actual availability for translation/revisionwork, in net pages - unit average translation/revisionoutput per month, quarter, half-year, year calculated on the actual working hours spent exclusively on translation/revision in the unit, in net pages 2/ from PersonaGrata: - total working hours per month, quarter, half-year, year - actual individual working hours per month, quarter, half-year, year - individual working time spent on other tasks (terminology, etc) as a percentage of the total. - "numéro pivot".

7/ Information to be given to data subjects

Information will be provided in due course to those participating in the pilot project by individual note. The Note will cover the following aspects: Purpose of the Note The purpose of this note is to inform the head of the data subject's unit and persons participating in the pilot project of the monitoring schemes envisaged in the pilot project. Assessment of individual productivity Currently data (source of data: PersonaGrata), including personal data is retained in the active part of the Workflow system for three days after the completion of a document. Data is then transferred to the historical part of the workflow system.

It is proposed to give access to the following data: data on documents (including data on the number of physical/net pages) produced by persons participating in the pilot project; initials, time taken to translate/revise to DGA V (Workflow team) for the purposes of producing output statistics on behalf of DGA III. This personal data will then be further processed automatically by DGA V (Workflow team) to provide output information for comparative purposes on the various constituent groups of a language unit, i.e. the general body of translators and revisers. This processing of personal data has been notified to the Data Protection Officer in accordance with Article 25 of 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 movement of such data. The pilot project is subject to prior checking by the European Data Protection Supervisor.

Data subjects are hereby provided with the following additional information in accordance with Article 12 of the abovementioned Regulation: a) identity of the controller: Margarida Lacerda, Director of DGA III b) purposes of the processing operation: monitoring of individual production c) recipients: - DGA V (Workflow team) will have access to personal data for the development and maintenance of the software only; DGA V (Workflow team), acting as the agent for DGA III, using an additional functionality of Workflow, will process the relevant data by automatic means for the purpose of the pilot project; d) each person participating in the pilot project has a right of access to, and a right to rectify, the data concerning him or her;

e) (i) reference document for the processing operation: Outline Report from the Think Tank on Individual Production Data (30.06.2006); e) (ii) the individual personal data will normally be accessible for the automatic further processing of data for a period of two years after the completion of a document (covering each reporting exercise) Exceptionally in the event of appeals by individuals: until the end of the appeals procedure. At the end of the retention period the data will be rendered anonymous; e) (iii) persons participating in the pilot project have the right to have recourse at any time to the European Data Protection Supervisor e) (iv) the data will be contained in the historical part of the Workflow tool.

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

Section 5 de la Décision du Conseil du 13.9.2004: 2004/644/CE (JO L n° 296, 21.9.2004, p.20)
The data subject is the permanent recipient of the data (in printed format).

9/ Automated / Manual processing operation

DGA3 proposes to run a pilot project on individual productivity monitoring. The productivity of persons participating in the pilot project (EU-10 Language Units) will be monitored by using statistical data already stored in the Workflow system. In addition, pending the availability of the split pages/net pages facility in Workflow, records will be kept manually. Currently personal data is retained in the active part of the Workflow system for three days after the completion of a document. The personal data is then transferred to the historical part of the workflow system. It is proposed to give access, to this historical data to DGA V (Workflow team) for the purposes of producing production statistics on behalf of DGA III.

This data will be further processed automatically and by means of an additional functionality to be developed by the DGA V (Workflow team) to provide information on translators and revisers. DGA V (Workflow team), acting as the agent for DGA III, will process the relevant data by automatic means for the sole purpose of the pilot project; The productivity reports will be generated monthly, quarterly, half-yearly and yearly. They will be made available to the head of the data subject's unit in electronic form. The head of the data subject's unit will provide copies to the data subjects concerned.

The data produced in this way will be used by the the head of the data subject's unit and the individual members of staff as one element in the assessment of the production of each member of staff. The use of these production reports is limited to the head of the data subject's unit and the data subjects concerned. The expected duration of the pilot project is 9 months/ 1 year. Envisaged date for a full implementation of the final processing: Upon the successful completion of the pilot project (+September 2009).
Mainly automated procedures

10/ Storage media of data

The data is stored on a server disk.

11/ Legal basis and lawfulness of the processing operation

Article 207 of the EC Treaty and Article 23 of the Council's Rules of Procedure. Staff Regulations (Article 43).

The processing of the data in question is necessary for the performance of a task carried out in the public interest on the basis of the Treaties establishing the European Communities ... or in the legitimate exercise of official authority vested in the Community institution ..." .

(Article 5 (a)) (a) As regards the data in Workflow: One of the essential missions of the Council General Secretariat is the production and translation of the documents necessary for the proper functioning of the meetings of the Council and of its subsidiary bodies. The Workflow is an instrument to assist in the achievement of this aim. (b) As regards all the data in question: The lawfulness of the proposed processing operation derives from an appraisal task set out in the Staff Regulations of Officials and Conditions of Employment of the European Communities.

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

Head of the data subject's unit - Data subject

13/ retention policy of (categories of) personal data

Normally for a period of 2 years (until the end of each reporting exercise). Exceptionally in the event of appeals by individuals: until the end of the appeals procedure. At the end of the retention period the data will be rendered anonymous.

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)

1 week

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.

None

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

None

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

AS FORESEEN IN:

The risks mentioned under Article 27.2 (b): "the processing operation is intended to evaluate personal aspects of the data subject, including his or her ability, efficiency and conduct"

- DGA V (Workflow team) will have access to personal data for the development and maintenance of the software;

17/ Comments

None

PLACE AND DATE: Brussels, 11.07.2008

DATA PROTECTION OFFICER: Pierre Vernhes

INSTITUTION OR BODY: Council of the european Union