

REGISTER NUMBER: 478

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 03/02/2009

Case number: 2009-100

Institution: European Commission

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 address of the controller

2) Name and First Name of the Controller: BEARFIELD Nicholas David

3) Title: Director

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

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

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:

Consulting Tools Limited

3/ Name of the processing

EAS - Emotional Intelligence 360 degree assessment

4/ Purpose or purposes of the processing

The purpose of the processing is to allow participants in EAS training courses to obtain anonymous feedback in the form of a feedback report to help them enhance their competences in the areas of self-management; relationship management and communication. This type of tool is commonly used internationally by training providers for coaching and in courses on management and leadership. The data will not be used in any form of evaluation (appraisal) process of any of the persons involved.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

Officials and other staff of the EU institutions, offices and agencies participating in courses organised by the EAS.

16) Category(ies) of Data Subjects:

See response under point 14.

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

Data of a personal nature allowing the identification of the data subject (name, given name, electronic address)

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

? Data of a personal nature allowing the identification of the staff member concerned (name, given name, electronic address);

? Information provided by the course participant on their own perception of their competences in the areas of self-management, relationship management and communication.

? Information provided by colleagues on their perception of the participant's competences in the areas of self-management, relationship management and communication. This information is rendered anonymous and amalgamated into a feedback report.

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'

All persons participating in this activity will receive an information note to explain the processing and the treatment of data.

They will be reminded of the following:

- that procedure is entirely optional and anonymous,
- that all data are processed solely for the purposes of providing feedback,
- the arrangements for data storage,
- that all data are processed by subcontractors and that EAS or others within the Institutions have no access to any data.

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' :

Data subjects concerned may send a request to indicate any changes to their personal data.

Following written request with a copy of a proof of identity, they may obtain a copy of their personal data as registered by the contractor of the EAS. A functional email address has been established for this purpose.

Following a written request with a copy of a proof of identity, data subjects may obtain a written copy of all the information which they provided in the form of feedback to allow them to check that the information they supplied was accurately recorded.

Following a written request with a copy of a proof of identity, colleagues providing feedback may obtain a written copy of the information which they provided in the form of feedback to allow them to check that the information they supplied was accurately recorded.

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)"

The activity concerns the use by participants in training courses organised by the EAS of an assessment tool. This tool takes the form of a self-assessment of their competencies and a feedback by colleagues that they have chosen to be consulted. A feedback report is produced.

The tool aims to help participants recognise, understand and manage their interpersonal behaviour and emotions effectively.

Article 27 will apply.

8) Automated Processing operation(s):

The data is entered into a website to which the person concerned and their colleagues have separated and individual access. The information is processed automatically to produce a feedback report.

9) Manual Processing operation(s):

No manual processing is foreseen.

10/ Storage media of data

IT system. There is a database cluster to support the on-line applications and hold data. The cluster provides an automatic fail over in the event of a server failure. The Database Servers run Windows 2003 Server Standard Edition, and SQL Server 2005.

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

The following legal bases apply:

- decision n° 2002/620/CE of the European Parliament, the Council, the European Commission, the Court of Justice, the Court of Auditors, the European Economic and Social Committee, the Committee of the Regions and the European Ombudsman of 25 July 2002 culminating in the creation of the European Personal Selection Office;

- decision n° 2005/118/CE of the European Parliament, the Council, the European Commission, the Court of Justice, the Court of Auditors, the European Economic and Social Committee, the Committee of the Regions and the European Ombudsman of 26 January 2005 culminating in the creation of the European Personal Selection Office;

- decision n° 2005/119/CE of the Secretaries General of the European Parliament, the Council, the European Commission, the Court of Justice, the Court of Auditors, the European Economic and Social Committee, the Committee of the Regions and the European Ombudsman of 26 January 2005 concerning the organisation and operation of the European Administrative School.

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 useful in helping staff of the EU institutions, agencies and offices to fulfil their management functions carried out in the public interest on the basis of legal instruments adopted on the basis of the treaties establishing the European Communities.

Article 27 will apply.

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

20) Recipient(s) of the Processing:

- data subject only. No information is transmitted to the EAS, to the data subject's colleagues, the course trainer or other course participants.

21) Category(ies) of recipients:

See answer under point 20

13/ retention policy of (categories of) personal data

The sub-contractor has the following written data storage policy:

Consulting Tools Limited complies fully with the data protection act. We take the storage of your data very seriously.

? Any paper-based data, along with all electronic data will be stored securely on-site by us for the duration of the project/project stage plus 3 months.

? After 3 months any paper data will be securely destroyed.

? Any data originating in the EU region will not be transmitted or processed outside of the region, and will be handled by our secure web server based in the UK.

? The data will not be shared or transferred to any third party, unless requested in writing by our client.

As this processing will be done electronically, only the relevant arrangements for electronic storage above will apply.

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

For all justified legitimate requests received by the EAS and/or EPSO, a response will be given within 15 working days from the day that the responsible service receives the correspondence, which may however send a justified holding reply, in the circumstances set out in point 4 on the Code of Good Administrative Conduct.

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

N/A

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.

N/A

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

N/A

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

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)"

The activity concerns the use by participants in training courses organised by the EAS of an assessment tool. This tool takes the form of a self-assessment of their competencies and a feedback by colleagues that they have chosen to be consulted. A feedback report is produced.

The tool aims to help participants recognise, understand and manage their interpersonal behaviour and emotions effectively.

Article 27 will apply.

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 useful in helping staff of the EU institutions, agencies and offices to fulfil their management functions carried out in the public interest on the basis of legal instruments adopted on the basis of the treaties establishing the European Communities.

Article 27 will apply.

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 27.2.(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,

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:

Participation in this activity by the person concerned and their colleagues is entirely voluntary and participants are free to choose the persons whom they wish to invite to take part in this activity. The persons so invited may choose whether or not to take part.

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 :

The EAS will include the attached requirements on data protection as part of the contract with the contractor.

PLACE AND DATE:03/02/2009

DATA PROTECTION OFFICER: Administrator

INSTITUTION OR BODY:European Commission