

To be filled out in the EDPS' office

**REGISTER NUMBER: 1434**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 08/02/2017

Case number: 2017-0171

Institution: Cedefop

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

*(1) OJ L 8, 12.01.2001*

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

*(2) Please attach all necessary backup documents*

**1/ Name and address of the controller**

Cedefop  
P.O.Box 22427  
GR-55102 Thessaloniki  
Greece

**2/ Organisational parts of the institution or body entrusted with the processing of personal data**

Human Resources Service  
(Head of Service - Ginette Manderscheid)

**3/ Name of the processing**

Promotion procedure

**4/ Purpose or purposes of the processing**

The purpose of the processing is to assess whether the staff member meets the formal eligibility criteria for promotion to the next higher grade and to provide the information required by management in the promotion procedure.

**5/ Description of the category or categories of data subjects**

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

Applies to officials / temporary agents (TAs) / contract agents (CAs) remunerated on the appropriations of the budget of Cedefop where the grade allows promotion to a higher grade within their function group, other than officials/temporary staff of a grade higher than AD 13. To be eligible for promotion staff must have, on 31 December of the calendar year in which the promotion exercise takes place, a minimum of 2 years seniority in their grade. Even though the promotion/reclassification of officials, TAs and CAs is addressed in 3 separate sets of rules, Cedefop runs only 1 procedure, taking into account the different categories of staff (where necessary).

**6/ Description of the data or categories of data (including, if applicable, special categories of data (article 10) and/or origin of data)**

The data required for the promotion procedure are:

- list of staff (name and surname) in each department, job titles, contractual status and grades of staff members with time in grade
- history of performance
- information on the 3rd language requirement (for officials and temporary agents only)
- promotion proposals based on template (including reasoned proposal describing merits, use of languages in execution of duties, and responsibilities)

**7/ Information to be given to data subjects**

A specific privacy statement is posted on the Intranet and promulgated to staff by email. Pursuant to Articles 11 and 12 of Regulation (EC) No 45/2001, this statement informs the data subjects of the identity of the controller, the purpose and legal basis for the collection of data, their right to access and rectify their own personal data, the categories of people who have access to the data, the length of time for which their data will be stored and of the possibility of contacting the Data Protection Officer of Cedefop.

**8/ Procedures to grant rights of data subjects (rights of access, to rectify, to block, to erase, to object)**

The lists of eligible staff, proposed staff and promoted/reclassified staff are accessible to all staff via the Intranet, and staff members can at any time access and consult their own personal files and information concerning their previous performance. Requests to access any other data shall be addressed to the data controller, as should requests concerning any of the subjects' other rights (rectification, blocking, erasure, objection). Such requests will be dealt with on a case-by-case basis in accordance with the Cedefop Code of Good Administrative Behaviour, in particular articles 14 (Acknowledgement of receipt) and article 17 (Reasonable time for taking decisions)".

**9/ Processing operation**

The process starts when the CDR assessing the performance of the previous year is completed. It is announced via an administrative notice from HR (published on Intranet) which sets out the key stages of the procedure.

HR prepares the list of all staff eligible for promotion, namely staff that have acquired on 31 December of the calendar year in which the promotion/reclassification exercise takes place, a minimum of 2 years seniority in the grade and are in active employment, on parental leave, on family leave, on leave for military service or seconded in the interest of the service on the date on which the promotion/reclassification decisions are adopted by the AIPN/AHCC.

The list is signed by the Head of Resources and Support (or acting) and published on Intranet.

HR prepares the necessary documentation for the Director, Deputy Director and Heads of Department (HoDs) (budgetary constraints, average career speeds, list of staff in the department, information on eligibility, time in the grade, the 3rd language requirement, as well as on availability of posts) and a standard template for promotion/reclassification proposals.

The Director, Deputy Director and HoDs propose staff for promotion/reclassification in the AD and AST categories and in the function groups of CAs, according to the template provided by HR.

The Director, Deputy Director and HoDs meet to compare the merits of respectively officials, TAs and CAs and to discuss the promotion/reclassification proposals put forward. This discussion is minuted by HR and results in a draft list of staff proposed for promotion/reclassification.

The Director (accompanied by HR, who also acts as note taker) meets with the Staff Committee to discuss the draft list of names and provide explanations as necessary.

