

REGISTER NUMBER: 934

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 10/12/2012

Case number: 2012-1058

Institution: European Medicines Agency

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

Head of Administration Unit, Andreas Pott
European Medicines Agency
7 Westferry Circus Canary Wharf
E14 4HB London

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

3/ Name of the processing
Individual Professional Standards

4/ Purpose or purposes of the processing
Document and address insufficient and inadequate performance of staff members of the Agency in a structured manner in order to restore the concerned staff member to a satisfactory level of performance or if satisfactory performance is not achieved to take other necessary steps in the interests of service.

5/ Description of the category or categories of data subjects

0934/2012-1058

Staff members of the Agency (TA and CA)

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

Data being used to evaluate personal aspects of the data subject (ability, efficiency, conduct);

Data concerning staff member's career

7/ Information to be given to data subjects

Information about the processing is included in document "Decision of the Executive Director on maintaining individual professional standards" (hereinafter the Decision) Annex I.

Staff member concerned is informed about his/her insufficiency and relative remedial programme in the framework of the procedure "performance evaluation report" (Article 3(2) of the Decision). Concerned staff members are subsequently informed at different steps of the procedure.

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

In accordance with general data protection notice for all procedures regarding staff matters

9/ Automated / Manual processing operation

Non-Automated processing of data intended to form part of a filing system;

Automated processing (SAP Management system); planned for performance appraisal reports in the future.

10/ Storage media of data

All documents related to the insufficiency procedure are stored in paper copy in the personal file; moreover, an electronic file is also created for the performance appraisal in the personal profile of the concerned staff member in the SAP system for the management of staff. There is a strict authorisation policy for access in SAP and access is confined to the concerned person, the reporting officer and the appeal assessor as well as concerned staff in HR (appraisal team).

11/ Legal basis and lawfulness of the processing operation

Article 51 of the Staff Regulations, Art 47 CEOS

Decision of the Executive Director on maintaining individual professional standards

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

Staff of the HR;
Staff Committee
Head of Unit and other management level of the staff concerned by the insufficiency procedure
Concerned person

13/ retention policy of (categories of) personal data

All documents related to the insufficiency procedure are retained in line with the policy on the Performance Evaluation Reports for 1 year after departure of the staff member

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)

In line with general policy on processing of data for the management of staff at the EMA – 15 working days

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,

Article 15 of the Decision states that statistics on the application of insufficiency procedure will be published once a year in the Agency's intranet. The names of the concerned staff will not be given nor any information by which they might be identified.

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

N.A.

16/ The processing operation presents specific risk which justifies prior checking (*please describe*):

- Article 27.2.(b)
Processing operations intended to evaluate personal aspects relating to the data subject,
- Article 27.2.(d)
Processing operations for the purpose of excluding individuals from a right, benefit or contract,

17/ Comments

This is a separate procedure to deal with cases of insufficient performance of staff which originates from the procedure for appraisal of staff -Performance Evaluation Report (PER) which has been subject of the EDPS Opinion in Case 2007-0421. The procedure has not been already implemented and the Decision is a draft document. The DPO has not been consulted in the preparation of the Decision.

PLACE AND DATE: London, 23/10/201

DATA PROTECTION OFFICER: Alessandro SPINA

INSTITUTION OR BODY: European Medicines Agency