

<b>REGISTER NUMBER: 831</b>
<b>NOTIFICATION FOR PRIOR CHECKING</b>
Date of submission: 24.01.2012
Case number:2012-0079
Institution: EFSA
Legal basis: article 27-5 of the regulation CE 45/2001 <sup>(1)</sup>
(1) OJ L 8, 12.01.2001

<b>INFORMATION TO BE GIVEN<sup>(2)</sup></b>
(2) Please attach all necessary backup documents
<b>1/ Name and adress of the controller</b> The Head of Unit Human Capital and Knowledge Management (HUCAP)
<b>2/ Organisational parts of the institution or body entrusted with the processing of personal data</b> HUCAP Unit staff of Team Career dealing with the annual promotion/reclassification exercise
<b>3/ Name of the processing</b> Annual promotion/reclassification of temporary agents, contract agents and officials at EFSA
<b>4/ Purpose or purposes of the processing</b> Personal data processing carried out in the context of the EFSA annual Promotion/Reclassification exercise results from the consideration of the comparative merits of temporary staff, contract staff and officials employed at EFSA based on their annual appraisal reports (CDAC), their linguistic abilities and, where appropriate, on the level of responsibilities exercised by them in order to establish, over time, a close link between performance, merit and
<b>5/ Description of the category or categories of data subjects</b> EFSA statutory staff (temporary agents, contract agents and officials) having at least 2 years of seniority in their grade

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

Categories of personal data processed in the context of the annual Promotion/Reclassification scheme of EFSA include:

- full name of the jobholder, Directorate, Unit, function group and grade, seniority in grade ;
- information on the final assessment level established as a result of the conclusion of the jobholder's Career Development and Appraisal Cycle (CDAC) of the preceding year, expressed in the number of promotion/reclassification points proposed/awarded ;
- the accumulated capital of points (rucksack) related to the conclusion of the previous Career Development and Appraisal Cycles (CDACs) as well as the relevant promotion/reclassification threshold applicable;
- information on whether the data subject is required to demonstrate/has demonstrated the required level of knowledge of a third language, in the case of the first promotion in EFSA. Further details on personal data processing in the context of the third language requirement pursuant to Article 45(2) of the Staff Regulations was provided previously to EDPS in the context of the notification on the EFSA Training Policy - case 2010-0638

**7/ Information to be given to data subjects**

A data protection notice concerning the EFSA annual promotion/reclassification of temporary agents, contract agents and officials taking account of the information to be given to data subjects as referred to in Article 11 and Article 12 of Regulation (EC) 45/2001, is available on the EFSA Intranet Portal. The notice is available in **Annex 1** to this notification.

It should be added that the EFSA Intranet Portal furthermore contains comprehensive information on the EFSA annual promotion/reclassification scheme, including the relevant Decisions of the Executive Director on the scheme (see point 11), the list of staff eligible for the year in question and the annual list of promoted and reclassified staff members. It also contains a guidance document on the calculation of promotion/reclassification points as well as the reports and opinions of the Management Committee and of the Joint Promotions Committee.

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

To exercise their rights, data subjects should contact staff of Team Career in the HUCAP Unit. This also is the case for appeal against the calculation of the annual promotion/reclassification points allocation, dealt with by the Joint Promotions Committee.

**9/ Automated / Manual processing operation**

The data processing is both paper-based and in electronic format. Information concerning the promotion/reclassification is kept in the HR database (HRDB) and also in the Centurio HR database. The purpose of the HRDB is the management of data on the career and training of statutory staff and Seconded National Experts (SNEs) employed at EFSA pursuant to the Staff Regulations. The HRDB is solely accessible by the HUCAP Unit staff in charge. The User Note contained in the system is provided in **Annex 2** to this notification. The

**10/ Storage media of data**

The individual decisions on promotion/reclassification are kept in each individual's personal file. Data is also kept in the HRDB and Centurio HR database referred to in the previous point as well as in the Intranet Portal as mentioned in bullet point 7.