After the discussion with the Staff Committee, the Director finalises the draft list of staff proposed for promotion/reclassification.

The draft list of staff proposed for promotion/reclassification is published on Intranet.

Staff members have 10 working days within which to submit a reasoned complaint against non-inclusion on the list to the Joint Committee on Promotion and Reclassification (JCPR).

The JCPR meets to examine the complaints (if applicable) and issue a reasoned opinion for consideration by the Director.

The Director proceeds to a final examination of the merits of respectively officials, TAs and CAs, taking account of the opinions of the JCPR and decides on the final list of staff to be promoted.

HR prepares the individual promotion/reclassification decisions.

A note to all staff, signed by the Director, about the promotions/reclassifications granted is posted on Intranet.

HR informs PMO about the new grade (and multiplication factor, where applicable) of the promoted individuals and updates the in-house database FIBUS.

Job descriptions are updated by the RO through the online objective setting tool - refinement of objectives.

The JPRC examines the promotion/reclassification exercise and draws up a report that may contain recommendations. This report is sent to the Director and the Staff Committee and published on Intranet.

#### **10/ Storage media of data**

Electronic documents related to the promotions procedure are stored in dedicated folders, organised by year, in the Electronic Document Management System.

Hard-copy documents related to the promotions procedure are stored in a locked cupboard in an office of the HR service.

Selected hard-copy documents are also provided in a sealed envelope to the Director, Deputy Director and Heads of Department.

The promotion decisions are stored in the personal files of the respective staff members. The

hard-copy personal files are stored in locked cupboards in an office of the HR service. The electronic personal files are stored in the Electronic Document Management System.

#### **11/ Legal basis and lawfulness of the processing operation**

The legal bases for these processing operations are the Staff Regulations of Officials of the European Communities, the Conditions of employment of other servants of the European Communities, the general implementing provisions: 2016-09-27 GB Decision - Cedefop-DGE-27-2016 promotion officials, 2016-09-27 GB Decision - Cedefop-DGE-28-2016 reclassification TA, 2016-09-27 GB Decision - Cedefop-DGE-29-2016 reclassification CA  
The lawfulness of the processing is also defined by the Article 5 (a) of the Regulation (EC) 45/2001.

#### **12/ The recipients or categories of recipient to whom the data might be disclosed**

The following are provided with data related to the promotion procedure:

- staff members in the Human Resources service dealing with the promotion procedure
- Director, Deputy Director, Heads of Department
- members of the Joint Committee on Promotion and Reclassification
- members of the Staff Committee
- all Cedefop staff (receive lists of eligible staff, proposed staff, and promoted/reclassified staff)
- PMO (informed regarding change of grade of promoted/reclassified staff)
- staff members responsible for examining appeals pursuant to Article 90 and cases brought before the Civil Service Tribunal
- auditing bodies (IAS, Court of Auditors, OLAF, EDPS)

#### **13/ Retention policy of (categories of) personal data**

Records related to the process of promotion of staff, subdivided by year, are kept for 10 years (5 years in active status and 5 years in the archives).  
The promotion decisions are kept in the personal files of staff members and have the same retention period.

#### **13 a/ time limits for blocking and erasure of the different categories of data**

(on justified legitimate request from the data subject)

Justified legitimate requests will be dealt with on a case-by-case basis in accordance with the Cedefop Code of Good Administrative Behaviour, in particular articles 14 (Acknowledgement of receipt) and article 17 (Reasonable time for taking decisions), meaning that the receipt of such requests will be acknowledged within 15 working days and a decision will be provided "within a reasonable time-limit, without delay".

#### **14/ Historical, statistical or scientific purposes**

Storage of anonymised data for historical, statistical or scientific purposes is envisaged (e.g. to track, at organisational level, staff evolution as well as promotion rates).

**15/ Proposed transfers of data to third countries or international organisations**

None foreseen.

**16/ The processing operation presents specific risk which justifies prior checking (*please describe*):**

**Article 27.2.(b)**

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

**17/ Comments**

PLACE AND DATE: Thessaloniki, 8-12-2016

DATA PROTECTION OFFICER: Robert Stowell (Data Protection Officer of Cedefop)

INSTITUTION OR BODY: CEDEFOP

NOTIFICATION REFERENCE: