

(To be filled out in the EDPS' office)

REGISTER NUMBER: 1274

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 10/10/2014

CASE NUMBER: 2014-0938

INSTITUTION: EUROFOUND

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

EUROFOUND, WYATTVILLE ROAD, LOUGHLINSTOWN, DUBLIN 18, DUBLIN, IRELAND

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

Raymond Comerford, Head of Human Resources, Eurofound

3/ NAME OF THE PROCESSING

Staff Performance Appraisal – Human Resources Development Programme (HRDP)

4/ PURPOSE OR PURPOSES OF THE PROCESSING

To evaluate the ability, efficiency and conduct of respective staff members, to set work objectives and to establish an individual development plan, and to establish which members of staff are eligible for promotion/reclassification.

In addition, the processing is used for establishing a list of skills, voluntarily disclosed by the data subject, in order to search at a later stage for certain competencies when a programme or a project requires specific skills and experience.

¹ OJ L 8, 12.01.2001.

² Please attach all necessary backup documents

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

All staff members

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

As detailed in **Annex 1 and 2**:

- Name, Title
- Self assessment by the data subject. It also includes skills voluntarily chosen and self-assessed by the staff member from a drop down list, and is comprised of experience, expertise and qualifications.
- Review and evaluation of objectives (efficiency) of previous 12 months by the Reporting Officer
- Evaluation of ability of the data subject by the Reporting Officer
- Evaluation of conduct of the data subject by the Reporting Officer
- Evaluation of strength and weaknesses by Reporting Officer
- Objectives for the next 12 months
- Individual development plan
- Optional box with free text which may be filled in by the data subject
- Opinion on competence and performance of staff members by their managers and by staff members themselves
- Opinion on competence of managers by their staff
- Language and IT knowledge

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

- 1-The Staff Appraisal Form states the purpose for which the data is used and informs the data subject of his/her rights.
- 2-Staff members are reminded of the data processing via the dedicated Privacy Statement in a communication sent by HR before the start of the HRDP exercise (**Annex 3**).
- 3-In addition, a specific Privacy Statement (**Annex 4**) is published on the DPO register and accessible on Intranet. Its TRIM reference is mentioned in the Staff Appraisal form.
- 4-It should be noted that under Part 2-B “Self-assessment - skills” of the Staff Appraisal form, a specific informative paragraph informs the data subject about the purpose and condition of use of the skills selected voluntarily by the data subject. It also includes a reference to the Privacy Statement which confirms such specific information.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

- Data subjects have the right to access their personal data and request blocking or erasure at any time.
- In relation to the appraisal, the data subject has the right to rectification of (subjective) evaluative data only during the appraisal or appeal procedure.
- In case where subjective evaluative data are contested, the appraisal procedure provides for the data subject the possibility to enter his/her comments.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Appraisal forms (including the two boxes “satisfactory” and “unsatisfactory”) are created electronically and stored on Eurofound’s Sharepoint secured HR page accessible to HR officers, the data subject and the reporting officer. The operation is manual, see Annex 2.

10/ STORAGE MEDIA OF DATA

Appraisal forms are created electronically and stored on Eurofound’s HR secured Sharepoint Page (see security under item 18 of the present notification). Paper format is no longer use.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

- Article 5a and 5d of Regulation 45/2001
- Staff Regulations Article 43, Article 44, Article 51 as based on the Implementing Rules.
- Article 15, Article 87 of the CEOS as based on the Implementing Rules.

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

- Reporting Officers, and Reporting Officers by delegation
- Appointing Authority (The Director)
- Head of HR
- HR Staff members
- Appeals Assessors
- Other recipients could include: Operational Support Unit of Eurofound (self-disclosed data qualifications, skills and experience), IAS, Court of Auditors, Legal Advisors to Eurofound, DG HR Legal service, EU Civil Service Tribunal and the European Ombudsman.
- Data might also be disclosed during the course of a personnel transfer to other EU institutions, bodies or agencies.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Staff appraisal reports are retained for 5 years and are then erased

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

Once the request is received by the data controller, rectification, erasure or access takes place within 15 working days.

(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 retained for historical, statistical or scientific purposes.

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,)

The processing is designed to assess performance, set work objectives, establish training plan, and evaluate the eligibility of members of staff to warrant promotion/reclassification. This relates to professional and technical competence, interpersonal and communications skills, etc.

• The performance appraisal electronic form includes 2 boxes “satisfactory” and “unsatisfactory”. The choice is made by the reporting officer of the staff member.

• Self-disclosed data relating to qualifications, experience and skills may be referred to for the purpose of staffing projects and ensuring that there is an appropriate mix of skills and experience on the project team. (Annex 5)

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

• While the exact HRDP electronic template is still being created, Annex 1 and 2 provides information on the HRDP processing including steps and changes in order to comply with the amended Implementing Rule on Article 43 of the Staff Regulation.

• The present notification is supported by 5 annexes in total:
Annex 1: Draft HRDP template (GR-14-18077)

Annex 2: Flow chart presenting the main steps in the HRDP template (GR-14-18040)
Annex 3: Example of communication from HR before the start of a HRDP exercise (GR-14-17966)
Annex 4: Privacy Statement (GR-14-17965)
Annex 5: Note on Skills mapping and how it interacts with the HRDP (GR-14-17839)

PLACE AND DATE: DUBLIN, 08/10/2014

DATA PROTECTION OFFICER: MARKUS GRIMMEISEN

INSTITUTION OR BODY: EUROFOUND