

REGISTER NUMBER: 761

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 21/10/2011

Case number: 20110960

Institution: ERA

Legal basis: Article 27(3) Regulation (CE) 45/2011 (1)

(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

European Railway Agency - 120 Rue Marc Lefrancq, 59300 Valenciennes, France

2/ Units or sector of the Agency entrusted with the processing of personal data

Mikkel Emborg, Head of Administration Unit - Processor : CLL (the contractor). Centre de langues de Louvain-la-Neuve is established in Louvain-la-Neuve (Belgium). A contract between the ERA and CCL is established. The contractor in charge of the language courses as well as of the organisation of language tests leading to the acquisition of the relevant diplomas serving as proof of knowledge of the relevant language. The ERA HR receives from the contractor lists of presence/absence as feedback for the language courses and a certification for successful/not successful results of the examinations/tests conducted by the contractor.

3/ Name of the processing

Certification of 3rd EU language working knowledge

4/ Purpose or purposes of the processing

The purpose of the processing of the data of ERA staff members is the assessment in accordance with CEOS -Staff Regulations of the third language knowledge prior to the first reclassification (as stipulated in article 45(2) of Staff Regulations and articles 10 and 85(3) of CEOS).

5/ Description of the category or categories of data subjects

Statutory staff members of the ERA (Temporary Agents / Contract Agents) who have not been reclassified since their engagement.

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

The ERA HR sector collects personal data (name, surname, personnel number, telephone, email address, language diplomas, applications for language courses, tests for defining the level of knowledge) from the "data subjects". The ERA HR sector forwards these data to the contractor in charge of the language courses as well as of the organisation of language tests leading to the acquisition of the relevant diplomas serving as proof of knowledge of the relevant language. The ERA HR receives from the contractor lists of presence/absence as feedback for the language courses and a certification for successful/not successful results of the examinations/tests conducted by the contractor.

7/ Information to be given to data subjects

Data subjects are informed about their rights through the relevant "privacy statement" (see point 8). It should be noted that according to the ERA's Director Decision No 149/09.2008, staff members may choose to follow language courses provided by another entity or language institution. Thus the decision of staff members to enroll to courses provided by the ERA contractor is strictly voluntary (and free of charge).

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

Once in duty, staff members are informed by the data controller during one of the induction sessions about allowed access to their data in order to check/verify/consult its contents or to take copies of documents. It is also explained that any amendment/alteration/modification/correction/deletion to the personal data file must be -duly justified- introduced by the staff (via the Data Controller for corrections and deletions) and executed by the designated actors in the HR sector. The Controller rectifies without delay any inaccurate or incomplete personal data. A staff member also has the right to require the Controller to erase data if the processing is unlawful. For this, he/she need to contact the Controller by email (put in copy the designated HR staff). The Controller shall deal with the request for rectification of data within one month from the introduction of the request. As far as requests for blocking and erasure, the Controller disposes of three calendar months to give follow up to the request from the moment of its reception.

9/ Automated / Manual processing operation

Manual processing of a structured set of data accessible according to given criteria.

10/ Storage media of data

In case of positive assessment the certificate (hardcopy) is kept at the personal file of the staff member concerned (in locked cabinets at the HR Section). If the assessment of the ability to work in a third language is not positive, the relevant data will be stored until a positive assessment, enabling the individual to participate in the promotion exercise, is obtained. Data will be also stored on PC's (specially dedicated drive accessible only by HR staff).

11/ Legal basis and lawfulness of the processing operation

EC Regulation No 881/2004 (the ERA Council Regulation); Staff Regulations (article 45(2)) and Conditions of Employment of Other Servants (articles 10 and 85(3)); Decision of the Executive Director of ERA No 149/09.2008 on the Attestation of the Required level of the 3rd EU language for implementing Article 45.2 of the staff regulations and article 10 of the CEOS.

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

The recipients of the data are: the ERA contracting authority, the designated HR staff, the Contractor in charge of the language courses and any of the supervisory instances of the ERA (i.e. European Court of Auditors, Internal Audit Service, and in case of dispute, the Civil Service Tribunal, the European Ombudsman).

13/ retention policy of (categories of) personal data

Reclassification decisions are entered in personal files and so subject to those retention limits (i.e., ten years from the date of the last payment including a pension payment).

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)

One month

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,

Data will be processed for statistical purposes in an anonymous manner.

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

No

16/ The processing operation presents specific risk which justifies prior checking (*please describe*):
AS FORESEEN IN (tick on the appropriate box):

Article 27.2.(a)

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

No

Article 27.2.(b)

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

Yes

Article 27.2.(c)

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

No

Article 27.2.(d)

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

No

Other (general concept in Article 27.1)

17/ Comments

This processing operation is already in practice since 2008 (this is an ex-post prior checking)

PLACE AND DATE: Valenciennes, 21 October 2011

DATA PROTECTION OFFICER : Zografia PYLORIDOU

INSTITUTION OR BODY: EUROPEAN RAILWAY AGENCY