

(To be filled out in the EDPS' office)

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 07/11/2016

CASE NUMBER: 2016-1007

INSTITUTION: FRA

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

EUROPEAN UNION AGENCY OF FUNDAMENTAL RIGHTS (FRA)
SCHWARZENBERGPLATZ 11
1040 VIENNA
AUSTRIA.

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

HUMAN RESOURCES & LEGAL SERVICES DEPARTMENT (HRL)
XAVIER CATALA – ACTING HEAD OF HUMAN RESOURCES & LEGAL SERVICES DEPARTMENT.

3/ NAME OF THE PROCESSING

FRA – 360-degree-feedback process for leadership and management development purpose.

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The purpose of the processing of the personal data is to undertake a 360-degree-feedback process using an online survey tool with the overall aim of strengthening the leadership and management culture at the Agency. Therefore, the Agency needs to process personal data of both the reviewees

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

and reviewers/raters in the exercise in order to make the online survey accessible to them and to be able to draft the relevant confidential individual and group feedback reports for the reviewees and related action plans, incl. learning and development plans.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

AGENCY STAFF: Temporary agents, contract agents, seconded national experts.

In form of reviewees or reviewers/raters in the 360-degree-feedback process.

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

The categories of personal data processed for each data subject type are:

1. Reviewers/raters: Forename, surname, e-mail-address, and professional reporting line to supervisors, peers, and department staff, the data collected through the survey to be provided by the reviewers/raters on a voluntary basis replying to a number of questions that relate to their perception of the leadership and management skills/behaviours of the reviewee(s).
2. Reviewees: Forename, surname, e-mail-address, and professional reporting line to supervisors, peers, and department staff, the data collected through the survey to be provided by the reviewers/raters on a voluntary basis replying to a number of questions that relate to their perception of the leadership and management skills/behaviours of the reviewee(s), a confidential individual feedback report relating to afore-mentioned data, a confidential consolidated group report relating to afore-mentioned data, a confidential individual action plan, a confidential group action plan.

There are three parties involved in the 360-degree-feedback process who will process different data:

- The Agency;
- The Contractor; and
- The Subcontractor.

The personal data processed by the Agency consist of the following categories: Forename, surname, e-mail-address, and professional reporting line to supervisors, peers, and department staff. This data will be delivered by the Agency to the Contractor, who will provide it to their Subcontractor, who possess the online tool necessary for undertaking the survey. Sending staff invited to participate in the 360-degree-feedback survey (i.e. the reviewers/raters) a link to the survey by e-mail, will allow them to access the survey.

The data collected through the survey is the data which is provided by the reviewers/raters on a voluntary basis replying to a number of questions that relate to their perception of the leadership and management skills/behaviours of the reviewees. This data is processed by the Subcontractor. At no time, will the Agency have access to this data. The Subcontractor has developed a web-based 360-degree-feedback survey that provides a facility for "Anonymity Protection" or "AP" which can be turned on to help preserve confidentiality. Anonymity Protection is an aid to ensure that enough raters have completed the questionnaire either against each specific behaviour or the questionnaire as a whole to ensure confidentiality. It is set at an individual rater level, e.g. set for peers, reports etc. The AP level is 3. Where an insufficient number of raters (below the AP level) have answered a specific behaviour, the score would be replaced with the words AP. The data is only merged for the reports, the system stores the individual responses and merges them together when building the

reports. The Subcontractor uses Access authentication and server security to protect the data on internal secure Network and private CRM systems.

