

**NOTIFICATION FOR PRIOR CHECKING**

**DATE OF SUBMISSION: 16/08/2012**

**CASE NUMBER: 2012-0696**

**INSTITUTION: REA**

**LEGAL BASIS: ARTICLE 27-5 OF THE REGULATION CE N° 45/2001<sup>(1)</sup>**

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

1/ NAME AND ADDRESS OF THE CONTROLLER

WIM DE MEYERE  
RESEARCH EXECUTIVE AGENCY (REA)  
UNIT A.3.001 (HUMAN RESOURCES)  
COV2 15/052  
B - 1049 BRUSSELS

2/ ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA

REA, Unit A.3.001 (Human Resources)

Personal data may also be processed by DG HR (Syslog Formation system)

3/ NAME OF THE PROCESSING

Assessment of the ability to work in a third language

4/ PURPOSE OR PURPOSES OF THE PROCESSING

<sup>1</sup> OJ L 8, 12.01.2001.

<sup>2</sup> **Please attach all necessary backup documents**

The Human Resources Sector of the Agency (hereinafter referred to as "HR") defines, coordinates and ensures the implementation of human resource policies (covering the whole employment cycle). It does so by following the relevant provisions of the Staff Regulations and the Conditions of Employment of Other Servants of the European Communities (CEOS).

The purpose of the processing is to assess, in accordance with article 45(2) of the staff regulation which is applicable to Temporary Staff in accordance to the Agency's decision REA/SC(2010)16 on the career of Temporary Staff and to their assignment to a post carrying a higher grade than that at which they were engaged and article 85(3) of the CEOS (Conditions of Employment of Other Servants of the European Communities) which is applicable to Contract Agents of function group IV before renewal of their contract for an indefinite period, the ability to work in a third language.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

- Temporary Staff (TAs) prior to the reclassification exercise
- Contract Agents function group IV (CAs) prior to a contract renewal of indefinite period.

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA (*including, if applicable, special categories of data (Article 10) and/or origin of data*).

**Identification data**

Surname, first name, personnel number, email address, grade, Institution and place of employment, type of contract, unit, date of end of contract, office address, phone number, Status of participation (Syslog) in EC courses

**Education data**

- First and second languages chosen for the competition or selection procedure leading to recruitment
- Third language chosen for the purposes of the evaluation of Temporary Staff or for the purpose of a contract renewal of indefinite period for Contract Agent Staff
- Title of diploma and training body where diploma was obtained.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Under the REA Intranet, data subjects may find information relevant to the process.

Newly recruited Temporary and Contract (group function IV) staff also receive a document describing the purpose of the procedure. This document is included in the welcome pack and is also communicated to data subjects via e-mail by REA.A.3.001 (HR – Training).

In addition, a Specific Privacy Statement, relevant to the procedure, is provided to the data subjects and is also published under the REA Intranet.

#### 8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

The choice of the third language and/or the procedure to prove the ability to work this language may be changed. Data subjects may send such requests to the following email address: [REA-Training@ec.europa.eu](mailto:REA-Training@ec.europa.eu)

The data subject may also request to the data controller the rectification of any factual data relevant to the procedure by sending an email to the following email address: [REA-Training@ec.europa.eu](mailto:REA-Training@ec.europa.eu)

Data subjects can also request to have access to their personal data by sending an e-mail to the following email address: [REA-Training@ec.europa.eu](mailto:REA-Training@ec.europa.eu)

Concerning their rights under Regulation (EC) No 45/2001, staff members may also contact the REA Data Protection Officer (DPO) using the following email address: [REA-Data-Protection-officer@ec.europa.eu](mailto:REA-Data-Protection-officer@ec.europa.eu).

#### 9/ AUTOMATED / MANUAL PROCESSING OPERATION

In line with the administrative notice N° 10-2010 (03.02.2010) regarding third language requirement, the REA has foreseen six ways/options that enable data subjects to prove their ability to work in a third language:

##### **Option 1 - Inter-institutional language course**

Concerned staff can register (via Syslog) for an EC language course for any of the 23 official EU languages. The minimum required level to be accomplished is level 6. This request is validated by the REA.A.3.001 (HR – Training).

Note: in case a staff member claims to have already accomplished the required level (level 6 or higher) for a language course at the EC, REA A.3.001 (HR – Training) verifies this claim in Syslog and encodes the respective information in the personal file in Sysper 2.

##### **Option 2 - Diplomas recognition by EPSO**

Concerned staff members need to provide to the REA A.3.001 (HR - Training) a copy of their diploma/certificate that they want to have recognised. The relevant data are encoded in an excel file which is sent to EPSO ([EPSO-Troisieme-Langue-Diplomas@ec.europa.eu](mailto:EPSO-Troisieme-Langue-Diplomas@ec.europa.eu)) with the request to validate the diploma/certificate.

After the evaluation, EPSO sends their decision/outcome directly to the concerned staff by e-mail. The Head of Unit REA.A3 (Administration) and the REA A.3.001 (HR – Training) also receive a note which is added to the personal file of the concerned staff member. The relevant data is encoded in the personal profile of the staff member in Sysper 2.

