

(To be filled out in the EDPS' office)
REGISTER NUMBER: 1328

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 15/09/2015

CASE NUMBER: 2015-0750

INSTITUTION: EC, EUROPEAN PERSONNEL SELECTION OFFICE (EPSO)

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

Mr N. D. Bearfield
EPSO,
European Commission,

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

- * BICK Consortium, contractor under framework contract "BICK-30-CE-0428590/00-04".
- * Cubiks Ltd, subcontractor which helps in the process of data for the 360° tool.

3/ NAME OF THE PROCESSING

360° tool – feedback and leadership competencies

4/ PURPOSE OR PURPOSES OF THE PROCESSING

This notification concerns the processing of personal data in the context of the development programme for Newly Appointed Directors set up by the European School of Administration (EUSA). This notification is in many ways very similar to notification DPO-3683.1 SG. The EDPS has been notified about the present processing that follows the latest recommendations issued by EDPS in the case 2014-0906.

The 360° tool takes the form of a self-assessment of the participants' management and leadership competencies and a feedback given by colleagues (superiors, peers, collaborators) chosen to be consulted.

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

An individual report is only accessible to the reviewee who will have a feedback session with a coach. There is no obligation for the participants to share the reports with anybody but the coach. Participants can propose 6 peers and 6 persons reporting directly to them to be consulted for the feedback. 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. A communication is sent to the participants and the reviewers explaining the conditions of their participation.

List of attachments

- FAQ 360.pdf
- THE ROLE OF STAFF.pdf

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

- Newly appointed directors participating in the training programme organised by the EUSA
- Reviewers: colleagues (superiors, peers, collaborators) selected by the 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
- 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).

List of attachments

- Privacy_statement_360 degree tool.doc

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 here above. See response in the annex to point 11

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The data is entered into a website to which the director 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 360° feedback tool are stored on computing facilities provided by Cubkis Ltd, subject to a contract between Cubkis Ltd and BICK CONSORTIUM.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

- Commission Decision of 7 May 2002 on staff training (E(2002) 729),
- article 24a of Staff Regulations,
- decision n° 2002/620/CE of the European Parliament, the Council, the European Commission, the Court of Justice, the Court of Auditors, the European Economic and Social Committee, the Committee of the Regions and the European Ombudsman of 25 July 2002 culminating in the creation of the European Personal Selection Office;
- decision n° 2005/118/CE of the European Parliament, the Council, the European Commission, the Court of Justice, the Court of Auditors, the European Economic and Social Committee, the Committee of the Regions and the European Ombudsman of 26 January 2005 culminating in the creation of the European Administrative School;
- decision n° 2005/119/CE of the Secretaries General of the European Parliament, the Council, the European Commission, the Court of Justice, the Court of Auditors, the European Economic and Social Committee, the Committee of the Regions and the European Ombudsman of 26 January 2005 concerning the organisation and operation of the European Administrative School.

The texts of the four decisions are attached.

To organize the development programme for newly appointed directors the EUSA uses a framework service contract (contract number: EPSO/EAS/PO/2010/116) which has been signed with BICK CONSORTIUM (contractor) for the delivery of training coaching/consultancy services for the staff in the European institutions, bodies and agencies. This contract includes an article I.9 for data protection.

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.

List of attachments

- Création Ecole.pdf
- Gestion Ecole.pdf
- Création EPSO.pdf
- Lot 5 BICK contract signed.pdf
- com_training_decision_7may2002_en.pdf
- Article 24a.pdf

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.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

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 participant has obtained the individual 360° feedback report, the report will be deleted automatically by the subcontractor Cubiks after 3 months.

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 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

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,)

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.

Participants will be made aware of the above.

The data processing will be carried out by BICK Consrtium and Cubiks Ltd who will be sub-contracted for this purpose. 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. Also, in case of subcontracting in cascade (by the sub-contractors to other entities) the Commission must be informed in advance so that it can verify if the sub-contractors satisfy the EU level of data protection adequacy.

PLACE AND DATE: BRUSSELS, 15/09/2015

DATA PROTECTION OFFICER: PHILIPPE RENAUDIÈRE

INSTITUTION OR BODY: EUROPEAN COMMISSION