

(To be filled out in the EDPS' office)

REGISTER NUMBER: 1326

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 11/09/2015

CASE NUMBER: 2015-0733

INSTITUTION: OHIM

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

SUSANA PEREZ FERRERAS (DIRECTOR OF THE HUMAN RESOURCES DEPARTMENT)
Office for Harmonization in the Internal Market
Avenida de Europa, 4, E-03008 Alicante, Spain

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

François FEMIA - Head of Service
Staffing, Development and Recognition Service- HRD

3/ NAME OF THE PROCESSING

Peer Feedback Questionnaire

4/ PURPOSE OR PURPOSES OF THE PROCESSING

In the context of the OHIM Strategic Plan I (2011-2015) and Strategic Plan II (2016 - 2020), the peer feedback activity is designed to collect information from statutory staff (peers) concerning their own and their team member's strengths and weaknesses, in a range of competency areas and on the basis of a questionnaire sent and completed by themselves. This will allow OHIM employees participating in the process to perform self-perception assessments and to provide feedback about the peers within their functional team. It will also contribute to improve OHIM organizational efficiency and team work.

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

The data collected will not be used in any form of evaluation (appraisal) process of any of the persons involved. Peer feedback is completely disconnected from the appraisal process. HRD will inform all reporting officers (via the reporting officers' guide) that peer feedback cannot be referred to in the appraisal report.

Peer feedback can only be processed for the purpose for which they were transmitted.

The participation in this exercise is voluntary and there are no negative consequences of choosing not to participate.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Jobholders participating in the peer feedback questionnaire.

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, department/service/team);
- Feedback reports mentioning strengths and areas for development (in relation to OHIM framework competency).

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

All persons participating in the peer feedback process will receive an information message to explain the processing and the treatment of data. The information contains a link to the privacy statement.

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, rectify, block, update or rectify his/her personal data in the cases foreseen by Articles 13, 14 and 16 of Regulation (EC) N°45/2001 by submitting a written request to the data controller, Director of the Human Resources Department, explicitly specifying their request.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The data for the self-perception questionnaire is entered in Allegro (Human Resources Information System – HRIS). The jobholder provides confidential feedback in relation to colleagues in his/her team. The information is processed automatically to produce feedback reports in their peers.

All system administrators have signed confidential agreements that establish that any confidential information that they come across should be treated in confidentiality, and in addition, any breach of confidentiality could lead to penalties, or even a disciplinary process.

The feedback will be on observable facts and behaviors. The data provided and the identity of the

contributors will be fully confidential.

10/ STORAGE MEDIA OF DATA

Confidential data for the feedback questionnaire are stored in Allegro (HRIS) according to the security measures of the OHIM information systems.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Article 24a of the Staff Regulations, Articles 11 and 81 of the Conditions of Employment of Other Servants and Article 5(a) and (d) of Regulation (EC) N°45/2001.

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

Participants will receive an email sent by the secretariat of the Human Resources Department with information regarding the peer feedback questionnaire.

Feedback reports will be stored in Allegro (HRIS) by departments/service/teams.

The system administrator (IT project manager), as well as a limited number of authorized staff (internal or external) administrating the IT systems have access to the electronic data.

The person designated within the HRD to organize peer feedback will have access to aggregated and confidential data of the feedback reports.

Only employees that have filled out their self-assessment questionnaire will have access, according to the peer feedback calendar (see ref. "A5– PF_Calendar") to a final report in which the information to be shown will also depend on whether the employee received a minimum of 5 completed questionnaires from his/her peers or not (see ref. "A4 – PF_Questionnaire and reports"). Apart from this, depending on the management position held, the employee will have access to a different type of aggregate information.

If the person completed his/her self-assessment questionnaire and also received 5 or more completed questionnaires from his/her peers, the information to be shown in the final report will include:

1. Self-assessment value given by the employee to each of the statements of the questionnaire.
2. Peer-feedback result for each statement of the questionnaire excluding the self-assessment (for each statement, this will be the arithmetical average of the scores provided by each peer that completed the questionnaire).

