

(To be filled out in the EDPS' office)
REGISTER NUMBER: 1201

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 18/11/2013

CASE NUMBER: 2013-1290

INSTITUTION: EC

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

CONTROLLER : KERSTING HENRIK

E-MAIL: Henrik.Kersting@ec.europa.eu

DELEGATE : DE HENAU AMELIE

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

THE EUROPEAN COMMISSION

DG SG - DIRECTORATE R.1

3/ NAME AND DESCRIPTION OF THE PROCESSING

NAME: SG - Development programme for SG middle managers. Use of self-perception questionnaire ("PERFORMANSE") and 360° tool of feedback on leadership competencies

Following its HR strategy 2013-2015 and its 2013 strategic learning and development framework, the Secretariat-General decided to launch a development programme for SG middle managers. This programme consists of :

- the establishment of a leadership competency framework specific to the Secretariat-General,

¹ OJ L 8, 12.01.2001.

- the deployment of a self-perception questionnaire "PERFORMANSE" and a 360° feedback tool to help SG middle managers learn about their professional skills and identify strengths and areas for development in relation to the SG leadership competency model,
- the offer of individual debriefing with subcontractor experts and meeting with SG HR manager to confirm development priorities and appropriate learning activities.

This notification concerns the processing of personal data in the context of the development programme for SG middle managers with the use by Commission staff (SG managers participating in the programme and reviewer colleagues) of development tools (PERFORMANSE and 360°).

The PERFORMANCE tool takes the form of a self-perception questionnaire and collects information about participants' behavioural tendencies and motivations in their working environment. After completion participants receive two feedback reports and, upon request, may receive a feedback session by telephone.

The 360° tool takes the form of a self-assessment of their management and leadership competencies and a feedback given by colleagues (superiors, peers, collaborators) chosen to be consulted. An individual report is only accessible to the reviewee, which will have a feedback session with a coach. Group reports are also generated and provided to HR professionals and SG senior management, who will have access only to aggregated information about the compiled results (such as most voted and less voted competencies, number of participants), without any possibility to track or identify individual answers.

Around 30 SG middle managers are concerned by the programme. A first wave will count around 10 participants. The process for the first group will be evaluated and a second wave will be launched. The participants may freely access their questionnaire and reports on-line. There is no obligation for the participants to share the reports with anybody but the coach. They can propose 6 peers and 6 persons reporting directly to them to be consulted for the feedback. In case they are manager of a small entity, they can propose collaborators from other entities to complete the list of 6 reporters. Their superior(s) and the chosen colleagues are invited as reviewers to give their perception on an anonymous basis and may freely give their answers.

A detailed description of the procedure is attached to this topic.

A communication is sent to the participants and the reviewers explaining the conditions of their participation and the procedure.

The processing of personal data falls under article 27 "Prior-Checking by the EDPS" as the processing operations intend to evaluate personal aspects relating to the data subject (SG middle manager), including his or her ability, efficiency and conduct.

This notification takes into account the recommendations made by the EDPS concerning procedures related to "360° Leadership feedback report" (Case 2009-0215) and self-perception questionnaire "PERFORMANSE" (Case 2012-0590).

4/ PURPOSE OR PURPOSES OF THE PROCESSING, AND PROCESSORS

The purpose of the processing is to allow participants in development programme for SG middle managers to obtain feedback on their management and leadership skills to help them develop their competencies. The data will not be used in any form of evaluation (appraisal) process of any of the

persons involved.

PROCESSORS:

BICK Consortium, contractor under framework contract "BICK-30-CE-0428585/00-08 Lot 2.1 - Trainings for Middle Managers" Performanse S.A.S, subcontractor which helps in the specialized process of data for the self-perception questionnaire "PERFORMANSE" Cubiks Ltd, subcontractor which helps in the specialized process of data for the 360° feedback tool

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

SG middle managers participating in the development programme organised by the SG Reviewers: colleagues (superiors, peers, collaborators) selected by the SG middle manager participant and invited to give their feedback.

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

- Data of a personal nature allowing the identification of the data subject (name, first name, electronic address, position, adm. entity);
- Feedback reports mentioning strengths and areas for development (in relation to the SG leadership competency model);
- Recommendation on training and on-the-job development activities matching development needs.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

All persons participating in this activity will receive an information message to explain the processing and the treatment of data. This information message contains a link to the privacy statement.

See copy of this information message attached to point 2 (Communication to the participants).

