

**REGISTER NUMBER: 402**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 01/09/2008

Case number: 2008-481

Institution: European Commission

Legal basis: article 27-5 of the regulation CE 45/2001<sup>(1)</sup>

*(1) OJ L 8, 12.01.2001*

**INFORMATION TO BE GIVEN<sup>(2)</sup>**

*(2) Please attach all necessary backup documents*

1/ Name and address of the controller

2) Name and First Name of the Controller: JARDINE Norman

3) Title: Head of Unit

4) Directorate, Unit or Service to which the Controller is attached: A.03

5) Directorate General to which the Controller is attached: ADMIN

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

26) External Company or Directorate General to which the Processor is attached:

25) External Company or Directorate, Unit or Service to which the Processor is attached:

Trainers

DIGIT. Not Applicable. Not Applicable

Training Managers

Training contractants

3/ Name of the processing

Management of central and local training - SYSLOG Formation

4/ Purpose or purposes of the processing

To ensure overall coherence of training policy and action in the Commission, identify training needs which lie in the interest of the Commission as whole, designate, organise and manage all training actions, including those which have a compulsory character or which are essential preconditions for certain career steps according to staff regulations.

To control and ensure overall coherence, to check the level of standards and the quality of the training and the trainers as well as to produce statistics to monitor the quality of the training in order to adapt and improve the efficiency.

This implies:

? to plan and organize training activities for the whole of the Commission staff, as well as staff of other Institutions and Agencies

? to manage all the procedures of training actions (create and publish courses, create training applications, validate training requests, register and enrol, follow-up of participation and evaluation)

? to facilitate internal communication towards different target groups according to their functions or centres of interest

? to create annually a "Training Map" for all staff

? to evaluate the training actions in view of quality control and

? to evaluate participants learning status in view of career steps according to staff regulations

#### 5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

1 - All staff members, as well as external participants (spouses, staff of other institutions and agencies).

2 - Internal trainers and external trainers provided by training contractors.

16) Category(ies) of Data Subjects:

Trainees and trainers

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

17) Data field(s) of Data Subjects:

Attention: Please indicate and describe in the answer to this question also data fields which fall under article 10

Personal Interface Process is based on CUD (database of userids, names and organisations used by DG DIGIT which comprises personal profiles of Commission staff and Executive Agencies) and COMREF (common reference database of the Commission for HR data) thus providing all personal profiles for Syslog formation.

Attached - A document describing which personal data of the participants to the courses are used or collected, and some explanations on why these data are used.

Syslog Formation records also the names of the trainers and the names of the contractors, the dates on which courses have been planned/given and by whom.

18) Category(ies) of data fields of Data Subjects:

Attention: Please indicate and describe in the answer to this question also categories of data fields which fall under article 10

see point 17)

7/ Information to be given to data subjects

15a) Which kind of communication(s) have you foreseen to inform the Data Subjects as described in articles 11 - 12 under 'Information to be given to the Data Subject'

Privacy statement

A privacy statement is directly accessible from the home page of Syslog and on the Learning and Development Website. In accordance with Articles 11 and 12 of Regulation 45/2001, this declaration informs the participants to training courses about the identity of the controller, the legal basis for the collection of data, their rights of access and rectification as well as data storage policy. All staff members have access to this system.

A separate privacy statement for trainers is also directly accessible from the home page of Syslog.

Future contracts will require the contractors to forward on behalf of the Commission the information about the processing and their rights to each of their staff working on the contract .

Evaluations of the courses given by external teachers will normally be made available to them by their employer,

although it will always be possible to request access to the anonymous evaluation report by asking the course manger or the Controller.

Regarding external training actions to which ADMIN or DGs send their staff, the responsibility for data protection rests with the host organisation under the legislation applicable to Member States.

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

15b) Which procedure(s) did you put in place to enable Data Subjects to exert their rights: access, verify, correct, etc., their Personal Data as described in articles 13 - 19 under 'Rights of the Data Subject' :

The staff has access to all data concerning their training and can modify or rectify either by themselves or via the local training coordinators for general training (COFO) or IT training (REFOI), ADMIN A3 or Syslog Helpdesk.

External Trainers: External trainers are able to request access to their data by simple request to the controller.

9/ Automated / Manual processing operation

7) Description of Processing:

Attention: Please describe in the answer to this question if you process personal data falling under article 27 "Prior-Checking (by the EDPS - European Data Protection Supervisor)"

Syslog Formation is the administrative management tool for training at the European Commission. Training is divided into three fields: informatics, language and general. The training catalogue for each of these fields is available through Syslog.

The database is used to plan, organise, manage and evaluate all training actions. Its web interface, Syslog Web Formation, is dedicated to enabling staff members to manage their participation in training activities.