### **Option 3 - EPSO language test**

Concerned staff members may request via REA.A.3.001 (HR - Training) for an enrolment to an EPSO exam. These exams are organised by external language training institutions (private language schools) that are contracted by EPSO. The implementation of the actual exam is fully organised by the school. After the exam, the language school transmits the result to EPSO which in turn sends (by e-mail) the decision/outcome directly to the concerned staff member. The Head of Unit REA.A.3 (Administration) and the REA.A.3.001 (HR - Training) also receive a note which is added to the personal file of the concerned staff member. The relevant data is encoded in the personnel profile of the staff member in Sysper 2.

### **Option 4 – External language test**

Concerned staff members may request the REA.A.3.001 (HR – Training) to sit an exam organised by an external language training school. The exam should be equivalent (at least) to level B2 of the Common European Framework of Reference for Languages.

### **Option 5 – EPSO competition with two languages**

If a concerned staff member has successfully passed all phases of an EPSO competition in which two languages were tested, a copy of the assessment document can be sent by the data subject to [REA-Training@ec.europa.eu](mailto:REA-Training@ec.europa.eu) and the necessary data is then encoded in Sysper 2. The assessment document is stored in the personal file.

### **Option 6 – EPSO competition with three languages**

If a concerned staff member has successfully passed all phases of an EPSO competition in which three languages were tested, a copy of the assessment document can be sent by the data subject to [REA-Training@ec.europa.eu](mailto:REA-Training@ec.europa.eu) and the necessary data is then encoded in Sysper 2. The assessment document is stored in the personal file.

### **Other**

A file (Excel) is used for administrative and follow-up purposes, relevant to the procedure, by the REA.A.3.001 (HR – Training) and contains a list of REA staff not having fulfilled the language requirements.

The result of an EC language course, the recognition of diplomas, the result of the EPSO test, the external test or the EPSO competitions are stored in the staff member's personal file. The relevant information is encoded in Sysper2 for the concerned staff member.

The Syslog Formation system of the European Commission is used by the REA in order to plan and organize training activities for REA staff.

10/ STORAGE MEDIA OF DATA

- Electronic files

Data, in electronic format, is stored on the servers of the REA (limited access) and/or on the servers (email server, Sysper 2, Syslog) of the European Commission.

- Paper files

During the procedure paper files are stored in secure cupboards and at the end of the procedure they are stored in the personal files residing in the archive room (locked, limited access).

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

- Article 45 (2) of the Staff Regulation which is applicable to Temporary Staff in accordance to the Agency's decision REA/SC(2010)16 on the career of Temporary Staff and to their assignment to a post carrying a higher grade than that at which they were engaged (REA/SC(2010) 16)
- Article 85(3) of the CEOS (Conditions of Employment of Other Servants of the European Communities) which is applicable to Contract Agents function group IV who need to prove their third language before their renewal of contract for an indefinite period.

12/ THE RECIPIENTS OR CATEGORIES OF RECIPIENT TO WHOM THE DATA MIGHT BE DISCLOSED

**REA**

- b. The REA HR sector
- c. The REA Competent Appointing Authority (the Director of the Agency)
- d. The REA Head of department "Administration, Finance and FP7 Support"
- e. The REA Heads of Unit
- e. The REA Internal Services (legal service, internal audit)

**Other potential recipients**

- a. European Ombudsman
- b. Civil Service Tribunal
- c. Court of First Instance
- d. General Court of the European Union
- e. European Court of Justice
- f. Court of Auditors
- g. European Data Protection Supervisor
- h. OLAF

- i. EPSO (when an EPSO test is communicated or the opinion of the EPSO Committee is requested)
- j. External companies carrying out the tests in case of externalisation of the service.

This transmission will be restricted to the information necessary for the competent entity to carry out its task. The recipients will be reminded of the purpose limitation obligations (Article 7(3) of the Regulation to process the personal data only for the purposes for which they were transmitted).

#### 13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The proof of ability to work in a third language (e.g. result of an EC language course, validation by EPSO, result of the EPSO test, external language exam, EPSO competition result) will be kept in the personal files for up to 10 years after the termination of employment.

#### 13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS

The proof of ability to work in a third language (e.g. result of an EC language course, validation by EPSO, result of the EPSO test, external language exam, EPSO competition result) cannot be blocked or erased.

For the blocking and/or erasing of factual/ administrative data the following apply:

- Time limit to rule on a request: 20 working days (beginning from the reception of the request).
- Blocking period: As soon as possible (maximum delay of 10 working days).
- Erasure Period: If applicable, maximum delay of five working days after the ruling on the request (if the ruling is positive).

#### 14/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES

Reports may be created for statistical purposes but in a form that does not permit identification.

#### 15/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

Not applicable

16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING (*Please describe*):

AS FORESEEN IN:

Article 27.2.(b)

*Processing operations intended to evaluate personal aspects relating to the data subject, including his or her ability, efficiency and conduct*

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

Administrative notice N° 10-2010 (03.02.2010) - Third language requirement  
[http://www.cc.cec/guide/publications/infoadm/2010/ia10010\\_en.html](http://www.cc.cec/guide/publications/infoadm/2010/ia10010_en.html)

PLACE AND DATE: BRUSSELS, 16 AUGUST 2012

DATA PROTECTION OFFICER: EVANGELOS TSAVALOPOULOS

Institution or body: Research Executive Agency (REA)