

REGISTER NUMBER: 751

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 24/10/2011

Case number: 2011-0945

Institution: ECHA

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

European Chemicals Agency, Annankatu 18, 00120 Helsinki, Finland.

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

The tasks of the controller are exercised by the Head of Unit Human Resources, which is currently Mr Shay O'Malley. In all three processes the personal data will be processed by the absolute minimum number of staff of the Human Resources Unit necessary to run the processes. No external processor is involved in the procedures.

3/ Name of the processing

Staff evaluation. This prior check includes the following processes:

1. Annual performance appraisal
2. Probationary period reporting
3. Promotion (reclassification)

4/ Purpose or purposes of the processing

1. To evaluate ability of temporary and contract agents
2. To evaluate ability of temporary and contract agents during their probationary period
3. To evaluate the ability of temporary agents and their eligibility for the promotion

5/ Description of the category or categories of data subjects

ECHA does not employ officials and SNEs are not concerned. Processes 1 and 2 apply to both temporary agents and contract agents, while process 3 (promotion) applies only to temporary agents.

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

For all three processes: name, contact information, identification number, grade, position, information on career breaks, subjective data about ability and quality of performance.

7/ Information to be given to data subjects

Intranet page on 'Career development' containing information on all three processes, including the ECHA decisions, guidelines, templates and presentations on the topic. A specific privacy statement is also foreseen.

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

The privacy statement explains the procedure to exercise the rights of data subjects. For this purpose, direct contact with the controller is recommended.

9/ Automated / Manual processing operation

Personal data is processed both manually and electronically.

10/ Storage media of data

Paper and electronic file.

11/ Legal basis and lawfulness of the processing operation

1. Article 43 of the Staff Regulations and Articles 15(2) and 87(1) of the Conditions of Employment of Other Servants (hereafter 'CEOS'); ECHA decision (MB/25/2009 final) on performance appraisal of temporary and contract staff, implementing Article 43 of the Staff Regulations.

2. Article 14 and 84 CEOS.

3. Article 10 CEOS; ECHA decision (MB/74/2010/D final) on the policy and procedure for the reclassification of temporary agents, implementing Article 10 of the Conditions of Employment of Other Servants.

The lawfulness of the processing is thus based on Article 5(a) of Regulation 45/2001.

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

The data regarding all three processes is only disclosed to the management of ECHA: with regard to performance appraisal and probationary period reporting it will be disclosed to the team leader (if applicable), reporting officer (usually the Head of Unit), countersigning officer (usually the Director) and the appointing authority (Executive Director). With regard to promotion (reclassification), the data is disclosed to the Reclassification Management Committee, consisting of the Executive Director and all Directors. If a request for a review is requested with regard to process 1 or 3, the data will be transferred to the Joint Committee for Appraisal and Reclassification (consisting of four senior staff members (AD 9 and above), of which two are designated by the Executive Director and two by the Staff Committee.

13/ retention policy of (categories of) personal data

The final reports and decisions with regard to all three processes are stored in the individual personal files of the staff members concerned. The personal files are stored for a maximum period of 10 years after the end of the employment contract, provided there are no pending claims or any other open issues.

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)

No time limits for exercising these rights.

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,

Any production of statistics will be anonymous.

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

Not applicable.

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,

Data relating to health may be revealed when answering the question about career breaks (e.g. maternity leave). The collection of this data (exact reason for the career break) for the performance appraisal and the probationary period reporting is necessary however to determine the exact work period on which the staff member is to be evaluated and to define possible extension of that period.

☐ Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject,

All three processes involve the evaluation of personal aspects.

☐ Article 27.2.(c)

Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

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☐ Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

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☐ Other (general concept in Article 27.1)

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17/ Comments

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PLACE AND DATE: Helsinki, 19/10/2011

DATA PROTECTION OFFICER: Alain LEFEBVRE

INSTITUTION OR BODY: European Chemicals Agency