A copy of the privacy statement itself is attached to this topic.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

The procedure to grant rights is explained in the privacy statement attached here above. See response in the annex to point 7.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The data for the self-perception questionnaire is entered into a website to which the manager concerned has a unique, individual access. The information is processed automatically to produce two feedback reports.

The data for the 360° feedback is entered into a website to which the manager concerned and the reviewer colleagues have separated and individual access. The information is processed automatically to produce an individual feedback report.

10/ STORAGE MEDIA OF DATA

Data for the Performanse© system are held on a fixed hard drive on a secure web server computer in the processor's secure premises in Paris, France.

Data for the 360° feedback tool are stored on computing facilities provided by Cubkis Ltd, subject to a contract between Cubiks Ltd and BICK CONSORTIUM.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Legal basis:

The Commission decision of 7 May 2002 on Staff Training states:

- in Article 1 that learning is both a right and a duty for all persons working in the Commission, regardless of their assigned functions or their place of employment.
- in Article 2 that staff training in the Commission shall have as fundamental objective to expand and improve individuals' competencies so that each staff member can contribute optimally to achievement of the Institution's goals.
- in Article 7 that the Directors General and Heads of Service shall, within their areas of responsibilities, (e) establish a strategic framework within the DG and (f) put mechanisms in place to manage training at DG level in line with central instructions and recommendations.

The development programme for SG middle managers forms part of the SG Human Resources strategy 2013-2015 and the SG 2013 Strategic Learning and Development Framework approved by the Secretary-General on 11 February 2013, which includes coaching of managers as one of the priorities for the development of professional and personal competencies necessary to achieve the objectives specified in the SG Management Plan.

To organize the development programme for SG middle managers, the SG uses a framework service contract (contract number: 30-CE-0428585/00-08 EPSO/EAS/PO/2010/116) which has been signed between the European Administrative School (EAS) and BICK CONSORTIUM (contractor) for the delivery of training coaching/consultancy services for the staff in the European institutions, bodies and agencies. This contract concerns lot 2 - Training for middle managers (heads of unit) and includes an article I.9 for data protection. Under this framework service contract, the SG has ordered services from BICK CONSORTIUM for a training programme for SG heads of unit with the use of development tools (PerformanSE, 360°).

The texts of the decision, excerpts of the framework service contract and the note on the SG 2013 Strategic Learning and Development Framework are attached.

Lawfulness: Art. 5.d of Regulation 45/2001, the data subjects participating in the development programme give their consent to the processing of personal data.

Article 27 will apply.

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

After agreement of the participants, their professional email address will be communicated to the subcontractor which will then send by mail the necessary instructions to complete the questionnaire. When requested by the participant, the external debriefer from the subcontractor will receive his/her reports in order to provide individual feedback to the participant.
The SG will receive only group reports.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The data collected for the launch and the completion of the self-perception questionnaire (PERFORMANSE) and the feedback reports (PERF ECHO and PERF MANAGER) are kept by the subcontractor for 90 days after the questionnaire completion and then deleted. The data collected for the launch and completion of the 360° feedback questionnaire are kept for 3 months after the questionnaire completion and then deleted. Once the SG middle manager has obtained the individual 360° feedback report, the report will be deleted automatically by the subcontractor Cubiks after 3 months. The group reports, containing aggregated information without any possibility to track or identify individual answers, will be kept by SG HR unit for one year before they are deleted.

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

For all justified legitimate requests received by the controller, a response will be given within 15 working days from the day the responsible service receives the correspondence, which may however send a justified holding reply, in the circumstances set out in point 4 on the Code of Good Administrative Conduct.

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.

N/A

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

Not applicable.

16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING

Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject

17/ COMMENTS

All data are processed solely for the purposes of providing feedback.

Nobody within the Institutions, offices or agencies have access to any data contained in the feedback reports. Participants will be made aware of the above.

The data processing will be carried out by Performanse S.A.S and Cubiks Ltd who will be sub-contracted for this purpose by one of the contractors providing the training service for the SG. As sub-contractors they will be subject to the same conditions concerning data protection set out in the contract with the contractors. Any future change of contractor will be indicated in the specific declaration made available to data subjects. The current contractors are set out under question 3.

PLACE AND DATE: BRUXELLES, 18.11.2013

DATA PROTECTION OFFICER: RENAUDIÈRE PHILIPPE

INSTITUTION OR BODY: THE EUROPEAN COMMISSION