

**REGISTER NUMBER: 622**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 27/08/2010

Case number: 2010-638

Institution: EFSA - European Food Safety Authority

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

Nicoline Le Gouriérec, Head of Human Resources Unit

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

Staff Development & Welfare Team in HR Unit (hereafter 'SDW team')

3/ Name of the processing

Training at EFSA

4/ Purpose or purposes of the processing

Personal data processing is done in support of the objectives and key principles of the “Training & Learning Framework and Policy” of EFSA, issued on 11/11/2008 (see annex 1) which is also linked to the CDAC (Part 1) policy and guidelines, previously notified to the EDPS. The EFSA training policy has the following objectives which are an integral part of staff development:

- to broaden and develop the knowledge, skills and competencies staff needs in order to contribute to the achievement of EFSA’s goals ;
- to contribute to the sense of fulfilment, belonging and commitment at the workplace, improving motivation and job satisfaction ;
- to help individuals in making career moves, both laterally (internal mobility) and vertically (promotion/reclassification).

The identification and follow up of training and personal development needs is a shared responsibility between jobholder and reporting officer, which is formalised in the CDAC part 1, Development plan.

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

\* The main data subjects are all statutory staff and SNEs at EFSA. For Italian language courses, the data subject can be also the spouse/partner of a staff member (for this purpose the SDW team will receive the name of the person to be able to register him/her for a course), and trainees taking part in an in-service training.

\* Trainers provided by EFSA internally (EFSA staff), EFSA’s contractors, the European Commission via the Service Level Agreement signed with the EC.

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

In the context of the EFSA training policy, the following categories of personal data can be distinguished:

- 6.A - Data related to planning and execution of courses organised internally at EFSA premises:

- o Data deriving from the CDAC development plan, containing list of training/personal development needs of staff, required for ordering courses and subsequent preparation of the course calendar (see example annex 2).
- o Request for specific course made to contractors (or HR.B.3) for the execution of the training needs .
- o Offers for courses received by contractors (or HR.B.3) containing course content and date proposal, with proposed trainer and related CV and cost.
- o Quarterly course planning and calendar published on the intranet portal, containing training competence area (IT, Languages, etc.), course title, duration, start and end dates, maximum number of admissible participants (See annex 3 )
- o Course enrolment data contained in the electronic training request form (see annex 4) and direct invitation if the course has been identified as part of the training needs of the CDAC development plan.

The electronic training request form collects the following data: 1) personal details: name, surname, contract status including function group and grade, date of entry into service, Unit, Reporting Officer ; 2) course details: if internal, external provided by EC or by another subject and other details on the course (e.g. title, location, etc.); 3) description of the scope/objectives of the training. The form has to be submitted by the training participant and approved by the Reporting Officer.

o List of participants of each of the planned courses following registration acceptance, indicated on a course register containing: Course title, contractor, dates of training, trainer, name of participant, Unit and signature.

(See annex 5 )

o Certificate of attendance indicating: Course title, dates of training, trainer, name of participant, and signature of trainer (See example annex 6)

o End of course evaluation form containing: course title, dates of training, (See annex 7), used for quality management purposes. The evaluation of the training action is in some cases based on the assessment of the level of knowledge or competence acquired by the trainee on completion of the course attended. With regard to language training, on conclusion of a regular weekly courses, task-based or semi-intensive courses, staff is required to take an examination, in order to receive certification on the level of knowledge acquired (the levels can range from A1 to C2 of the Common European Framework of Reference for Languages). This certification is required for staff to meet the "third language requirement" before first promotion/reclassification (art. 45.2 of Staff Regulations). For language courses a progress report of the participant indicating the language level (annex 8). See also "Guide to EFSA language courses of 7 October 2009" (annex 9).

The other competence area where end-of-course exams are usually foreseen is the one of specialised IT courses.

A certification can be issued by the authorised contractor when the participant asks for it in the training request.

6.B - Data related to the participation of staff in courses organised by the European Commission:

o Data deriving from the CDAC development plan, containing list of training/personal development needs of staff , required for ordering courses and subsequent participation in the EC course, part of the EC course catalogue; (see example annex 2)

o Data contained in the EC Course catalogue (see example annex 10)

o Course enrolment data contained in the training request form (see annex 4) or direct invitation if the course has been identified as part of the training needs of the CDAC development plan.

o Surname/Name of participant for each of the planned EC courses is sent to the EC, HR.B.3 services/registered directly in Syslog following registration availability.

6.C - Data related to the participation of staff in external training:

- o Data deriving from the CDAC development plan, containing list of training/personal development needs of staff, required for ordering courses and subsequent participation in the external course; (see example annex 2)
- o Course enrolment data contained in the electronic training request form (see annex 4) or direct invitation if the course has been identified as part of the training needs of the CDAC development plan.
- o Surname/Name of participant for each of the planned external course is sent to the course organisers, who register the staff member following acknowledgement of place availability and best financial offer.

6.D - Electronic training request/management workflow:

Since January 2010, an electronic workflow is in use. Consequently the corresponding data (see annex 4), both the personal ones and those regarding the course, including attendance, as well as the approval by the Reporting Officer, result from the electronic workflow.

7/ Information to be given to data subjects

Two specific information notes on processing of personal data in the context of the EFSA training policy have been drafted:

- o For staff requesting and participating in training events (see annex 11): the note is uploaded on the EFSA Intranet portal. The electronic workflow contains a link to the privacy statement (see screenshot in annex 4).
- o For trainers who execute the training events (annex 12): the main training providers / contractors of EFSA are informed by means of a letter with the trainer privacy note in annex, with the question to inform individual trainers they make available to EFSA on the data protection measures EFSA implements. EFSA provides the same privacy note to individual trainers before they start the training / consultancy for EFSA. Finally the privacy statement is also available on the EFSA intranet portal for the purpose of internal trainers.

