

REGISTER NUMBER: 632

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 18/11/2010

Case number: 2010-912

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 adress of the controller

2) Name and First Name of the Controller: CASTELLANI Luisa

3) Title: Head of Department

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

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

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:

SCIC.B.01

3/ Name of the processing

Continuous Quality Monitoring and Assessment of ACIs (Agents Interprètes de Conférence) in DG Interpretation

4/ Purpose or purposes of the processing

See answer to Question 7 for a detailed reply

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

ACIs accredited to DG Interpretation and recruited on a daily contract basis to work in meetings serviced by it.

Reporting Officers (experienced staff interpreters) who file reports in SERIF

16) Category(ies) of Data Subjects:

ACIs accredited to DG Interpretation and recruited on a daily contract basis to work in meetings serviced by it.

Experienced staff interpreters who submit reports (who are reporting officers in SERIF)

Senior and middle management in Directorate A of SCIC (Director of A, HODs and HIUs)

Senior Management in SCIC

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

The description of the data fields in SERIF is attached as Annexe 4 to Question 7

A blank copy showing the fields for the ACI Employability Coefficient which is held in SIGNALETIQUE is attached as Annexe 9 to Question 7

Other data held on the ACI in SIGNALETIQUE is notified in the Notification DP-281

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

In SERIF:

Reporting Officer's Overall impression

Quality of the Interpretation

Incidents

Conduct

Comments from subject of the Report

In SIGNALETIQUE

The ACI Employability Coefficient which is divided up into three categories:

Professional Domicile

Language Combination

Professional Competency Rating

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'

The AIC staff management section of the SCICNet ACI website includes information on the DG's policy and procedures with regard to quality monitoring and assessment, as well as an explanation of the functioning of the system.

SCICNet is password protected and open only to members of SCIC, the interpreting services of the European Parliament and the European Court of Justice and accredited ACIs.

Therefore, for the purpose of this Notification, the documents in SCICNet are attached to the answer for Question 7. They are: Continuous Quality Monitoring and Assessment of AIC's in DG Interpretation & Annexe (Ref: ARES (2010) 812920) - Annexe 2 & Annexe 2a; AIC Employability Coefficient - Information Note (Ref: ARES (2010) 110646) - Annexe 9; Professional Competency Rating (Ref: ARES (2010) 110760) - Annexe 12; and the SERIF guide - Annexe 6

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' :

ACIs may consult their SERIF reports online at any time and are notified by an automatic email whenever a new report is filed. They are also entitled to place their comments on record within 10 days of receipt of this notification. These comments form an integral part of the report.

Reporting officers may, in exceptional circumstances and for duly motivated reasons, apply to their HIU to have a report re-opened for modification or deleted.

All correspondence or Notes to the File registered in ARES must be copied to the ACI who has the right to reply to these notes. The replies will be stored in ARES. For full details on the retention period of these documents, please see the attached note in Question 7.

ACIs also have the right to appeal against the Professional Competency Rating (PCR) which was determined by the HIU by requesting a dialogue with the HIU. If the ACI is not satisfied, they can submit the case to the H senior hierarchy who will take a final decision and communicate it in writing to all concerned.

Should a case be referred to the Joint Quality Group, the AIC will have the right to present their case to the Group Members. For more details on the Rules of Procedure of the Joint Quality Group, see the attachment in Question 7

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 document describing the processing is attached along with summary of the processing and all other documents referred to in the text annexe to the above document.

The data fall within the definition given in Article 27 paragraph 2b and are therefore subject to prior checking.

8) Automated Processing operation(s):

Generation of general and individual statistics and summaries/compilations of data by or on behalf of the HIUs or HoDs of Directorate A, who are responsible for monitoring and maintaining the quality of interpretation.

9) Manual Processing operation(s):

Input of data in the system SERIF by reporting officers (experienced staff interpreters), Unit Quality Coordinators, HIUs or by the departmental secretaries in Directorate A under the authorisation of the HIU.

Input of the ACI Employability Coefficient and the Professional Competency Rating (PCR) in SIGNALETIQUE by the HIU

Consultation of reports by authorised personnel (Director, HIUs and HoDs) of Directorate A and Unit Quality Co-ordinators.

Printing of completed reports for consultation by the subject on request. Printing of individual or aggregated data for consultation by authorised personnel

10/ Storage media of data

Hard disks of database servers running in the operational IT environment of DG SCIC

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

Regulation 1 of 1958 determining the official languages of the EEC, plus subsequent amendments.