By signing the FWC EPSO/EUSA/PO/2013/063 the Contractor is bound by Art. II.6 (Processing of Personal Data) pursuant to Regulation (EC) 45/2001. The Contractor has access to the data collected by the Subcontractor in order for the Contractor to draft both confidential individual reports for the reviewees and confidential consolidated (anonymised) group reports for group 1 (Director and the Heads of Department) and group 2 (Heads of Sector and other staff in similar roles, i.e. with people management responsibility). At no time, will the Agency have access to the individual feedback reports. Neither will the data nor the reports be stored or included in personnel files by the Agency. Only the reviewees will receive their confidential individual report both on paper and electronically by e-mail. Furthermore, every reviewee will receive the confidential consolidated (anonymised) group report that concerns his/her group. The Agency will also receive the consolidated (anonymised) group reports. Both the individual and group reports shall lead to a concluding action and learning and development plan, e.g. leadership development programme for the reviewees. Such an action and learning and development plan shall be communicated to the Agency's Human Resources & Legal Services Department as an overall plan for the collectivity of the two reviewees groups (see above 1 and 2) concerned, which will neither contain any personal data nor specifically refer to individual staff. Neither the individual nor the group reports will be linked to a performance appraisal or reclassification exercise or alike.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

An information note is provided to the data subjects prior to the processing.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

The data subjects are informed about the procedure and questionnaire they will receive and how to answer the questionnaire with possibility to rectify data.

Access to the results will be restricted to the concerned reviewee, who can erase or keep the report as he/she decides.

Staff members concerned may send a request to the assigned HRL staff to indicate any changes to their personal data.

Reviewers also have the opportunity to rectify, block, object and access their data and responses 5 days after they completed the online survey.

The reviewee can not block or erase their individual data during the exercise until the consolidated report is finalised. The reviewee has access to her/his individual report as provided by the contractor and it is the only one who will have access to this information.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The processing is automated (creation of a report based on answers given by participants and reviewers) via online IT tools.

10/ STORAGE MEDIA OF DATA

In line with the details provided under the ‘description of the category of Data’, the following will apply:

The Agency will neither have access nor store any of above-mentioned confidential individual feedback reports nor individual action plans. However, the Agency shall receive the consolidated (anonymised) group feedback reports and action plans for group 1 and 2 in order to be able to follow up on it, e.g. on any possible learning and development activities to be organised for the group members. The group action plans will be stored by the HRL Department for a period of 5 years during which the Agency may take respective follow-up actions.

The reviewees will receive their confidential individual and group report for their respective group both electronically and on paper. They will also have either an electronic version or paper version or both versions of their confidential individual action plan and group action plan. They shall store it confidentially for their personal use.

The data that is with both the contractor and subcontractor will be kept as follows:

- a) Any paper-based data, along with all electronic data will be stored securely on-site by the contractor and subcontractor for the duration of the process/project, i.e. maximum 31 December 2017.
- b) After the end of the process/project, any paper data will be securely destroyed.
- c) All data will be stored electronically on permanent media, securely and off-site for the duration of the project.
- d) Any data originating in the EU region will not be transmitted or processed outside of the region, and will be handled by their secure web server based in the UK.
- e) The data will not be shared or transferred to any third party. The subcontractor complies fully with the UK Data Protection Act and take the storage of your data very seriously. The subcontractor has an Information Security Management System (ISMS) in place and holds ISO 27001 certification.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

- Article 5(a) and Article 5(d) of Regulation 45/2001

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

Reviewee personal data: This data will be received by Contractor and Subcontractor.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Both the Contractor and the Subcontractor are bound to securely destroy all personal data related to the Agency’s 360-degree-feedback process immediately after termination of the process/project. The process/project will run until 31 December 2017 at the latest.

The HRL Department on behalf of the Agency will store both the group reports and the group action plans for a period of 5 years during which the Agency may take respective follow-up actions.

The Reviewees shall store their confidential individual and group feedback reports for their personal use only for as long as they consider necessary for the purpose of their individual learning and development.

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 immediately 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. Blocking can take place only 5 days after the collection of the data before the individual responses are anonymised.

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 the creation of the group trainings as explained above.

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

1 Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject.

17/ COMMENTS

PLACE AND DATE: 27/10/2016

DATA PROTECTION OFFICER: NIKOLAOS FIKATAS

INSTITUTION OR BODY: EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS (FRA)