

(To be filled out in the EDPS' office)
REGISTER NUMBER: 1228

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 16/04/2014

CASE NUMBER: 2014-0446

INSTITUTION: EUROPEAN COMMISSION - DG COMP

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 : BRANDTNER BARBARA

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DELEGATE : ONEA MIHAIL

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

THE EUROPEAN COMMISSION
DG COMP - DIRECTORATE R.2

3/ NAME OF THE PROCESSING

NAME: DG COMP- Development programme for COMP middle managers. Use of a 180° tool of feedback on leadership competencies

Terminology:

- Reviewer(s): all the staff members who agree on a voluntary basis to give feedback to their line manager (i.e. Head of Unit, "reviewee"); "direct reports", provided that their working relationship with the respective manager exceeds 9 months at the date of the feedback.

- Reviewee(s): the manager(s) who agree on a voluntary basis to take part in this exercise; Head(s) of Unit of DG COMP. •

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

- Consultant/coach: Professionals working for the external service provider (BICK) who will conduct feedback discussions on on-to-one basis with the reviewees. Following its HR strategy 2010-2014, its strategy concerning the AD jobs and careers (approved in Senior Management Meeting on 8 April 2013) and the guidelines of its current Learning and Development Framework (2014 – 2015), DG COMP decided to launch a development programme for the middle managers.

This programme consists of:

- the establishment of a leadership competency framework specific to DG COMP
- the deployment of a 180° feedback tool, a questionnaire that combines self-perception input and feedback from reviewers, to help the middle managers learn about their professional skills and identify strengths and areas for development in relation to the DG's leadership competency model
- the offer of individual debriefing sessions with subcontractor's experts followed by the drafting of a development plan. The later will eventually be discussed by the respective manager in a meeting with DG COMP's HR Head of Unit in order to take stock of the development priorities and appropriate learning activities. This notification concerns the processing of personal data in the context of the development programme for DG COMP middle managers with the use by DG COMP staff (managers participating in the programme and reviewer colleagues) of development tools (Cubiks 180° feedback). The 180° tool takes the form of a self-assessment of the management and leadership competencies of middle managers ('reviewees') and a feedback given by colleagues ('reviewers') by answering an online questionnaire composed of:- a set of closed questions - one open question for further individual comments to be made on a voluntary basis. A disclaimer will explicitly make the reviewers aware of the data protection risk linked to the potentiality of recognizing one's own written style – and will invite them to take the necessary precautions. An individual report for each manager ('reviewee') will be produced on an aggregated basis (without allowing the identification of reviewers and the answers given by each one; it will only indicate the total number of reviewers). The report will be made available to the reviewee and (upon his/her agreement) to the external coach (BICK) who will conduct the feedback session. Group reports are also generated and provided to DG COMP HR professionals and DG COMP 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 40 middle managers are concerned by the programme. The process will progress by waves of around 10 reviewees. The process for the first group will be evaluated and a second wave will be launched. The reviewees may freely access their questionnaire and reports on-line. There is no obligation for the reviewees to share the reports with anybody but the coach. The reviewees can opt-out at any moment once the process has started. The reviewers are invited to give feedback on a voluntary basis. The invitation will consist in an e-mail communication from BICK to the totality of the reviewers. Reviewers who have less than 9 months of working relationship with the reviewee will not be invited. Staff members belonging to the categories "external service providers" and "trainees" are excluded from the exercise. In the cases of bigger units the reviewers will be randomly grouped in several clusters containing around 12 reviewers. The grouping will be made by the external consultant. The reason is solely to facilitate the aggregation of data from a technical point of view. This will not constitute a hindrance to the participation of the ensemble of the unit's reviewers in the exercise. In cases of recent internal mobility (within less than 3 months) reviewees and/or reviewers will have the option to receive/give feedback from/on their former colleague(s).

A detailed description of the procedure is attached to this topic. A communication is sent to the reviewees 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 (DG COMP 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 the programmes conducted within SG: "360° Leadership feedback report" (Case 2009-0215).

Attachment:

Communication to participants 180 degree tool.

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The purpose of the processing is to allow reviewees in the development programme for DG COMP 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";
- Cubiks Ltd, subcontractor which helps in the specialised process of data for the 180° feedback tool.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

- Reviewees: DG COMP middle managers participating in the development programme herein described.
- Reviewers: staff members (direct reports) who worked with the middle manager at least for 9 months.

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, administrative entity) Information provided by the reviewees on their own perception of their competencies related to the DG's leadership competency model Information provided by reviewers on their perception of the reviewees's competencies related to the DG COMP leadership competency model Feedback reports regarding the reviewees mentioning strengths and areas for development (in relation to the DG's established leadership competency model) Recommendations on training and on-the-job development activities matching development needs of reviewees

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 3 (Communication to the participants).

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

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS
(Rights of access, to rectify, to block, to erase, to object)

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

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The data for the 180° feedback is entered into a restricted-use 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. No individual input will be visible.

10/ STORAGE MEDIA OF DATA

Data for the 180° feedback tool are stored on computing facilities provided by Cubiks Ltd at Ranger House, Walnut Tree Close, Guildford, Surrey, GU1 4US, United Kingdom, 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 the 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 DG COMP middle managers forms part of the DG COMP Human Resources strategy 2010-2014, its strategy concerning the AD jobs and careers (approved in Senior Management Meeting on 8 April 2013), and the bases of its Learning and Development Framework (2014 – 2015) – currently being completed, 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 DG's Management Plan.

To organize the development programme for its middle managers, the DG 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, DG COMP will contract services from BICK CONSORTIUM for a development programme for DG COMP Heads of Unit with the use of developmental feedback tool (Cubiks, 180° feedback).

Lawfulness: By virtue of art. 5.d of Regulation 45/2001, the data subjects participating in the development programme give their consent to the processing of personal data. This consent can be revoked at any time, also while the exercise is underway. When this happens, the exercise as regards this specific participant has to be stopped and any personal data collected will be deleted.

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. The unique recipient of the individual report, automatically generated by Cubiks questionnaire (combining both self-perception questionnaire and reviewers' feedback), is the reviewee. When requested by the reviewee, the external debriefer from the subcontractor ("consultant/coach") will receive his/her reports in order to provide individual feedback to the reviewee. DG COMP will receive only group reports, without the possibility of identifying any personal data.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The data collected for the launch and completion of the 180° feedback questionnaire are kept for 3 months after the questionnaire completion and then deleted. Once the middle manager (reviewee) has obtained the individual 180° 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 the DG COMP HR unit for a period of 2 years. The reason is to allow an analysis of the evolution in case DG COMP decides to repeat the exercise.

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS *(Please, specify the time limits for every category, if applicable)*

For all justified legitimate requests received by the controller, a response will be given within 15 working days from the day DG COMP HR Unit 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)

Not applicable.

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.(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

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. Reviewees will be made aware of the above.

The data processing will be carried out by Cubiks Ltd. who will be sub-contracted for this purpose by one of the contractors providing the training service for DG COMP. 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 4.

PLACE AND DATE: 16.04.2014

DATA PROTECTION OFFICER: RENAUDIÈRE PHILIPPE

INSTITUTION OR BODY: THE EUROPEAN COMMISSION

1228/2014-0446