

**REGISTER NUMBER: 758**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 21/10/2011

Case number: 2011-0957

Institution: EU OSHA

Legal basis: article 27-5 of the regulation CE 45/2001<sup>(1)</sup>

*(1) OJ L 8, 12.01.2001*

**NOTIFICATION OF NEW DATA PROCESSING OPERATIONS**

**Processing operation: Staff Appraisal**

**INFORMATION TO BE GIVEN<sup>(2)</sup>**

*(2) Please attach all necessary backup documents*

1/ Name and address of the controller

Christa Sedlatschek, Director;  
Françoise Murillo, Head of Resource and Service Centre;  
Eusebio Rial González, Head of Prevention and Research Unit;  
Andrew J.A. Smith, Head of Communication.

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

Heads of Unit, including the Director;  
Human Resources Section.

3/ Name/exact title of the processing (operation)

General Provisions for Implementing Article 43 of the Staff Regulations

4/ Purpose or purposes of the processing

Evaluate the jobholder's efficiency, competencies and conduct in the service.

5/ Description of the category or categories of data subjects

Data subjects are all staff members in active service or on secondment in the interest of the service for a continuous period of at least one month in the year subject to appraisal.

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

The following categories of data are subject to the evaluation exercise:

- name, last name, personnel number
- grade and step
- seniority in the service
- efficiency, competencies and conduct in the service
- some special category of the data (in the meaning of Article 10 of EC Regulation 45/2001) might be collected - such as trade union membership, family situation and health conditions if provided by the data subject in the self-assessment.

7/ Information to be given by the data subject

As from the next appraisal exercise, the email sent by HR announcing the launch of the appraisal exercise will include a data protection clause whereby data subjects are informed that their personal data will be processed in accordance to EC Regulation 45/2001 and a link will redirect to the dedicated privacy statement available in the Intranet ([Attachments 1 and 2](#)).

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

Data subjects are provided with a copy of their reports and are invited to make comments on them and to write their self-assessment. They can therefore amend all administrative data at that time. Given the annuality of the exercise, data subjects have regular access to their administrative data and have the possibility to correct and amend them as appropriate.

Evaluation reports are kept in data subjects' personnel files and all the documents included in there are accessible by the data subjects at anytime.

Each data subject is provided with an original copy of the report once this is signed by the Countersigning officer and the jobholder him/herself.

Data subjects can also rectify their data by submitting a written request to the controllers.

Rectification is possible only for factual data - not for evaluation data that are subjective.

10/ Storage media of data

Paper version of the evaluation reports are kept in the personnel files of the data subjects located in secure lockers in the HR Section. During the evaluation exercise, the electronic version of the reports may be saved in the password protected folders of the reporting officers. Data subjects are free to keep their evaluation report where they wish although they are encouraged to do so either in secure lockers or in password protected folders.

11/ Legal basis and lawfulness of the processing operation

Legal basis:

Article 43 Staff Regulations, Article 15.2 CEOS, General Implementing Provisions for Implementing Article 43 of Staff Regulations at EU-OSHA ([Attachment 3](#)).

Lawfulness of the processing:

Article 5(a) of Regulation EC 45/2001.

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

Reporting Officer (usually, Head of Unit);

Countersigning officer (the Director);

Joint Evaluation Committee members;

Human Resource staff in charge (for training plan mapping and filing purposes only);

Legal Service, Civil Service Tribunal, the EDPS, OLAF, the European Ombudsman.

13/ Retention policy of (categories of) personal data

The retention policy for evaluation reports aligns with the current policy as it is foreseen in EU-OSHA Document Management Policy for all documents included in the data subjects' personnel files (8 years after the extinction of all rights).

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)*

Data subjects can block or erase their personal data and sensitive information about them at any time by submitting a request to their reporting officer or by requesting access to the Human Resources section.

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,*

The Human Resources staff in charge only retains information regarding the training plan agreed between the data subjects and the reporting officers (for implementation).

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*):

Yes

AS FORESEEN IN:

Article 27.2.(a)

Processing of data relating to health and to suspected offences, offences, criminal convictions or security

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

Attachment 1: Standard email on launch of appraisal exercise by the Director

Attachment 2: Privacy statement in relation to the appraisal exercise

Attachment 3: General provisions implementing Article 43 Staff Regulations at EU-OSHA

Attachment 4: Declaration regarding the obligation of professional secrecy equivalent to that of a health professional pursuant to Article 7(3) of Regulation EC/2001

Attachment 5: Guide to Appraisal at EU-OSHA

Attachment 6: Appraisal Report form