

REGISTER NUMBER: 532

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 20/10/2009

Case number: 2009-666

Institution: CPVO

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

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN⁽²⁾

1/ Name and adress of the controller

Mr. Carlos GODINHO
Community Plant Variety Office
3, Boulevard Foch
B.P. 10121, F-49101 ANGERS cedex 02

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

CPVO Human Resources Service

3/ Name of the processing

Appointment of middle management staff.

4/ Purpose or purposes of the processing

To manage the selection of middle management staff in order to select the best suited candidates for each particular position between grades AD9 to 12.

5/ Description of the category or categories of data subjects

Officials and temporary agents of the EU institutions which are commonly referred to as "internal candidates" and, in some cases, external applicants.

According to the "*CPVO decision on middle management staff*" (cf. annex 1), to be considered a member of the middle management staff, a person must satisfy two criteria at the same time: a) be involved on the permanent and continuous management of an administrative structure, as defined in the CPVO decision on middle management staff; b) appear in the CPVO's official organisation chart, limited to the second hierarchical positions in the organisation chart after the President and Vice-President.

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

The following data is collected from the application form (cf. annex 2): (i) Identification data, which may include surname, first name, date (and place) of birth, nationality, telephone number, email address; correspondence address; military status (and grade); (ii) Education and professional experience, which may include the degree/diploma, date of award of degree, length of professional experience, length of management experience, languages spoken and level, previous working experience and personnel number (if applicable); (iii) Data related to the suitability of a candidate for a particular vacancy, which may include the assessment/grids by the pre-selection panel as regards the eligibility of the candidate, the matching of the application with the selection criteria and the performance during the interview(s) and previous assessment reports; (iv) photos can be collected, on a voluntary basis (cf. annex 2).

From the Management Probationary Period Report (cf. annex 3) the following data is collected: a) period covered by the report; b) identification data from the reporting officers: surname and forename, institution, staff number, function; c) personal data of the appraisee: surname and forename, category and grade, function.

The process starts with the publication of the post and filling it. For officials, the President may decide:

- a) to fill the post by publication pursuant Article 29 of the Staff Regulations;
- b) to re-assign an official to the post in the interest of the service pursuant to Article 7(1) of the Staff Regulations under the conditions that it corresponds to his/her grade, and that he/she already occupies a middle management post or has occupied such a post and not has ceased to exercise management duties in application of Article 7(1) or (3) of the CPVO decision on middle management staff. For temporary agents, the President may decide to advertise the post simultaneously in the Agency and in the Interagency Job Market, before making an external publication of the vacant post. Applications of the internal candidates shall be considered first, before the applications of the candidates of the Interagency Job Market. Newly appointed Heads of unit shall be required to follow a management preparation course before or within three months of taking up their duties. All those newly appointed to a Head of unit position without having served at least two years as a Head of Unit in the CPVO, in the European Institutions, bodies, offices or Agencies, shall serve a management trial period of nine months as a 'probationer Head of unit'. For 'probationer heads of unit' recruited following an external competition, the final assessment shall be drawn up at the same time and in the same way as the report provided for in Article 34(3) of the Staff Regulations (cf. annex 3 and annex II of the CPVO decision). This assessment of management ability does not replace, but shall be complementary to the normal probation report provided for in that Article. The final assessment for officials/temporary agents already in service shall be attached to the next Career Development Report provided for in Article 43 of the Staff Regulations/Article 15 of the CEOS. A first assessment report for newly recruited temporary agents shall be made after six months, at the end of the probationary period as temporary agent in accordance with Article 7 of the Decision on the engagement and use of temporary agents in the CPVO and Article 14 of the CEOS. On the basis of this first assessment, the President may extend the probationary period for the manager being temporary agent for another three months according to Article 14, third paragraph of the CEOS. The final assessment as manager after nine months shall be drawn up at the same time and in the same way as the report provided for in Article 14 of the CEOS. This assessment of management ability does not replace, but shall be complementary to the normal probation report provided for in that Article.

7/ Information to be given to data subjects

A privacy statement with the name of the controller will be put on the CPVO's web site on the internet, with the call for applications, will be added to the Vademecum. The privacy statement contains information on the identity of the controller, purposes of the processing, types of data processed, legal basis for the processing, recipients of the data, lawfulness of the processing, storage periods and the existence of the right of access and rectification (cf. annex 4).

Moreover, the decision laying down the rules for the role and responsibility of middle management staff will also be added to the Vademecum.

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

Upon request to the data controller, data subjects have the possibility to modify their data, except merits and skills, even after the deadline for submitting applications. If requested, a re-transcription of the conclusions of the pre-selection and/or final interview panels is transmitted to the candidate. The original minutes and/or evaluation grids are not transmitted insofar as they could contain comparative elements involving other candidates and also because they fall under the secrecy of the proceedings of the panel.

9/ Automated / Manual processing operation

There is no automated procedure. Only manual procedures.

10/ Storage media of data

On paper in the personal files of each staff member concerned and in Docman (electronic storage of documents).

11/ Legal basis and lawfulness of the processing operation

Articles 2, 4, 5, 7, 29 & 44 of Staff Regulations;

Article 5(a) of Regulation 45/2001;

CPVO decision on middle management staff.

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

The data are disclosed to the members of the Selection Committee, the reporting officers and the Human Resources service. The members of the Selection Committee/the reporting officers are asked to destroy all documents upon completion of the selection/appraisal procedure (cf. annexes 5 and 6).

Data may also be disclosed to the Office for administration and payment of individual entitlements, in case of the successful candidates.

13/ retention policy of (categories of) personal data

Data collected from unsuccessful candidates, according to the instructions to the personnel department from the head of the personnel department dated 26 June 2006 (cf. annex 7), will be destroyed after a period of 24 months from the date of decision of the Office appointing the successful candidate. A disclaimer notice will be added to the acknowledgment of receipt sent out to candidates in that regard.

As regards to recruited candidates, the data collected during the selection process and at the time of establishing staff member's right when taking up the duties are kept in the personal file. Following the decision of the President of the CPVO on 1 September 2008 (cf. annex 8), all personal data contained in the personal file of a staff member will be destroyed after a period of 10 years from the date of the end of the contract of the staff member. The end of contract can be due to a contract with a limited duration, dismissal, resignation, retirement or death of the staff member.

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)

No procedure adopted. A request to block or erase data would be dealt with on a case by case basis.

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,

N/A

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

Data may be transferred to Office for administration and payment of individual entitlements, in case of the successful candidates.

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

CV's and application forms, as well as appraisal reports, contain a lot of personal data. The minutes of the selection committee contain evaluations of candidates. If this data would not be processed in a controlled manner and to a restricted number of persons, the integrity of individuals would be at risk.

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: Angers,

DATA PROTECTION OFFICER: Véronique Doreau

INSTITUTION OR BODY: CPVO