

*(To be filled out in the EDPS' office)*  
**REGISTER NUMBER: 1359**

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**NOTIFICATION FOR PRIOR CHECKING**

**DATE OF SUBMISSION: 23-12-2015**

**CASE NUMBER: 2016-0002**

**INSTITUTION: European Chemicals Agency**

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

**INFORMATION TO BE GIVEN<sup>2</sup>**

1/ NAME AND ADDRESS OF THE CONTROLLER

European Chemicals Agency, Annankatu 18, 00120 Helsinki

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

Ferran Mendoza, Head of Unit HR Unit

3/ NAME OF THE PROCESSING

360 degrees programme for managers

4/ PURPOSE OR PURPOSES OF THE PROCESSING

This processing aims to provide structured multi-level feedback to managers, allowing them to develop their managerial and leadership skills against a set of identified competencies. The intended purpose is the professional development of the manager (learning process) and not a performance assessment.

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<sup>1</sup> OJ L 8, 12.01.2001.

<sup>2</sup> **Please attach all necessary backup documents**

Procedure:

1. The programme participant is given full information about the feedback activity and invited to participate. If they agree, they must provide details (name and electronic address) about themselves and those colleagues who will be invited to provide feedback (and will have agreed to do so). These details are provided to BICK, processor. This data serves purely to identify the programme participant and those colleagues participating in the feedback exercise and to allow the contractor to contact them. The programme participant is provided at this stage with full information about the exercise and the nature and steps of data processing.

Each participant (programme participants and colleagues) is provided with a privacy statement giving data protection information. They can opt-out at any moment once the process has started.

2. The programme participant provides input to the activity. This data takes the form of filling in an on-line questionnaire regarding their competencies. The data collected take the form of numerical data i.e. answering yes or no to a series of set questions, and textual data where the participant can choose to complement the numerical data with individual comments. The participant has the option to provide these comments or not.

3. The colleagues of the programme participant provide their input to the activity by completing an on-line questionnaire regarding their feedback on the competencies of the participant. The data collected take the form of numerical data i.e. answering yes or no to a series of set questions, and textual data where the person concerned can choose to complement the numerical data with individual comments or not. The programme participant will not receive information revealing the identity of the persons who reviewed his/her skills.

4. BICK processes the data supplied by the participants and their colleagues. The data from the different sources will be consolidated. An automatic individual report will be generated that identifies the participant's strengths and areas for development in relation to the competencies identified. The individual report containing the 360° leadership feedback will be accessible only to the participant and the coach in case the participant has accepted the individual feedback session. Group reports will also be generated and provided to the HR unit, who will have access only to aggregated information about the compiled group results (such as most voted and less voted competencies, number of participants), without any possibility to track or identify individual answers.

5. Upon decision of the participant, s/he will meet her/his superior to discuss the personal development needs and identify appropriate training and on-the-job development activities.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Participating managers and participating assessors (peers and collaborators).

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

Administrative data: name, contact details;

Subjective data: data provided by participants and colleagues on participants' perceived behaviour.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

The information will be orally given during a presentation meeting and then through a privacy statement communicated to interested managers and colleagues.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

The participant and the reviewers are informed about the procedure and questionnaire they will receive and how to answer the questionnaire with possibility to rectify data before sending it out. The programme participant has access to her/his individual 360° Leadership Feedback report through an individual access code provided by the external supplier. Access to the results will be restricted to the concerned programme participant, who can erase the report from the server once it has been received.

Staff members concerned may send a request either to the Training team or directly to the processor to indicate any changes to their personal data. The processor will inform the Training team of requests only (and not of their content or their follow up).

Data subjects also have the opportunity to modify themselves their administrative data at any time during the exercise.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The processing is automated (creation of a report based on answers given by participants and reviewers) via an IT tool of the processor.

10/ STORAGE MEDIA OF DATA

The individual 360° Leadership Feedback Report will be stored on the server of the external provider (BICK). The owner of the individual report is the concerned programme participant. The Training team will not store a copy of it. Once the programme participant has obtained the individual 360° report, the 360° report will be deleted automatically by the external provider after 3 months.

The group report (containing aggregated data and not personal data) is given to the Training team, but then immediately shredded at the end of the group session with the managers.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

- Article 24 of the Staff Regulations
- Unambiguous, specific and informed freely given consent of the data subject.

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

The recipients of the data are:

- the contractor: BICK (the feedback report is transferred to the coach when participants agree to a feedback session).
- the sub-contractor: Cubiks (Cubiks serves as the software partner of BICK, providing the online framework on which the 360 questionnaires are built. They build the questionnaires in line with BICK's clients requests and send the invitations to the participants (Subjects and Reviewers), monitor the process and provide the subjects with their report.
- the hierarchy of the data subject (only upon decision of the data subject himself and with a view to discussing training opportunities).

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Data are retained by the processor for three months after the report is issued.

The aggregated group report provided to the training team is discussed in a group session with all participating managers and then shredded in front of them in that session.

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

Blocking:

The data controller shall take a decision within 15 working days of receiving a request for data to be blocked. If the request is accepted, it shall be acted upon within 30 working days and the data subject notified thereof. Should the request for blocking be rejected, the data controller shall have 15 working days within which to inform the data subject by means of a letter stating the grounds for the rejection.

Erasure:

The data controller shall reply within 15 working days of receiving a request for erasure. If the request is accepted, it shall be acted upon immediately. If the data controller deems the request unjustified, he or she shall have 15 working days within which to inform the data subject by means of a letter stating the grounds for the decision.

*(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.*

Anonymised data will be further processed for statistical purpose.

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:

1 Article 27.2.(b)

*Processing operations intended to evaluate personal aspects relating to the data subject,*

17/ COMMENTS

N/A

18/ MEASURES TO ENSURE SECURITY OF PROCESSING<sup>3</sup> :

PLACE AND DATE: 23 December 2015

DATA PROTECTION OFFICER: Bo Balduyck

INSTITUTION OR BODY: European Chemicals Agency (ECHA)

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<sup>3</sup> Not to be published in the EDPS' Register (Art. 27(5) of Regulation (EC) N°: 45/2001)

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**EDPS OPINION**

OF DATE:

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**FOLLOW UP** *(in case of acting measures to be taken)*