

(To be filled out in the EDPS' office)
REGISTER NUMBER: 969

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 18/03/2013

CASE NUMBER: 2013-0310

INSTITUTION: ARTEMIS JU

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

ARTEMIS JOINT UNDERTAKING
TO 56
5/20
1049 BRUSSELS

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

HR Department
Juan Pablo Contreras, Head of Administration

No outsourced processor is involved.

3/ NAME OF THE PROCESSING

Systems for staff appraisal and evaluation, including probationary reports and promotion.

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The purpose is to evaluate each staff member on a yearly basis. The evaluation is aimed at:

- assessing the performance and achievements of the staff member with regards to his/her job description, his/her objectives, the personal development of the person;
- providing a qualitative assessment in terms of efficiency, ability, conduct in service.

Appraisals concern newly engaged staff: an appraisal report is in most cases due 6 months after the starting date of the contract.

Should promotion exercises become possible, specific staff evaluations would be performed to provide grounds for deciding on a promotion.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

- Temporary agents of the ARTEMIS Joint Undertaking, and
- Contract agents of the ARTEMIS Joint Undertaking.

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: first name, name, function group, office address, phone, place of employment, career history during the period, evaluation and assessment data in relation to staff evaluation.

Special categories of data: none

Health data: only for cases where there is a breach in service due to medical reason: the medical reason will be put forward but no content will be disclosed.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

ARTEMIS JU ensures that the processing complies with article 11 of Regulation 45/2001.

Basic information is provided in the Guidelines for Appraisal (see the document attached). Every year at the occasion of the evaluation, the HR Department sends an email informing the staff and explaining the purpose of the evaluation exercise, the procedure to be followed, the confidentiality of the report, the redress procedures, the timing, the iterations between the staff and the reporting officer(s).

The Guidelines for Appraisal are distributed to the staff when the exercise starts, and are available on the shared folder of the JU.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

(Rights of access, to rectify, to block, to erase, to object)

Article 8 of ARTEMIS implementing rules concerning the DPO details how the rights of data subjects can be exercised:

- Through a direct access to the register,
- From the controllers who inform the data subjects about their rights,
- By approaching the relevant controller: a details procedure is explained

In the specific case of appraisal and evaluation, the rights are clearly explained all over the process and more specifically in the Guidelines for Appraisal that contains a section on data protection. Rights of rectification, erasure, blocking or objection will only be implemented if they are duly justified, in accordance with Regulation 45/2001.

Exemptions and restrictions as specified in Article 20 of the Regulation apply.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Collection: by the HR team, with the following actors involved: data subject and reporting officer(s);

Use: management, HR team and data subject;

Transfer: management, Court of Auditors, European Court of Justice, Internal Audit Service of the EC

Storage: data are stored both physically and electronically. Physical files are stored in a locked cupboard with limited access from the HR Department. Electronic files are also with a restricted access;

Destruction of the data: after 5 years following the end of the evaluation;

Processing: the processing is manual as no excel sheet nor databases or online applications are used to store evaluation data.

10/ STORAGE MEDIA OF DATA

Data are stored both physically and electronically. Physical files are stored in a locked cupboard with limited access from the HR Department. Electronic files are also protected by a restricted access.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

- General implementing provisions on the procedures governing the engagement and use of temporary staff: decision ARTEMIS-GB-46/08;

- General implementing provisions on the procedures governing the middle management staff: decision ARTEMIS-GB-47/08;
- General implementing provisions on the procedures governing the engagement and use of contract staff: decision ARTEMIS-GB-48/08;
- Staff Regulations (Articles 34, 43, 44-46) CEOS (Articles 14, 15(2), 84);

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

- Court of Auditors,
- European Court of Justice,
- Lawyers (internal & external),
- Internal Audit Service of the EC

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

- Probationary/Evaluation data: 5 years after the end of a particular evaluation period.
- Promotion data: during the employment time of the data subject.

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

Within 5 working days upon request and legitimate grounds. In case the request concerns the accuracy of the data, the data will be blocked immediately for verifying purposes.

The data subject will be informed within 5 working days of the approval/rejection of his/her request.

(Please, specify the time limits for every category, if applicable)

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.

Data are not kept for historical, statistical or scientific purposes.

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

Data are not transferred to third countries or international organisations.

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.

17/ COMMENTS

No comments.

PLACE AND DATE: Brussels, 18 March 2013

DATA PROTECTION OFFICER: Anne Salaun

INSTITUTION OR BODY: ARTEMIS JOINT UNDERTAKING