

REGISTER NUMBER: 654

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 17/01/2011

Case number: 2011-0055

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⁾

(2) Please attach all necessary backup documents

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

Certification procedure

4/ Purpose or purposes of the processing

The aim of the processing is to select officials from the AST function group, from grade 5 and up, to be authorised to participate in training in the certification procedure framework, which will give them the possibility of being appointed to a post in the same grade in the AD function group.

5/ Description of the category or categories of data subjects

Officials of the CPVO, employed in grade 5 upwards of function group AST who have been appointed to a permanent post in the CPVO in accordance with Article 1a of the Staff Regulations and who, on the date of publication of the call for applications, are seconded in the interests of the service or whose administrative status as referred to in Article 35 of the Staff Regulations is one of the following: active employment, parental leave or family leave.

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

Data that will be processed is primarily collected from the application form (cf. annex 2), and it includes:

- Administrative data (name and personnel number);
- Language competencies (mother tongue, language chosen for the training and professional situations where language was used);
- Priority area;
- Level of education and training (including diplomas of higher education and trainings attended);
- Preferred training location;
- Professional experience (including within the CPVO and outside the CPVO);
- Signature.

7/ Information to be given to data subjects

The data subjects are informed via the publication of the "*Decision laying down the general provisions for implementing the certification procedure (Article 45a of the Staff Regulations)*" (cf. annex 5) on the CPVO intranet. A privacy statement (cf. annex 6) with the name of the controller will be put on the CPVO intranet. 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, the existence of the right of access and rectification.

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, and in accordance with the Regulation (EC) 45/2001, data subjects have the possibility to modify their data, except merits and skills, even after the deadline for submitting applications. Reasons for restricting these rights are provided in the privacy statement (cf. annex 6).

9/ Automated / Manual processing operation

The procedure is basically automated. The procedure will be organized annually from 2010. It comprises **6 stages**:

1/ Publication of a call for applications and determination of the number of officials authorized to follow the training program. Each year, in consultation with the Joint Certification Committee, the Appointing Authority shall determine the number of officials to be authorized to take part in the training program referred to in Article 45a (1) of the Staff Regulations. Following that decision, the Appointing Authority shall publish a call for application (cf. [annex 1](#)). After having applied, candidates shall be pre-selected provided they meet both of the following conditions: one of their five most recent career development reports must state that they have the potential required to take on the functions of an administrator, and the official must have seniority in grade 5 or above of at least three years. The Appointing Authority shall publish a draft list of officials who have been admitted to the certification procedure on the basis of the two above-mentioned criteria. The Appointing Authority shall then rank the admitted merit as indicated in the annual career development report, the level of education as demonstrated by officially recognised qualifications/diplomas (cf. [annex 3](#)) and the recent professional experience acquired in the institutions in those fields where the CPVO has identified particular needs. The Appointing Authority shall then establish two lists on the basis of the above-mentioned criteria: one list combines merit and level of education; a second list combines merit and recent professional experience. The highest-ranked applicants on the two lists, down to a ranking decided according to the number of posts determined in accordance with Article 3, are pre-selected. A draft list of admitted applicants and a draft list of the pre-selected applicants are then published. Officials who have applied and believe that they meet the criteria but who are not included on the list, and officials who contest the number of points obtained on the basis of the criteria referred above, may appeal to the Joint Certification Committee within ten working days of the publication of the list. They must state the reasons for their appeal and supply the committee with all the relevant supporting documents and information. The final lists of admitted and pre-selected applicants is then adopted and published by the Appointing Authority;

