

REGISTER NUMBER: 487
NOTIFICATION FOR PRIOR CHECKING
<p>Date of submission: 26/02/2009</p> <p>Case number: 2009-168</p> <p>Institution: ETF</p> <p>Legal basis: article 27-5 of the regulation CE 45/2001⁽¹⁾</p> <p style="text-align: right;"><i>(1) OJ L 8, 12.01.2001</i></p>

INFORMATION TO BE GIVEN⁽²⁾
<i>(2) Please attach all necessary backup documents</i>
<p>1/ Name and adress of the controller</p> <p>Ramsayer, Olivier – Head of Administration Department</p>
<p>2/ Organisational parts of the institution or body entrusted with the processing of personal data</p> <p>HR Unit staff , individual Staff Memebtrs, Line Managers, Countersigning Officers</p>
<p>3/ Name of the processing</p> <p>ETF Annual dialogue</p>
<p>4/ Purpose or purposes of the processing</p> <p>The Annual Dialogue system applicable to ETF staff aims at planning work by setting annual individual objectives and assessing individual performance in the course of a given reporting period. Besides providing ongoing feedback, the system is designed to set goals, effectively plan work in advance and contribute to future career development.</p>
<p>5/ Description of the category or categories of data subjects</p> <p>All CEOS statutory staff at ETF (Temporary Agents, Contract Agents, Local Agents) and Seconded National Experts.</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></p> <p>Surname, Name Type of contract, category, grade Job description function Personal objectives (annual) Performance related feedback (annual)</p>

7/ Information to be given to data subjects

the surname, first name and function of the Controller

the purpose of the processing

the recipient of the data

whether replies to the questions are obligatory or voluntary, as well as the possible consequences of failure to reply

As set in the Article 43 of the Staff Regulations

the existence of the right of access to, and the right to rectify, the data concerning him or her

the legal basis of the processing operation for which the data are intended:

the time-limits for storing the data

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

1. rights of access: any time

2. to rectify: any time if a mistake (originated by a clerical error of input into the database) is noticed regarding the name, type of contract, category or grade

3. to block: article 43 of the Staff Regulations does not allow for blocking performance appraisal.

4. to erase: article 43 of the Staff Regulations does not allow for erasing performance appraisal. However upon end of service, one can ask erasure of the performance feedback forms or after an appeal for which it has been authorised to erase a feedback form.

5. to object: via an appeal procedure through a Joint Evaluation Committee and within 10 days of received the feedback form

9/ Automated / Manual processing operation

The ADele (Annual Dialogue ELEctronic) system is a Lotus Notes database specifically designed to store and process data relevant to the annual objective setting and performance appraisal processes.

The data is channeled into an electronic workflow starting in the HR Unit. The individual electronic form is sent to each staff member; the form is edited by the staff member and then sent to the relevant Line Manager. The database is designed to allow a "loop" in the workflow between staff member, line manager (reporting officer) and countersigning officer, in order to ease dialogue and the drafting of the objectives to be set and performance feedback. The staff member is always the last one to be able to add any additional comments. The form is then signed electronically by pushing the workflow while inserting one's Lotus Notes restricted and personal password to the HR Unit for archiving. The workflow mechanism is valid for both the objective setting and the performance appraisal processes, being one the natural consequence of the other.

Below is the details on access at each stage:

Status Stage Who has access?*

Phase 1 - ADele is with HR Unit HR responsible (edit)

Phase 2 - ADele form is with the staff member Only staff member (edit)

Phase 3 - ADele form is with the Line Manager Only line manager (edit)

Phase 4 - ADele form is with the Countersigning Officer Only countersigning officer (edit)

Phase 5 - ADele form is with the staff member Only staff member (edit)

Phase 6 - ADele form is with the HR Unit HR responsible, staff member, line manager, countersigning officer (read only)

10/ Storage media of data

When the process is over, the access under editable mode to the entire Lotus Notes database is frozen (to prevent any further modifications), while read only access is allowed for the staff mentioned in the previous section, and stored on the ETF servers. The printout of the individual objective setting/performance appraisal form is stored within the personal file, as for Staff Regulations.

11/ Legal basis and lawfulness of the processing operation

§ Staff Regulations: Chapter 3: "Reports", article 43 (96) for Temporary and Contract Agents

§ New Framework Regulation for Local Agents, adopted by the Commission on 30 September 2002 [SEC(2002)1049]: article 7

§ Director's decision ETF/009/DEC/001 on Seconded National Experts: article 21

§ ETF Internal Control Standard nr. 4: "The ETF shall review the performance of its entire staff at least annually. All staff shall have the opportunity to discuss their individual performance with their reporting officer at least once a year. Where specific performance issues are identified these shall be addressed by managers as early as possible."

Lawfulness: the processing of personal data is necessary in order to assess the jobholder's efficiency, ability and conduct in the service in the course of a given reporting period. Each of these three headings shall be subject to a qualitative appraisal on the basis of which a level of performance shall be determined. The assessment is based on a set of objectives agreed at the beginning of the assessment period (January-December). Processing operation is necessary for compliance with a legal obligation of ETF

Article 43 of the Staff Regulations and Article 15(2) of the CEOS

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

Staff members (concerning their own data), Reporting Officer, Countersigning Officers, HR Unit, Joint Evaluation Committee, Promotion Board

13/ retention policy of (categories of) personal data

10 years from the starting from the time the staff member leaves definitely

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)

The block and erasure of data would be implemented within a single working day, if legally justified.

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,

It happens frequently that even after end of service of a staff member, they contact HR to ask for reference letters, copies of documents from their personal file such as performance appraisal or else. Therefore unless staff member request destruction of their performance feedback, for their benefit, they are kept in archive.

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

No, unless in case of successful participation in an interagency job market, where it is foreseen that a copy of the performance appraisals are sent to the recruiting institution.

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,

☐ **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,

☐ Article 27.2.(d)

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

☐ Other (general concept in Article 27.1)

17/ Comments

PLACE AND DATE: Turin, 26 February 2009

DATA PROTECTION OFFICER: Dr Liia KAARLÕP

INSTITUTION OR BODY: EUROPEAN TRAINING FOUNDATION