

(To be filled out in the EDPS' office)

REGISTER NUMBER: 1200

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 15/11/2013

CASE NUMBER: 2013-1288

INSTITUTION: TEN-T EA

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

Name: Mr Marcos Roman Parra, Head of Unit, Resources Unit T1
Address: W910 03/042, Trans-European Transport Network Executive Agency (TEN-T EA),
Chaussée de Wavre 910, B-1049 Brussels

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

Resources Unit T1, Human resources

3/ NAME OF THE PROCESSING

Renewal of Contracts for Temporary and Contract Agents

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The purpose of the processing operation is to take a decision on the renewal of staff members' contract on the basis of their performance and to manage the contract renewal procedure with the staff member concerned (i.e.: signature of an amendment for the prolongation,...). Processing of the data is necessary for Agency to retain the temporary or contract agents who perform well in

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

employment. If it is not the case, the employment ends on the date indicated in the contract (termination of contracts is subject to another specific notification).

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Data subjects are all temporary and contract agents posted in the Agency.

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

The processing of the following personal data is involved during the renewal of the contract:

Name, personal number, grade, function and evaluation data contained in the CDR reports

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

The staff member is informed of his/her rights and entitlements upon entry into service and through the specific privacy statement provided on the occasion of the renewal of contract.

Information as regards career development is furthermore accessible through the Agency's Intranet: http://intra.tenea.cec.eu.int/en/hr_admin/hr/career_development.htm

Minimum 3 months prior to renewal, the staff member concerned is informed directly by HR of the decision relating to the renewal of his/her contract or not.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

Procedures to grant rights to the staff members as data subjects are stated in the specific privacy statement.

Staff members wishing to modify or correct their personal data during the contract renewal procedure have direct access to the HR department or can send a message via the functional mailbox: TENEA-HR-Helpdesk@ec.europa.eu

Staff members have the right to object to the processing of their personal data on legitimate compelling grounds.

As stated in the specific privacy statement, they can exercise their recourse right to the DPO or to the EDPS.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The procedure is launched and managed by the Human Resources department manually. They contact hierarchical superiors, the staff member concerned, prepare the contract amendments and manage administrative tasks related to renewal of contracts.

10/ STORAGE MEDIA OF DATA

All documents related to the contact renewal procedure (initial contracts, amendments, CDR, related correspondence, etc.) are kept by the HR department and/or stored on the common drive (but with limited access to the relevant staff of the HR department).

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Legal basis:

- Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union (CEOS) last amended by Council Regulation (EU, EURATOM) N° 1023/2013 of 22 October 2013, and in particular, Articles 2a, 3a, 82, 84, 85 and 86 of the CEOS
- Article 18 of Council Regulation (EC) N° 58/2003 laying down the statute for executive agencies
- Commission Decision C(2007)5282 of 5/XI/2007 delegating powers to the TEN-T EA as amended by Decision C(2008)5538 of 7/X/2008 amending Decision C(2007)5282
- Commission Decision C(2007)60/EC of 26 October 2006 establishing the Trans-European Transport Network executive Agency as modified by Decision 2008/593 of 11 July 2008
- Decision SC(2012)020 of the TEN-T EA Steering Committee of 17 July 2012 on the general provisions on the use and engagement of contract agents (Article 6)
- Decision SC(2009)009 of the TEN-T EA Steering Committee of 8 September 2009 on the use and engagement of temporary agents (Article 6)
- Decision of the Executive Director of 24 October 2012 on the new contract policy (E.D. Decision N°2012/059/T1)

Grounds of lawfulness

Regulation (EC) No 45/2001, Article 5(a) in conjunction with Recital 27: the processing is necessary for the performance of tasks carried out in the legitimate exercise of official authority vested in the Community institution or body.

Regulation (EC) No 45/2001, Article 5(c): the processing is necessary for the performance of a contract to which the data subject is party.

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

The HR department, the relevant hierarchical superior, the Director (Appointing Authority) of the Agency.

The European Court of Justice and/or the Civil Service Tribunal as well as the lawyers and the agents of the parties in case of a legal procedure, the Legal Team of the Agency, the Legal Service of the Commission, OLAF, the Internal Auditor of the Agency, the IAS, the European Court of Auditors, the European Ombudsman and the European Data Protection Supervisor.
In addition, HR might inform the PayMaster's Office of the European Commission (PMO) and DG HR.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The letters exchanged prior to the signature/non-signature of the renewal/extension are kept altogether in a separate file in the HR storage room for 5 years after amending the contract. Decisions on contract renewals and amendments to the contracts are kept in the personal file of the staff members throughout their career and will be kept until the personal file is destroyed (8 years after the extinction of all rights of the staff member concerned and of any dependents, and for at least 120 years after the date of birth of the person concerned).

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

30 working days for all data.

14/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES

Upon request, the Agency might transfer some anonymous data for future statistical purpose to Commission Services (e.g.: PMO, DG HR).

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*):

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,

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

N/A

PLACE AND DATE: BRUSSELS, 06/11/2013

DATA PROTECTION OFFICER: CAROLINE MAION

INSTITUTION OR BODY: TRANS-EUROPEAN TRANSPORT NETWORK EXECUTIVE AGENCY