

REGISTER NUMBER: 737

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 13/09/2011

Case number: 2011-0835

Institution: FHC - FUEL CELLS AND HYDROGEN JOINT UNDERTAKING

Legal basis: Art. 27 Regulation (CE) 45/2001

(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:

FCH JU - TO56-Brussels

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

HR Responsible

3/ Name of the processing

Staff appraisal (annual appraisal, probation)

4/ Purpose or purposes of the processing

Staff performance assessment, renewal of contracts, reclassification

5/ Description of the category or categories of data subjects

FCH JU staff

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

probation reports, reclassification, personnel files data

7/ Information to be given to data subjects

The data subjects are informed that their personal information will be processed in line with Regulation (EC) N° 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the European Union institutions and bodies and on the free movement of such data.

In case of queries or complaints, the data subjects have the right to contact the FCH JU DPO, the controller in practice (FCH Executive Director). In case of complaint, data subjects have the right to address the issue to the EDPS.

The information to be further provided to data subjects pertains to the nature of the data and the processing, including: controller, recipients, purpose, lawfulness, and rights of the data subjects.

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

The procedures to grant rights to data subjects are laid down in Articles 9 to 18 of the FCH JU Implementing rules concerning data protection. These include access to the DPO's register of data processing operations; requests from data subjects to the Data Controller to exercise their rights; as well as detailed procedures to exercise the rights to access, rectify, erase, block, and object (as required by articles 13-16 of Regulation (EC) No 45/2001).

9/ Automated / Manual processing operation

Manual

The staff appraisal data is subject predominantly to manual review and treatment. The data is contained in paper files stored within the personal file of each staff member.

10/ Storage media of data

The data are stored electronically with access limited to authorised staff. Paper files are stored in a locked cabinet until their destruction.

11/ Legal basis and lawfulness of the processing operation

Articles 34, 43, 45-46, and Article 10(3) of Annex XIII of the Staff Regulations;

Articles 14, 81, 84, 87 of Conditions of Employment of Other Servants;

Implementing rules:

- Commission Decision concerning the appraisal for the director of the Fuel Cells and Hydrogen Joint Undertaking.

Article 5 (a) of Regulation (EC) No 45/2001;

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

The staff recruitment data is accessed by the HR Responsible and the respective Reporting Officers of each staff member.

13/ retention policy of (categories of) personal data

Conservation period of 10 years after the moment when the staff member has left or after the last pension payment; Data of purely informative nature no longer necessary for administrative reasons can be disposed of prior to the expiration of the retention period with a minimum retention period of 5 years if this is feasible.*

* As the indicated period may exceed the date of existence of FCH JU (2017), the exact location where the data will be archived will be defined in the context of the liquidation procedure or the renewal of FCH JU.

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 Data Controller shall take a decision within 15 working days of receiving a request for data to be blocked. If the request is accepted, it shall be acted upon within 30 working days and the Data Subject notified thereof. Should the request for blocking be rejected, the Data Controller shall have 15 working days within which to inform the Data Subject by means of a letter stating the grounds for the rejection (Article 13(3) of FCH JU Implementing rules).

The Data Controller shall reply within 15 working days of receiving a request for erasure. If the request is accepted, it shall be acted upon immediately. If the Data Controller deems the request unjustified, he or she shall have 15 working days within which to inform the Data Subject by means of a letter stating the grounds for the decision (Article 14(3) of FCH JU Implementing rules).

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

N.A.

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

Staff appraisal processing operations involve the evaluation of personal aspects relating to the data subject as foreseen in Article 27.2.(b).

17/ Comments

PLACE AND DATE:

DATA PROTECTION OFFICER:

INSTITUTION OR BODY: