

REGISTER NUMBER: 397

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 30/08/2008

Case number: 2008-474

Institution: EESC

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

Erik MADSEN, Head of Unit

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

**European Economic and Social Committee (EESC)
Directorate of Financial and Human Ressources**

3/ Name of the processing

Promotion's procedure for officials and temporary agents

Short description of the processing: **Every official with two years of seniority might be promoted (cfr art 45). The promotion's procedure is strongly linked to the notation's procedure. In order to evaluate and compare the merits of those officials, a periodical performance report on the ability, efficiency and conduct in the service is drawn up every year by his/her Director or head of unit (depending on the grade of the official). Those reports are also drawn up even for officials that are not promotable with some exceptions (official on probation, recently transferred from another institution for eg).**

Points (maximum 7) are attributed to each periodical report.

Once finalized, these reports are processed by a member of the DRHF to prepare the work of the Promotions' committee that enables the Committee to propose the most "deserving" candidates for promotion by comparative merits. For that purpose, lists with points given in the performance reports (and sums of points in the grade of the official) are drawn up.

The processing in this framework implies operations such as collecting, storing, copying and distributing these

reports to the members of the Committee, as well as destroying these copies directly after consulting by every official since his/her last promotion.

<p>4/ Purpose or purposes of the processing The main purpose is to provide at the end of the process, a list of official to be promoted. This processing implies different steps with different lists. These lists facilitate finding the officials proposed for promotion. They are published and are the following: - list of promotable officials, - list of promotable officials by order of the total number of points they have obtained (without the number of points obtained, but in the right order). We are exploring the opportunity to publish this list giving the exact number of points acquired by each official. We would like to be sure that this would not harm the protection of personal data. In the meantime, we have this year published the list with the indication of the difference in points existing between each official or contractual agent and the colleague in the grade having the maximum number of points. - list of officials considered by the Appointing Authority being worthy of promotion, - list of officials proposed for promotion by the promotions' committee, - final list of officials who are promoted.</p>
<p>5/ Description of the category or categories of data subjects All officials, temporary agents and some contractual agents who have two years of seniority in their grade might be considered for a promotion.</p>
<p>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 data used in the promotion's procedure are the following: Name, category and grade of the official Date of grade Indication if the official is subjected to art 45/2 of the Staff regulation (knowledge of a third language before the first promotion) If yes, if this knowledge has been proven Previous total of points (on 31 December n-2) Points received for the performance report of year n-1 Sum of all points</p>
<p>7/ Information to be given to data subjects Data subjects are informed of the points attributed and they have signed their performance report. Officials can at any time request their number of accumulated points at the DRHF; information is only given about the personal situation, not about other officials. Some lists are published (see point 4). A privacy statement is also communicated to the staff.</p>
<p>8/ Procedures to grant rights of data subjects(<i>rights of access, to rectify, to block, to erase, to object</i>) A privacy statement is published together with the publication of the rules governing the notation/promotion</p>
<p>9/ Automated / Manual processing operation So far the processing of information is conducted manually. A processing via the database CENTURIO is being discussed, but not yet in action.</p>
<p>10/ Storage media of data Performance reports are scanned and stored on a CD, which is kept in a locked cupboard in the personal unit. In order to prepare the work of the promotions' committee, paper copies of performance reports for all promotable officials per grade are made (and directly afterwards destroyed). Originals of performance reports are kept in the archives and personal files unit. An excel table (called (the big table) contains all marks and the total of marks received by every officials/agent since his/her last promotion. This table is protected by a password. Only very few people have access to it (HoU and 3 colleagues responsible for appraisal and promotion's procedure).</p>

<p>11/ Legal basis and lawfulness of the processing operation</p> <p>Art. 43 of the Staff Regulation stipulates that "the ability, efficiency and conduct in the service of each official shall be the subject of a periodical report made at least one every two years..."</p> <p>Art. 45 of the Staff Regulation specifies that "When considering comparative merits (for promotion), the Appointing Authority shall in particular take account of the reports on the officials...."</p> <p>Decision 410/04 A of 12 October 2004, adopting general implementing provisions on periodical staff reports and decision 068/08 A of 12 february 2008 modifying decision 506/06 A of 9/10/06 setting up a Joint Promotions Committee.</p> <p>Lawfulness: The reports are established by the assessor and sent to the DRHF. The reports are absolutely confidential; the information is used solely and exclusively in the framework of the promotion exercise. In that context, members of the Promotions' committee are reminded of the highly confidential nature of their work. All personal data requested from the data subjects in this framework are necessary and/or relevant in order to facilitate the promotion procedure.</p> <p>Thus, the processing is necessary for the personnel policy of the institution.</p>
<p>12/ The recipients or categories of recipient to whom the data might be disclosed</p> <p>Data will be processed by the Unit "Recruitment, Careers and Training" and will be disclosed solely to the Directorate for Financial and Human Resources and to the Promotion's Committee. Data related to appraisal and promotion procedure may be also disclosed to the Joint Reports Committee (JRC), to the Director's Committee and to the Secretary-General or President. Outside this institution, data may be disclosed only to the European Union Civil Service Tribunal.</p>
<p>13/ retention policy of (categories of) personal data</p> <p>The points obtained in the performance reports are added up from the date of the seniority in this grade (date de grade) until the next promotion. In case of a promotion the sum is put back to "0"; in this case the old performance reports don't play a role anymore. The originals are kept in the personal file.</p> <p>In the past, copies of the reports themselves have been kept in a locked cupboard, until the next appraisal exercise started. Since 2005, these reports are stored on a CD, which is also kept in a locked cupboard. The excel table is kept and updated year after year as marks from one year have to be added to marks from the previous year. The retention period of the data being processed by the controller is limited to 10 years following the appraisal.</p>
<p>13 a/ time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject) <i>(Please, specify the time limits for every category, if applicable)</i></p> <p>VERROUILLAGE :...----- two weeks</p> <p>EFFACEMENT:.....----- two weeks</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>Lists are stored on a secured drive for a number of years, because sometimes an official stays in one grade for many years and wants to obtain information about the lawfulness of his position within the grade.</p> <p>Statistics are established for average waiting time for promotion per grade and given to the Budget Authority (Art. 6 of the Statut).</p>
<p>15/ Proposed transfers of data to third countries or international organisations</p> <p>Not applicable</p>

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,

does not apply

Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject,

Yes, the periodical staff reports include personal aspects, including the ability, efficiency and conduct of 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,

does not apply

Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

does not apply

Other (general concept in Article 27.1)

does not apply

17/ Comments

None

PLACE AND DATE: 29 July 2008

DATA PROTECTION OFFICER: Maria ARSENE

INSTITUTION OR BODY: EUROPEAN ECONOMIC AND SOCIAL COMITEE