

REGISTER NUMBER: 860

NOTIFICATION FOR PRIOR CHECKING

Date of submission: **10/05/2012**

Case number: **2012-0407**

Institution: **Fusion fro Energy**

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 address of the controller

Hans Jahreiss
c/Josep Pla, n° 2
Torres Diagonal Litoral
Edificio B 3
08019 Barcelona

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

Administration Department

3/ Name of the processing

Regrading of temporary agentss

4/ Purpose or purposes of the processing

Assignment of temporary agents to a post carrying a higher grade than the one at which they are employed.

5/ Description of the category or categories of data subjects

F4E temporary agents who, on the 31th December of the promotion exercise year, have a minimum of 2 years 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)

- i. Identification data: name, surname, personal number, category and grade/function group and grade, job title.
- ii. Performance level determined in an appraisal report, use of languages and level of responsibilities as determined in the appraisal report.
- iii. Rucksack accumulated in previous promotion exercises.
- iv. Promotion points awarded to staff member.
- v. Promotion decision, including new grade and/or step.

7/ Information to be given to data subjects

A specific privacy notice has been published in the F4E intranet, providing staff members with the information required under Articles 11 and 12 of the Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

The regrading exercise notice published by Fusion for Energy contains a data protection clause stating that staff members' personal data are processed as required by Regulation (EC) No 45/2001.

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

Data subjects have the right of access to their personal data and they are provided with information on points awarded during the exercise as well as with decision on regrading. They can also obtain access to all documents in their personal file – even after leaving the service – as provided for in Article 11(1) of the CEOS. Data subjects have also the right to rectify any identification data that are inaccurate or incomplete, through a request to Data Controller. As regards other data (such as number of points awarded), such data can be rectified in an appeal procedure before the Joint Promotion Committee.

Data subjects have also the right to obtain from Data Controller blocking or erasure of their data.

When a data subject contests the accuracy of his/her identification data, the relevant data are immediately blocked for a period necessary for verifying the accuracy and completeness of the data, not exceeding 15 working days. When data subject requires data be blocked because s/he considers the processing unlawful or when s/he considers that data are no longer needed by F4E for the accomplishment of its tasks but have to If data subject requests data to be erased for s/he considers their processing unlawful, F4E erases the relevant Should the data subject have any queries, s/he shall address them in writing to the Data Controller at the follow

9/ Automated / Manual processing operation

The regrading exercises are managed, in principle, manually. The points scored annually by staff members are, however, processed automatically in MsExcel documents.

10/ Storage media of data

Decisions on regrading and supporting documents shall be kept in personal files of staff members concerned. Electronic documents are stored electronically on a hard-drive, in dedicated folders.

11/ Legal basis and lawfulness of the processing operation

Legal basis:

Articles 10 and 15 of Conditions of Employment of Other Servants ("CEOS")

- read in conjunction with Article 6 of the Council Decision 198/2007/Euratom and Article 10(2) of the Statutes annexed to the Decision.

Lawfulness of the processing operation:

- Processing operation is necessary for the performance of F4E tasks on the basis of the F4E founding instrument or other legal instrument adopted on the basis thereof or in the legitimate exercise of official authority vested in F4E or in a third party to whom the data are disclosed (Regulation (EC) 45/2001, Article 5 (a));

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

Human Resources officers in charge of the regrading exercises

Human Resources Head of Unit

Head of Administration Department

Secretary to the Head of Administration Department

Appointing Authority

Assistant and secretary to the Director

Members of the Management Committee (Director and Heads of Departments)

Members of the Joint Evaluation and Promotion Committee

Fusion for Energy Legal Advisor: in case of a dispute

Internal Auditor (for audit purposes)

Court of Auditors (for audit purposes)

European Ombudsman (upon justified request)

Court of Justice of the European Union (upon justified request)

OLAF (upon justified request)

13/ Retention policy of (categories of) personal data

In line with article 26 of the Staff Regulations, promotion decisions reports are being kept in the personal files for up to ten years after termination of employment (or the last 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)*

For blocking:

- immediately, when the data subject contests the accuracy of his/her identification data - the relevant data are blocked for a period necessary for verifying the accuracy and completeness of the data, not exceeding 15 days, or
- when data subject requires data be blocked because s/he considers the processing unlawful or when s/he considers that data are no longer needed by F4E for the accomplishment of its tasks but have to be blocked for purpose of proof - as soon as possible and in any case not later than within 15 working days from the day the data subject's request reached F4E.

For erasure:

- as soon as possible and in any case not later than within 15 working days from the day the data subject's request for erasure reached F4E.

<p>14/ Historical, statistical or scientific purposes <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> For statistical purposes data on F4E staff appraisal can be kept, anonymously, for a period of thirty years.</p>
<p>15/ Proposed transfers of data to third countries or international organisations N/A</p>
<p>16/ The processing operation presents specific risk which justifies prior checking (<i>please describe</i>): AS FORESEEN IN: <input type="checkbox"/> Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject,</p>
<p>17/ Comments</p>
<p>PLACE AND DATE: Barcelona, DATA PROTECTION OFFICER: Radoslav Hanak INSTITUTION OR BODY: The European Joint Undertaking for ITER and the Development of Fusion Energy (Fusion for Energy)</p>

To be filled out in the EDPS' office