Syslog is managed at both central level (Learning and Development Unit, DG ADMIN and DG DIGIT) and local level (each Directorate-General has a local training manager - the COFO - and a local informatics training manager - the REFOI).

This notification applies to the architecture of the general system, both central and local.

The details of the various functionalities of the system are given in annex 1.

The processing operation falls under art. 27 of the Regulation (EC) n° 45/2001.

Attachments:

1 - A list of the functionalities of Syslog Formation.

2 - A draft note from the Director General of DG ADMIN to his counterparts in other DGs announcing under which conditions they are exempted from notifying their local processing.

8) Automated Processing operation(s):

For details see document Automated Functionalities in point 7.

9) Manual Processing operation(s):

N/A

10/ Storage media of data

Stored electronically in the database hosted by the Data Center of the Commission.

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

- Commission Decision of 7 May 2002 on staff training. In particular, Article 11(b) refers to the need to record training activities: "The outcome of each and every training dialogue between staff members and line managers shall be recorded in two parts: a retrospective section, recording all training activities undertaken by the staff member, known as the Training Passport, and a section, known as the Training Map, noting the staff member's current training needs including, if available, initial ideas on activities, such as attendance at courses or seminar, to meet the identified needs."

- Detailed rules for the application of the general staff provisions for giving effect to the third paragraph of Article 24 of the regulations as regards training of Commission staff of 18 March 1994.

12) Lawfulness of Processing:

Answering this question please also verify and indicate if your processing has to comply with articles 20 "Exemptions and restrictions" and 27 "Prior checking (by the EDPS)"

The processing is necessary for the performance of the general provisions for giving effect to the third paragraph of Article 24 of the regulations as regards training of Commission staff of 18 March 1994. Art.5(a) of the Regulation applies.

Prior checking is necessary pursuant to Art 27, paragraph 2.b) processing operations intended to evaluate personal aspects relating to the data subject, including his or her ability, efficiency and conduct. This applies to language training courses, where the trainer is evaluating the performance of the participants. Participants are also asked to make an evaluation of the courses that they have attended. Course evaluations are transmitted anonymously to trainers.

Art. 20 1c) of Regulation (EC) N°45/2001 applies to the extent that trainers do not know the identity of the author of an individual course evaluation in order to safeguard the rights and freedoms of the participants.

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

20) Recipient(s) of the Processing:

As processors, trainers receive the presence list

As co-controllers Line Managers and Training Managers receive training requests for validation

Training providers receive the evaluation of training actions

21) Category(ies) of recipients:

see point 20)

13/ retention policy of (categories of) personal data

1) All training records are kept for the duration of the staff member's career according to staff regulations. Certain data need to be conserved for a longer period if they are related to ongoing rights and obligations, i.e. certification of participation in a training.

This is particularly important for training activities that have an impact on the career path of the staff member, i.e. for language training connected to Article 45(2) (proficiency in a third language before promotion) and for training of a compulsory or pre-requisite nature.

2) Presence lists of the training actions that are completed are kept in paper version for the periods determined under the Financial Regulations as justification document for the payment of the external contractor's invoices .

3) Evaluations of the training actions are kept according to the duration of the contract with the external contractors.

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)

(on justified legitimate request from the data subject)

*(Please, specify the time limits for every category, if applicable)*

22 b) Time limit to block/erase data on justified legitimate request from the data subjects

The requests for blocking or for erasing data are dealt with in the month following their acceptance by the responsible service, except in cases where informatic development is needed. In these cases, it can take longer and solutions or equivalent alternatives are proposed.

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,*

22 c) 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

not applicable

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

27) Legal foundation of transfer:

Only transfers to third party countries not subject to Directive 95/46/EC (Article 9) should be considered for this question. Please treat transfers to other community institutions and bodies and to member states under question 20.

not applicable

28) Category(ies) of Personal Data or Personal Data to be transferred:

not applicable

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

#### 7) Description of Processing:

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Article 27.2.(a) Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

n/a

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

Article 27.2b) 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,

n/a

Article 27.2.(d) Processing operations for the purpose of excluding individuals from a right, benefit or contract,

n/a

Other (general concept in Article 27.1)

n/a

17/ Comments

1) Date of submission:

10) Comments if applicable:

36) Do you publish / distribute / give access to one or more printed and/or electronic directories?

Personal Data contained in printed and/or electronic directories of users and access to such directories shall be limited to what is strictly necessary for the specific purposes of the directory.

If Yes, please explain what is applicable.

no

37) Complementary information to the different questions if applicable, including attachments to this notification which should not be public :

PLACE AND DATE:18/08/2008

DATA PROTECTION OFFICER: RENAUDIÈRE Philippe

INSTITUTION OR BODY:European Commission