

(To be filled out in the EDPS' office)
REGISTER NUMBER:1268

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 26/09/2014

CASE NUMBER: 2014-0906

INSTITUTION: EUROPEAN COMMISSION (DG MARE)

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 : JOHNSTON MARK
E-MAIL: Mark.Johnston@ec.europa.eu

DELEGATE : NEGRINOTTI SARA

E-MAIL: Sara.NEGRINOTTI@ec.europa.eu

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

THE EUROPEAN COMMISSION
DG MARE - DIRECTORATE F.1

3/ NAME AND DESCRIPTION OF THE PROCESSING

NAME: Development programme for DG MARE middle managers. 360° Feedback Leadership Circle

The aims of DG MARE management development programme are twofold: from the management perspective to enhance leadership competences of DG MARE middle managers and to strengthen management soft skills; from the organisation perspectives: to further develop common effective management culture and to analyse management learning objectives to be integrated in DG MARE HR Strategy. To achieve these objectives the 360° feedback Leadership Circle - a self-development tool- has been selected. This tool helps managers to identify their strengths and areas of development.

¹ OJ L 8, 12.01.2001.

In detail, each manager, so called 'assessee' in the project, receives feedback from different assessors: managers (his/her boss and boss' boss), peers and his/her staff. All participants can freely access their questionnaire on-line and they can opt-out at any moment once the process has started. Around 16 MARE middle managers are concerned by the programme; however, more managers could be involved in the project in the future. Before taking part in the exercise the participants receive full information about the 360°feedback project and they are invited to choose whether or not to participate. The managers who take part in the exercise inform their assessors about the project's aim and process; telling them that they will be invited by the contractor to fill in a Leadership Circle questionnaire on-line. Thus, the assessees and the assessors have three weeks to answer to the on-line questionnaire. The assessors are suggested by DG MARE Head of Human Resources and approved by the assessee. Once the deadline for filling in the questionnaire has expired, the data are aggregated per category (staff; peers; boss) and an individual report is drafted for each assessee and discussed with the coach. The individual report is only accessible to assessees who will have a feedback session and two individual coaching sessions with the coach followed by a bilateral session with his/her director. During the 1 hour bilateral meeting, the assessee presents his/her development plan/actions to the director, in the presence of the consultant. The development plan addresses the behaviours that contributed to specific desired outcomes. It describes strengths important in the manager's current role, areas for further development, action steps and interventions required, suggestions for active learning or experiential development, possible support from direct reports, boss, peers, and others, and a process for following up. It is completely up to the managers to decide if they want to share or not the results of this exercise with their hierarchy and/or the HR Unit. Group reports - combining results of Heads of Unit coming from the same Directorate - are also generated and provided to HR professional and DG MARE Director-General who will have access only to aggregated information i.e. the compiled results without any possibility to track or identify individual answers. 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 MARE 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 SG - Development programme for SG middle managers/Use of self-perception questionnaire ("PERFORMANSE") (case 2012-0590) and 360° tool of feedback on leadership competencies (case 2013-1290). Please see the EDPS opinions attached under the Complimentary information. A detailed description of the 360° Leadership feedback as well as the communication document sent to the reviewers explaining the condition of their participation can be found hereinafter.

List of attachments:

Detailed description of DG MARE development programme for MARE middle managers

Letter to assessors template

Roadmap template

4/ PURPOSE OR PURPOSES OF THE PROCESSING, AND PROCESSORS

The purpose of the processing is to allow the participants involved in the “DG MARE development programme for the middle managers”, to obtain anonymous feedback on their management and leadership style to enhance their managerial skills. The exercise is conducted with the use of a web-based tool: the ‘Leadership Circle' (TLC). This type of tool is commonly used internationally by training providers in courses on management and leadership. The data will not be used in any form of evaluation (appraisal) process of any person involved. Participation in this activity by the person concerned and their colleagues is entirely voluntary (no negative consequence will derive if the participant chooses not to take part in the web-based test).

PROCESSORS:

BICK Consortium, contractor under framework contract "BICK-30-CE-0428585/00-08 EPSO/EAS/PO/2010/116 Lot 5 - Coaching/consultancy services for the staff in the European institutions, bodies and agencies. The Leadership Circle Ltd, subcontractor located in the USA and self-certified in the meaning of EU-US Safe Harbor Agreement, which helps in the specialized process of data for the 360° feedback tool.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Assesseees: DG MARE middle managers participating in the development programme organised by DG MARE.

