

REGISTER NUMBER: 832

NOTIFICATION FOR PRIOR CHECKING

Date of submission: **25.01.2012**

Case number: **2012-0087**

Institution: **ERA**

Legal basis:

(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
F- 59307 Valenciennes cedex
FRANCE

2/ Organisational parts of the institution or body entrusted with the processing of personal data
Mikkel Emborg, Head of the Administration Unit, Administration Unit - HR sector,

3/ Name of the processing
Reclassification of eligible temporary agents at the ERA

4/ Purpose or purposes of the processing
Reclassification of eligible temporary agents at the ERA through collecting, assessing and managing data on comparative merits based in particular on the result of the annual appraisal exercise, the level of responsibilities and the use of languages in the performance of their duties with a view to reclassify the agent to the first step in the next grade of the function group to which he/she belongs.

5/ Description of the category or categories of data subjects
Eligible temporary agent engaged at the ERA (as defined in Art. 2(a) of the CEOS).

6/ Description of the data or categories of data (including, if applicable, special categories of data (article 10) and/or origin of data)
Data collected include name, surname, personnel number, function group, grade, seniority in step, unit/sector, function, outcome of the annual appraisal(s), the accumulated capital of points since the last reclassification exercise (if applicable), information about the third language (for a first reclassification), the number of reclassification points proposed/awarded in the current exercise.

7/ Information to be given to data subjects

Data subjects have full access to the relevant decisions which are posted on the ERA intranet which also contains the related privacy statement. Special information sessions on the topic are organised for the ERA staff yearly.

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

The rights are determined as per Regulation (EC) 45/2001 and as described in the privacy statement as follows: .

Data subjects have the right to access their data and to require the Controller to rectify without delay any inaccurate or incomplete personal data. They have the right to require the Controller to erase data if the processing is unlawful. For this, the data subject concerned need to contact the Controller by email (put in copy the designated HR staff). The Controller shall deal with your 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.

Furthermore, data subjects can address the ERA Data Protection Officer at any time, using the following

9/ Automated / Manual processing operation

Non-automated processing of data intended to form part of a filing system; an excel table with an overview of all reclassification data to which only designated HR staff have access; an excel table limited to an overview of all reclassifiable temporary agents.

10/ Storage media of data

- Hard copies: The data are stored in fire proof code protected safes in the Human Resources section premises, accessible only by designated HR staff.
- Computer storage: specially dedicated T-drive accessible only by HR staff.

11/ Legal basis and lawfulness of the processing operation

The process is lawful and necessary pursuant to

- Art. 45 of the Staff Regulations and Art. 10 and 15 of the CEOS;
- Decision on Staff Reclassification at the European Railway Agency (ERA) no. 119/05.2008.

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

The recipients of the data are: the temporary agents, the Heads of Unit of the temporary agents concerned, the AHCC, the Human Resources staff dealing with reclassification, the members of the Management Committee and the members of the Joint Evaluation Reclassification in case of an appeal. Additionally, external supervisory instances of ERA (i.e. European Court of Auditors, Internal Audit Service, and in case of controversy, the Civil Service Tribunal, the European Ombudsman, etc.) can have access to those data according to the legal provisions in force.

13/ retention policy of (categories of) personal data

Ten 10 years from the termination of employment or from the last pension payment, whatever applicable.

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)

Three calendar months from the moment of reception of the justified legitimate request by the data subject.

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,

Reclassification data are processed for statistical reporting purposes in an anonymous manner

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

No such transfers are taking place.

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,

Yes. Career Development Review (CDR) by its nature as a process requires 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,

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

This an ex-post prior check notification.

PLACE AND DATE: Valenciennes, 25 January 2012

DATA PROTECTION OFFICER : Zografia PYLORIDOU

INSTITUTION OR BODY: EUROPEAN RAILWAY AGENCY

To be filled out in the EDPS' office