Distribution of marks showing the frequency with which each response was provided.

3. Peer feedback average of the team for each statement of the questionnaire. This is the arithmetical average of the peer-feedback result obtained for each statement by all members of the functional team (independently of them having filled out, or not, other peer's questionnaires).

In order to calculate this average, a minimum of 3 people within the team should have a peer feedback result to guarantee representativeness of the information.

If one person has not received a peer feedback result (because he/she did not receive a minimum of 5 completed questionnaires from his/her peers), then this person will not be a part of the peer feedback average of the team calculation.

If no one in the team received a peer feedback result (because a minimum of 5 completed questionnaires from the peers were not received) or if the minimum of 3 peer feedback results are

not reached to calculate the average of the team, then a notice should be made in the report saying: “Insufficient information”.

4. Spider graph showing the comparison of the three results (self-assessment, peer feedback and peer feedback average of the team) obtained for each statement.

The information in the graph should be differentiated by colors and each question should be stated in the graph.

If the person completed his/her self-assessment questionnaire but did not receive a minimum of 5 completed questionnaires from his/her peers, the information to be shown in the final report will include:

1. Self-assessment value given by the employee to each of the statement of the questionnaire.

2. Peer feedback average of the team for each statement of the questionnaire. This is the arithmetical average of the peer-feedback result obtained for each statement by all members of the functional team (independently of them having filled out, or not, other peer’s questionnaires).

In order to calculate this average, a minimum of 3 people within the team should have a peer feedback result to guarantee representativeness of the information.

If one person has not received a peer feedback result (because he/she did not receive a minimum of 5 completed questionnaires from his/her peers), then this person will not be a part of the peer feedback average of the team calculation.

If no one in the team received a peer feedback result (because a minimum of 5 completed questionnaires from the peers were not received) or if the minimum of 3 peer feedback results are not reached to calculate the average of the team, then a notice should be made in the report saying: “Insufficient information”.

3. Spider graph showing the comparison of the two results (self-assessment and peer feedback average of the team) obtained for each statement.

The information in the graph should be differentiated by colors and each question should be stated in the graph.

Note: A notice should be made in the report saying that: “The minimum number of 5 peer feedback questionnaires was not reached and therefore there is insufficient information to produce a peer feedback result”.

In addition to the report that each person will have access to taking into consideration the above-mentioned constraints, management positions will have access to the following type of reports:

Top management / MAC members:

1. Peer feedback average of the different teams in his/her department. Final report comparing the average obtained by each team within his/her department for each statement of the questionnaire.

2. Global figure of the peer feedback average obtained by each department of the organization. This would be the average of the peer feedback result obtained by all members of one department.

Middle management / EMAC members not included in the MAC team:

1. Peer feedback average of the different teams in his/her department. Final report comparing the average obtained by each team within his/her department for each statement of the questionnaire.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The individual contributions of the participants in the peer feedback questionnaire collected through the tool will be kept for a period of 12 months after the exercise is completed and when the results of the peer feedback have been completely analysed and the framework report produced.

Feedback group reports will be deleted no later than 2 years after the results have been delivered.

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)

Legitimate requests received by the Controller are treated immediately and in any case not later than 15 days from the date of receipt of the request.

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)

The following processing operations are likely to present specific risks to the rights and freedoms of data subjects (Art.27 of the Regulation (EC) n° 45/2001).

The feedback reports will contain personal and professional aspects relating to the data subject.

17/ COMMENTS

All data are processed solely for the purpose of providing a self-perception tool, collecting feedback to increase learning and development.

Jobholders participating in the feedback questionnaire will identify their development needs, helping them to develop their competencies. They will establish their own learning plans and the Staffing Recognition & Development Service of the HRD will provide support on request.

PLACE AND DATE: ALICANTE, 8 SEPTEMBER 2015

DATA PROTECTION OFFICER: PEDRO DUARTE GUIMAR ES

INSTITUTION OR BODY: OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET