

REGISTER NUMBER: 0673

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 28/03/2011

Case number: 2011-0304

Institution: Community Plant Variety Office

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 address 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

Early retirement without reduction of pension rights.

4/ Purpose or purposes of the processing

In accordance with Article 9(2) of Annex VIII of the Staff Regulations and Article 39 of the Conditions of Employment of Other Servants, each year a limited number of officials and temporary agents are allowed to retire before the pensionable age without reduction of pension rights. The CPVO Decision establishes the provisions implementing such a scheme for early retirement without reduction of pension rights.

5/ Description of the category or categories of data subjects

Data subjects are officials and temporary agents employed by CPVO.

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

The personal data is collected from the application form (cf. annex 1) and it contains:

- identification data (a staff number, surname, name, date of birth and email address);
- place of assignment (unit/service, start of employment and internal telephone number);
- administrative information data (employment status, category/grade/step, administrative position, entry into service with the Office as an official or temporary agent);
- years of service as official or temporary agent within the CPVO;
- years of service as official or temporary agent at other European Institutions;
- period of service for which a severance allowance was received, if applicable;
- reasons for applying for the early retirement without reduction of pension rights;
- data concerning transfer of pension rights, including years and months of service;
- signature of the staff member concerned.

7/ Information to be given to data subjects

The data subjects are informed of the "*CPVO Decision on general implementing provisions on the early retirement of officials and temporary agents without reduction of pensions rights* " (cf. annex 2 and annex 2a), which has been published in the Vademecum after the final approval by the Commission and the signature from the CPVO President.

A privacy statement is added to the call of application (cf. annex 3) and contains information on the entity 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 and the right to recourse to the EDPS.

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 access and modify their data, even after having submitted their applications.

9/ Automated / Manual processing operation

The processing is both manual and automated.

In September each year, the Human Resources service publishes the call for applications for early retirement without the reduction of pension rights (annex 1) with effect from 1 January of the following year. The call for applications (annex 3) is published on the Intranet of the CPVO and indicates the number of employees potentially entitled to an early retirement, it specifies the deadline for applications and the form which the candidates are obliged to fill in. Additionally, it specifies the conditions of eligibility. An application submitted to the Human Resources service is the subject of examination for the early retirement in the following year only. Candidates who are unsuccessful may submit a fresh application in the successive year.

To be eligible, the official or temporary agent must fulfill, at last, on 1 January all the criteria established in Article 4 of the CPVO's decision (annex 2).

The unit to which the applicant is assigned carries out a preliminary examination of the application and then assesses the interest of the service taking into account the criteria set out in Article 5 of the CPVO's decision (annex 2).

Each year, each unit draws up a list of applicants. The eligible applicants are listed in three priority groups depending on whether the interest of the service is considered to be high, low or non-existent.

A standard information sheet per applicant containing an assessment of each criterion referred to in paragraphs 4, 5, 6 and 7 of Article 5 of the CPVO's decision is attached to the list.

Where for a given applicant, the unit considers that there is no interest of the service, the application may not be selected, unless the Appointing Authority considers that there are exceptional circumstances justifying the selection.

<p>Cases where spouses are both in the service of the CPVO and both apply for early retirement are considered individually as two independent cases.</p> <p>Afterwards, the Human Resources service verifies the compliance with the eligibility criteria contained in Article 4 of the CPVO's decision. Applicants who are not found to meet the eligibility criteria are informed in writing, with an indication of which criteria were found not to be met.</p> <p>The Human Resources service draws up a proposal of the officials and temporary agents who should benefit from this possibility of early retirement. This proposal should consist of a list in two groups, the first comprising a number corresponding to at least 80% of the possibilities referred to in Article 4 and the second group comprising a reserve list corresponding to the remaining number of the possibilities of early retirements. The draft proposal is submitted to the Joint Committee which gives its opinion within 15 working days. The Human Resources service submits the final list to the Appointing Authority for approval in order for the decision to be taken in December. Non-selected applicants are informed in writing with a reasoned decision. The selected applicants are informed of their selection in writing and have a period of 10 working days from notification during which they may withdraw their request. If an official withdraws his application, the highest placed official on the reserve list is automatically replacing him; a temporary agent is automatically replaced by the highest placed temporary agent on the reserve list. This procedure is repeated for each withdrawal. Selected applicants having accepted this possibility of early retirement are able to retire at a date of their choice within the calendar year.</p>
<p>10/ Storage media of data</p> <p>Documents in paper are stored in the personal file of each staff member concerned in the Human Resources service under locked cupboards and in Docman (tool to manage documents by electronic means).</p>
<p>11/ Legal basis and lawfulness of the processing operation</p> <p>Article 9(2) of Annex VIII of the Staff Regulations; Article 39 of the Conditions of Employment of Other Servants; Article 5(a) of Regulation 45/2001; CPVO Decision on general implementing provisions on the early retirement of officials and temporary agents without reduction of pension rights.</p>
<p>12/ The recipients or categories of recipient to whom the data might be disclosed</p> <p>The data is disclosed to the Appointing Authority, the Joint Committee and to the unit to which the applicant is assigned. They are informed that all the personal data shall be destroyed if in paper format and erased from the computer if in electronic format (cf. annex 4).</p> <p>Data is also disclosed to the Human Resources service.</p>
<p>13/ retention policy of (categories of) personal data</p> <p>In accordance with the "Decision of the President on the conservation of personal files", of 1 September 2008 (cf. annex 5), all personal data 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></p> <p>No procedure adopted. A request to block or erase data would be dealt with on a case by case basis.</p>

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 is transferred to the Office for the administration and payment of individual entitlements (PMO).

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

The processing operation is intended to evaluate and select officials and temporary agents who may be eligible for an early retirement without reduction of pension rights. 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, 31/03/2011

DATA PROTECTION OFFICER: Véronique Doreau

INSTITUTION OR BODY: CPVO