Conditions of Employment of Other Servants (CEOS), Articles 84.4 and 87 by analogy

The Communication by Vice President Kinnock on the reorganisation of SCIC (SCIC/CS D(2003)61, which was approved by the Commission on 8 October 2003, refers on page 6 to "management of interpreting staff, with particular emphasis on quality control (see attachment).

DG Interpretation hires ACIs based on the provisions of the Agreement on Working Conditions and the Pecuniary Regime for Conference Interpreting Agents, amended on 13 October 2004 and hereafter referred to as The Convention. Title VII, art. 24 of The Convention referring to working conditions states that the same rules apply to ACIs and to permanent staff and that in recruiting and assigning ACIs, quality criteria have to be taken into consideration (see attachment)

According to its mission statement, DG Interpretation (SCIC)'s role is to make possible multi-lingual communication, which is at the core of Community decision making:

? By providing quality conference interpretation services

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)"

Processing is lawful pursuant to Article 5 paragraph c).

Article 20 is not relevant.

Given the nature of the data, Article 27 paragraph 2b is relevant and hence, prior checking by the EDPS is required

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

20) Recipient(s) of the Processing:

HoDs, HIUs and ACI Unit Quality Co-ordinators (who is appointed by the HIU and has been granted rights equal to those of the HIU in SERIF), have direct on-line access to all reports relating to the ACI whose quality is their responsibility.

Although the direct responsibility for quality monitoring lies with the HIU, the HOD may request reports or statistical output at any time for supervision purposes.

Regular review of report contents by HIUs. Statistics would normally be generated monthly to meet reporting obligations regarding the scope of the quality monitoring (e.g. number of ACIs reported on) and annually for staff career development review purposes (e.g. did the experienced staff interpreter comply with the job description by helping to maintain quality by submitting reports?).

Members of the Joint Quality Group and senior management have no direct access to the system but may if necessary be given the data in hard copy.

The Directorate B Units responsible for evaluation and strategic planning may be given aggregate report data in order to monitor compliance with internal control standards

Directorate C's Unit C2 (Programming of Interpretation) has access to the ACIs Employability Coefficient data in SIGNALETIQUE for the purposes of recruitment and determining the assignment of interpreters to meetings

21) Category(ies) of recipients:

Senior management

Heads of departments and units, Directorate A

Unit quality co-ordinators

Members of the planning and programming units

Members of the Joint Quality Group (indirectly)

13/ retention policy of (categories of) personal data

Data are retained for a rolling period of 50 years in SERIF

Documents registered and stored in the restricted file in ARES (structured by Language Unit, Year and ACI Administration) are kept for 50 years after the file is closed.

In the event of referral to the Joint Quality Group (JQG), working dossiers are given to group members within the context of a specific case must be returned to the chair of the JQG at the end of the procedure. The chair of the JQG will acknowledge receipt of these dossiers and will have them destroyed. A single master copy of the case dossier will be retained for a period of two years in a secure location under the responsibility of the chair of the JQG.

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

In SERIF, a report is stored in XML-format in one record. This record can be blocked or deleted immediately following a written instruction from the relevant HIU or the controller by the system administrator.

Documents held in ARES follow the agreed retention schedule and cannot be removed or deleted from the file. However an ACI has the right of reply and should a decision/ comment of a HIU be overturned by a senior member of the hierarchy, this note will also be stored in ARES with links to the relevant documentation.

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.

Not applicable

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

Not applicable

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 document describing the processing is attached along with summary of the processing and all other documents referred to in the text annexe to the above document.

The data fall within the definition given in Article 27 paragraph 2b and are therefore subject to prior checking.

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)"

Processing is lawful pursuant to Article 5 paragraph c).

Article 20 is not relevant.

Given the nature of the data, Article 27 paragraph 2b is relevant and hence, prior checking by the EDPS is required

☐ 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:

Freelance interpreters working for the Institutions on a daily contract basis are referred to in this report as ACIs (Agents Interprètes de Conférence). The terms are equivalent in this context.

The Heads of the Interpreting Units are referred to as HIU in the notification. Heads of Department are referred to as HODs.

In this Notification DG Interpretation is referred to as DG SCIC

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 :

Attached is a schema of the systems in DG SCIC and the transfer of information between them.

This document includes on the applications dealing with the planning of meetings and interpretation and as such, SIGNALETIQUE is shown on the schema.

As SERIF deals only with ACI Quality, it does not appear on this document but receives information such as the names of both staff interpreters and ACIs, information about meetings from CORALIN.

PLACE AND DATE:18/11/2010

DATA PROTECTION OFFICER: RENAUDIERE Philippe

INSTITUTION OR BODY:European Commission