**11/ Legal basis and lawfulness of the processing operation**

<p>11.1 Processing operation is clearly covered by the mandate of EFSA</p> <p>The legal basis for the processing of personal data is provided by:</p> <ul style="list-style-type: none"> <li>• Article 45 of the Staff Regulations (SR) (Promotion of Officials) ;</li> <li>• Article 10(3), Article 15(1) and Article 87(3) of the Conditions of Employment of Other Servants of the European Communities (CEOS) (Reclassification of Temporary staff and Contract Agents) ;</li> <li>• The EFSA Decisions regarding Promotion and Reclassification available on the EFSA Intranet Portal: <ul style="list-style-type: none"> <li>o The Decision of the Executive Director of 23 July 2010 concerning the career and the promotion of officials (on the basis of Article 45 SR) ;</li> <li>o The Decision of the Executive Director of 22 April 2008 concerning the career of temporary staff and assignment to a post carrying a higher grade than that at which they were engaged (on the basis of Article 10 CEOS) ;</li> </ul> </li> </ul> <p>Amendment n° 1 of 23 July 2010 to the Decision concerning the career of temporary staff and assignment to a post carrying a higher grade than that at which they were engaged</p> <ul style="list-style-type: none"> <li>o The Decision of the Executive Director of 23 July 2010 concerning the career of contract staff and assignment to a post carrying a higher grade than that at which they were engaged</li> <li>o The amendment concerning the three above-mentioned Decisions following EFSA's 2011 reorganisation</li> </ul> <p><b>NOTE:</b> The rules referred to above form the basis for the annual promotion exercise at EFSA as it was completed by the end of 2011. It should be mentioned that substantial modifications to the EFSA Promotion/reclassification policy are envisaged during the current year 2012. The EDPS will be kept informed on any modifications to the rules affecting personal data processing in this area.</p>
<p><b>12/ The recipients or categories of recipient to whom the data might be disclosed</b></p> <p>The following groups are recipients of personal data in the context of the annual Promotion/Reclassification scheme:</p> <ul style="list-style-type: none"> <li>• The staff member/jobholder concerned</li> <li>• The Head of Unit of the staff member and the respective Director under which he/she resorts</li> <li>• The members of the Management Committee and of the Joint Promotions Committee</li> <li>• The Executive Director in the capacity of appointing/contracting authority</li> <li>• The staff in Team Career of HUCAP unit dealing with the promotion/reclassification exercise</li> <li>• EFSA staff in charge of follow-up of appeals in the sense of Article 90 SR</li> <li>• Bodies in charge of control or judicial review, including EFSA Internal Audit Capacity, European Court of Auditors, OIAF, European Ombudsman, EU Civil Service Tribunal, European Data Protection Supervisor</li> </ul>
<p><b>13/ retention policy of (categories of) personal data</b></p> <p>The individual decisions on promotion/reclassification are kept in each individual's personal file.</p> <p>At EFSA, personal files are kept until 5 years after the jobholder has terminated employment at the agency, provided that there are no pending claims or any other open issues concerning the EFSA employment relationship. Information concerning the promotion/reclassification of each individual staff member is also kept in the HRDB and the Centurio HR database. Access to these databases is limited to the HoU and staff in Team Career of HUCAP Unit. Data in HRDB are anonymised upon termination of EFSA employment of the staff member in question.</p>
<p><b>13 a/ time limits for blocking and erasure of the different categories of data</b>  <b>(on justified legitimate request from the data subject)</b>  <i>(Please, specify the time limits for every category, if applicable)</i></p> <p>Blocking and erasure shall happen within 5 working days from the date on which a duly substantiated request is made.</p>
<p><b>14/ Historical, statistical or scientific purposes</b>  <i>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,</i></p> <p>Data on promotion/reclassification may be comprised in general statistics in the area of career evolution of EFSA staff. Anonymised data are therefore kept in the HR database beyond the retention period for personal data (see point 13 above)</p>
<p><b>15/ Proposed transfers of data to third countries or international organisations</b></p> <p>N/A</p>

**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,

☒ 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**

**Annexes to the notification:**

- (1) Data protection notice regarding the EFSA annual Promotion/Reclassification of temporary agents, contract agents and officials, available on the EFSA Intranet Portal
- (2) User notice concerning Data Protection & Confidentiality inserted in the HR database
- (3) EFSA Implementing rules in the area of Promotion / Reclassification
- (4) DPO notification by the data controller (Article 25)

**18/ Measures to ensure security of processing (3)**

**Please check all points of Article 22 of Regulation (EC) 45/2001.**

**(3) Not to be published in the EDPS' Register (article 27.5 of Regulation (EC) 45/2001)**

PLACE AND DATE: Parma, 24/01/2012

DATA PROTECTION OFFICER: Claus Reunis

INSTITUTION OR BODY: European Food Safety Authority (EFSA)

*To be filled out in the EDPS' office*