2) Establishment by the Appointing Authority of the list of officials authorized to take part in the training program. The Appointing Authority identifies those amongst the pre-selected applicants who are allowed to follow the training program, adhering to the number determined in accordance with Article 3 of the CPVO's Decision. Each Head of Unit and service provides an opinion on each of the pre-selected officials and communicates it to the Head of Human Resources. This opinion shall be motivated and take form of points allocated to the preselected applicants, taking into account the needs of the services (cf. paragraph 2 of article 5 of the CPVO's decision). The points allocated by the Heads of Unit and Services shall be submitted to the Head of the Human Resources, who shall publish the list of the applicants having reached or passed the threshold. All pre-selected applicants shall be notified of the number of points and of their ranking. Pre-selected candidates who contest the number of points obtained may appeal to the Joint Certification Committee within ten working days of the publication of the list. They must state the reasons for their appeal and supply the committee with all the relevant supporting documents and information. On the basis of the proposal of the committee, the Appointing Authority adopts the final list of officials authorized to take part in the training program. This list is published by the Head of Human Resources;

3/ Participation in the training program (cf. annex 4), as foreseen in article 6 of the CPVO's decision. The CPVO has concluded a Service Level Agreement with the EAS, authorizing the EAS to draw up and organize the certification training program. Another Service Level Agreement has been concluded with the European Personnel Selection Office concerning the content of the written and oral tests. The CPVO will provide the EAS with the personal number, first name and last name, office telephone number, e-mail address, as well as the language of recruitment of the candidates authorized to attend the training program. The EAS will inform the CPVO of the result of the training program (absences of candidates and if they passed or failed). Only candidates whom the EAS certifies as having followed the program shall be authorized to sit the tests.

4/ Organization of written and oral tests and establishment by the Appointing Authority of the list of applicants who have passed the tests demonstrating that they have successfully completed the training program, as foreseen in article 7 of the CPVO's decision. Once the candidates have completed the training they sit an oral and written exam. After the tests, EPSO establishes a list of officials having passed the tests;

5/ Publication by the Appointing Authority of the list of CPVO's officials who have passed the tests. Once EPSO has established the list of officials having passed the tests, this list is published in the CPVO by the Appointing Authority;

6/ Appointment to jobs in function group AD. Officials included in the list referred above may apply, with no time limit, for vacant posts in the function group AD corresponding to their grade in accordance with the conditions laid down in Article 29(a)(ii) and (b) of the Staff Regulations.

10/ Storage media of data

On paper in the personal files of each staff member concerned and in Docman (tool to manage documents by electronic means).

<p>11/ Legal basis and lawfulness of the processing operation Article 45a of the Staff Regulations. Article 5(a) of the Regulation (EC) n° 45/2001; CPVO's Decision laying down the general provisions for implementing the certification procedure (article 45a of the Staff Regulations).</p>
<p>12/ The recipients or categories of recipient to whom the data might be disclosed The data are disclosed to the appointing authority, the Heads of Unit, the Human Resources service and the Joint Certification Committee, in case of appeal.</p>
<p>13/ retention policy of (categories of) personal data In accordance with the "<i>Decision of the President on the conservation of personal files</i>", of 1 September 2008 (cf. annex 7), all personal data, including evaluation reports, promotions and reclassification decisions, will be destroyed after a period of 10 years from the date of the end of contract of the staff member. These provisions do not apply to administrative data stored in the "pension" part of the personal file containing a summary of the employment history of the staff member at the CPVO as well as all correspondence related to the staff member with the Pension Unit of the Commission. For these data, the conservation period is extended to 10 years after the date of retirement of the (former) staff member.</p>
<p>13 a/ time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject) <i>(Please, specify the time limits for every category, if applicable)</i> No procedure adopted. A request to block or erase data would be dealt with on a case by case basis.</p>
<p>14/ Historical, statistical or scientific purposes <i>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,</i> N/A</p>
<p>15/ Proposed transfers of data to third countries or international organisations Some data are transferred to EAS and EPSO, as stated on the above section 9.</p>
<p>16/ The processing operation presents specific risk which justifies prior checking (<i>please describe</i>): Diplomas, engagement contracts, career development reports and the application forms contain personal data. These will be evaluated in the certification procedure. This selection process (the evaluation of ability to change to another function group), while based on existing staff reports, is an evaluation in its own right. It is also based on other criteria: officials' training and education, as well as the needs of the service and professional experience acquired in service. 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.</p>

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: Martin Ekvad

INSTITUTION OR BODY:CPVO