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

Access for staff: staff have access to their personal data on all training and learning events to which they have taken part, which can be requested via the SDW team.

Access for external trainers: External trainers are able to request access to their data by simple request to the controller. Requests for correction duly detailed and documented are resolved asap and within one week at the latest. In exceptional cases where the delay may be longer, the data subject will be informed.

9/ Automated / Manual processing operation

Staff enrol to the course through the electronic workflow. For internal courses, staff choose the course amongst those included in the published planning. The registered participants will be monitored. Once the participation is accepted by SDW, the electronic request is approved: staff receive an automatic e-mail of confirmation and then an email updating the Outlook calendar. For external training events, once the participation is accepted by SDW, the electronic request is approved and staff receive an automatic e-mail of confirmation.

A participants list will be extracted from the IT system which will represent the register. At the end of the course the list will be collected and the participation data inserted into the IT system and kept in order to monitor staff CDAC execution and a record of training in which staff have taken part available upon request of the staff member concerned. An evaluation form (annex 7) will be generated automatically and sent to the participants.

An exception is represented by the enrolment to team building events ("Away days"), where the processing of personal data is currently done manually. A Request form is filled in by the secretariat of the Unit/Directorate concerned signed by the Head of Unit/Director and by their line manager and then sent to the SDW team.

The secretariat of the Unit/Directorate is asked to scan the form and the two required attachments (Needs assessment form and List of participants) and send them by e-mail rather than to send paper copies.

#### 10/ Storage media of data

##### A. Data of staff are stored:

1a) As concerns training requests made prior to January 2010 (i.e. requests made in the period before the electronic workflow was introduced), data are stored on paper in locked filing cupboards within SDW Team offices: training requests, attendance lists, evaluation of the course.

1b) As concerns requests received since January 2010, most of data are being stored in the database linked to the electronic workflow and retrievable via Business Objects report by SDW staff.

2) Historical/ statistical electronic data are also stored on the HR-shared network drive only accessible to SDW staff and Data controller.

##### B. Data of contractors are stored:

1) On paper in locked filing cupboards within SDW Team offices, when printed as hard copies: framework contracts and related documents, financial procedures;

2) On the HR-shared network drive only accessible to SDW staff / data controller.

Since January 2010, data related to contractors are being stored also in the database linked to the electronic workflow: the name of the provider of the course, the name of the trainer, related evaluations.

#### 11/ Legal basis and lawfulness of the processing operation

Art.24a and 45.2 of the Staff Regulations

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

- \* Line managers and the SDW Team receive training requests for validation
- \* Trainers receive the presence list; as required by EDPS (cf. point II.10 of the EDPS Inspection Conclusions – case 2008-575), a specific Data Protection provision is inserted in service contracts concerning staff training)
- \* SDW Team receives the evaluation of training actions

13/ retention policy of (categories of) personal data

- \* Paper and electronic training records are kept for the duration of the staff member's career according to the Staff Regulations, i.e. for certification purposes (see art. 45.2 SR). Records are disposed of 1 year after the staff member's departure (resignation / contract expiry);
- \* Training applications and presence lists are justification documents for the payment of the external contractor and therefore kept for the periods determined under the Financial Regulation as justification for the payment of contractors/training providers invoices (5 years after discharge);
- \* Evaluation documents on the training action is kept according to the duration of the contract with the service provider;

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 request for blocking or for erasing are dealt with within 5 working days following their acceptance.

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,*

Statistics addressed to senior management on the execution of training activities are likely to be requested and reported on a quarterly/annual basis.

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

N/A

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)

The performance of the trainees is subject to evaluation and with regard to the ability to work in a third language, has an impact on the career of the staff member (TA & CA group IV). Also the trainer/speaker is evaluated by way of trainee surveys. After consultation in July 2010, the EDPS informed the DPO on the need to notify the processing operation for EDPS prior check.

Article 27.2.(c)

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

The following documents are annexed to the prior check notification:

1. 'Training & Learning: Framework and Policy', issued on 11/11/2008 and available on the EFSA intranet portal
2. CDAC development plan
3. Quarterly course planning and calendar published on the intranet portal (for info)
4. Screen shots of electronic training request form
5. List of participants in individual training courses
6. Certificate of attendance
7. End of course evaluation form
8. Language courses progress report
9. Guide to EFSA language courses of 7 October 2009 (and available on the EFSA intranet portal)
10. Data contained in the EC Course catalogue
11. Privacy statement for trainees/course participants/requestors
12. Privacy statement for trainers

Clarification concerning the ability to work in a third Community language (Art. 45(2) SR):

Information on the requirement laid down in article 45(2) Staff Regulations and article 85(3)

CEOS, thereby including the related training aspects is provided on the EFSA Intranet.

The following documents related to this matter are uploaded on the EFSA intranet and annexed to this notification:

13. EFSA Explanatory note on Article 45(2) of the Staff Regulations + form
  14. EFSA Decision on the refund of registration fees for language test to demonstrate ability to work in a third language + form
  15. Common Rules laying down the procedure for implementing art. 45(2) SR
  16. Common European Framework of References for Languages (CEF global scale)
  17. General criteria for the evaluation of diploma's or certificates + Indicative list of qualifications and CEF proficiency levels
- Lastly, also annexed: 18. DPO notification by the data controller

PLACE AND DATE: Parma, 27 August 2010

DATA PROTECTION OFFICER: Claus Reunis

INSTITUTION OR BODY: EFSA - European Food Safety Authority