

REGISTER NUMBER: 606

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 21/06/2010

Case number: 2010-0468

Institution: OHIM

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

**OHIM Office for Harmonization in the Internal Market
Quality Management Department
Marc RICHTER**

Avenida de Europa, 4
E-03008 ALICANTE

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

Quality Management Department

3/ Name of the processing

Empirical analysis of correlations between work system variables and decision making

4/ Purpose or purposes of the processing

Various work system variables are suspected to have an impact on the decision making process, which is the central core business process of OHIM (and, for that matter, of many other organisations). In order to scientifically evaluate these variables (classified as being related to a person/individual, file, process or environment), a broad set of very personal information has to be polled (with the possibility to opt-out in each question). The purpose is not to draw any conclusions on the individual level, but rather to conclude on the general influence of these variables on decision making in general.

5/ Description of the category or categories of data subjects

Contract agents recruited for the Opposition decision making process exercise

6/ Description of the data or categories of data

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

The processing works with a quite large number of data, up to 45 different variables sub divided into 4 categories (see Annexe I & II):

- Individual variables
- Environmental variables
- File variables
- Process variables

7/ Information to be given to data subjects

Informed upon recruitment of the twofold approach followed in the Opposition decision making process exercise (operational and experimental). Additionally, data subjects will receive a detailed presentation and a written summary of the exercise upon arrival. Furthermore, each questionnaire will contain an introductory part elaborating details about the purpose and the possibility to opt-out.

8/ Procedures to grant rights of data subjects

(rights of access, to rectify, to block, to erase, to object)

Data subjects may, at any time, request access to their personal data and may request the rectification of inaccurate or incomplete personal data.

Data subjects may request their data processed to be erased, rendered anonymous or blocked if the said data has been processed unlawfully and may object the use thereof.

All such requests must be submitted to the Data Controller.

9/ Automated / Manual processing operation

Manually, paper-based surveys (daily and per case) and screen recordings (on only one or two occasions during the project on volunteers' computers). Results of these are to be keyed-in into Excel for processing and statistical analysis (manual analysis, automated calculations).

10/ Storage media of data

MS Access database - paper-based surveys

11/ Legal basis and lawfulness of the processing operation

- Article 5(a) of Regulation 45/2001 ("processing is necessary for the performance of a task carried out in the public interest on the basis of the Treaties establishing the European Communities or other legal instruments adopted on the basis thereof [...]")

- Article 5(d) of Regulation 45/2001 ("the data subject has unambiguously given his or her consent")

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

Only the Data Controller has full access to the data in its identifiable form. No disclosure of personal data to anyone else.

Non-identifiable data may be disclosed or distributed to the scientific community for statistical purposes.

Test results are reported back to each respondent.

13/ retention policy of (categories of) personal data TIME LIMITS

Time Limits:

For access and rectification: immediately

For storage: One year with regard to the individual data. Their deletion would occur latest by the end of 2011 given that the data acquisition would end by the end of 2010.

13 a/ time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject)

Immediately

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

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,

With regard to the rest of the data, other than the individual ones, will be publicly available to the scientific community for an unlimited period of time in such a way that no individual identification would be possible.

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

No

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

AS FORESEEN IN:

- Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject, including his or her ability, efficiency and conduct.

But with a very low impact of the individual variables on performance.

17/ Comments

PLACE AND DATE: Alicante, 21th June 2010

DATA PROTECTION OFFICER: Ignacio de Medrano Caballero

INSTITUTION OR BODY: OHIM