Assessors: colleagues (superiors, peers, collaborators) suggested by DG MARE Head of Human Resources and approved by assesseees, 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 and electronic address) are held both by DG MARE and the contractor.
- Information provided by the participant on their own perception of their management and leadership skills in areas such as performance management, change management, issue management and people management; is held anonymous by the subcontractor.
- Information provided by assessors on their perception of the participant's management and leadership skills in areas such as performance management, change management, issue management and people management; is held anonymous by the subcontractor. This information is rendered anonymous and amalgamated into a feedback report, except for the information provided by the senior managers, considering the fact that normally each participant has only one direct hierarchical superior. The contractor has access to the report.
- Feedback reports containing aggregated information about strengths and areas for development as well as recommendation on training 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 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

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

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The data for the 360° feedback is entered into a website to which the manager concerned and the assessor colleagues have separated and individual access. The information is processed automatically to produce an individual feedback report. No manual processing is foreseen.

10/ STORAGE MEDIA OF DATA

Data for the 360° feedback tool are stored on computing facilities provided by The Leadership Circle Ltd, subject to a contract between The Leadership Circle Ltd and BICK CONSORTIUM. The Leadership Circle's applications and data are contained at several geographically separate data centers including 3035 Moffat Road, Toledo, Ohio 43615 energy sources. The data centres are backed by hardware firewalls, and intrusion protection systems. Software security best practices are followed, and Leadership Circle Ltd makes every effort to continue to update with software patches as necessary. The application does not accept incoming files and no sensitive data are transmitted. The Leadership Circle does not disclose any client data to any other parties. It maintains the strictest of standards to safeguard the confidentiality of our data. Strong password policies are enforced and passwords are encrypted in the database using SHA-1 hashed. User access controls offer a layered approach to Leadership Circle Ltd data security and the system has been developed with session time-outs.

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 DG MARE middle managers forms part of the DG MARE Learning and Development Framework for lifelong learning actions, 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 MARE Management Plan. To organize the development programme for DG MARE middle managers, DG MARE uses a framework service contract (contract number: 30-CE-0428585/00-08 EPSO/EAS/PO/2010/116). Lawfulness: Art. 5 (d) of Regulation (EC) No 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 who will then send by mail the necessary instructions to complete the questionnaire. When requested by the participant, the external debrief from the subcontractor will receive his/her reports in order to provide individual feedback to the participant. DG MARE will receive only group reports.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The data collected for the launch and completion of the 360° feedback questionnaire are automatically deleted by the subcontractor Leadership Circle Ltd after 3 months. The DG MARE middle manager and his/her coach have obtained the individual 360° feedback report. The owner of the individual report is the concerned participant (DG MARE middle manager) and DG MARE HR unit will not store a copy of it. Once the participant has obtained the individual 360° report, the 360° report will be deleted automatically by the external provider Leadership Circle Ltd after at most 3 months. The group reports, containing aggregated information without any possibility to track or identify individual answers, will be kept by DG MARE HR unit for two years 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

In the context of the exercise, data are transferred to the subcontractor Leadership Circle Ltd located in the USA in conformity with Article 9 of Regulation (EC) No 45/2001. The safeguards put in place are the following: the company is a self-certified entity in the meaning of US-EU Safe Harbor Agreement and is bound by contractual clauses relating to protection of personal data included in the contract. The participants are informed about the transfer and are free to choose not to participate in the exercise.

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

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. The Leadership Circle Ltd maintains the strictest of standards to safeguard the confidentiality of its data. Nobody within the Institutions, offices or agencies have access to any data contained in the feedback reports. Participants are made aware of the above. The data processing is carried out by the Leadership Circle Ltd who is sub-contracted for this purpose by one of the contractors providing the training service for DG MARE and is a self-certified entity in the meaning of EU-US Safe Harbor Agreement. As sub-contractors they are 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, 25.09.2014

DATA PROTECTION OFFICER: RENAUDIÈRE PHILIPPE

INSTITUTION OR BODY: THE EUROPEAN COMMISSION