

(To be filled out in the EDPS' office)

REGISTER NUMBER: 1464

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### NOTIFICATION FOR PRIOR CHECKING

**DATE OF SUBMISSION: 19/06/2017**

**CASE NUMBER: 2017-0588**

**INSTITUTION: EASME**

**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

Executive Agency for Small and Medium-sized Enterprises (EASME)

Head of Unit EASME.C.2, Administration.

Place Rogier 16, COV2 12/091

B-1049 Brussels

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

EASME Unit C.2, Administration.

3/ NAME OF THE PROCESSING:

**EASME Development programme: 360° feedback exercise for Management**

Short description of the processing:

This notification concerns the processing of personal data in the context of the 360° feedback exercise for EASME managers with the use by EASME staff (managers participating in the programme and reviewer colleagues) of development tools (Cubiks 360° feedback).

The process is based on the framework contract " EPSO/EUSA/PO/2014/069 lot.2 "Coaching" to which EASME is contracting authority, with the contractor (Julhiet-Kienbaum group) and their sub-contractor (Cubiks Ltd).

**Terminology:**

**Reviewer(s):** all EASME staff members who agree on a voluntary basis to give feedback to their line manager (i.e. Head of Unit, "reviewee"); also referred to as "direct reports", provided that their working relationship with the respective manager exceeds 6 months at the date of the feedback;

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

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

hierarchy, peers and stakeholders can be included on the request of the reviewee.

**Reviewee(s):** the EASME manager(s) who agree on a voluntary basis to take part in this exercise; Heads of Department, Head(s) of Unit Heads of Sector and Team leaders of EASME.

**Consultant/coach:** Professionals working for the external service provider (Julhiet-Kienbaum group) who will conduct feedback discussions on a one-to-one basis with the reviewees.

**Managerial excellence** emerged as one of the key objective of EASME HR Strategy for the future years. In line with the talent management strategy of the Commission, which supports managerial excellence as one of the pillars, EASME aims at developing strategies and related targeted actions which will help managers to continue grow in their role. At Agency level it is important to take into consideration that due to a considerable size of the Sectors (on average 15 staff members), also Heads of Sector have an important management role.

One of the key strategies identified for improving managerial excellence is the implementation of **360° feedback exercise for all levels of management in EASME** as a tool for developing the managerial competencies.

**This exercise consists of:**

- the establishment of a leadership competency framework specific to EASME.
- the deployment of a 360° feedback tool, a questionnaire that combines self-perception input from reviewees and feedback from reviewers, to help the managers learn about their professional skills and identify strengths and areas for development in relation to the Agency's leadership competency model.
- the offer of individual debriefing sessions with subcontractor's experts followed by the drafting of a development plan. The later will eventually be discussed by the respective manager in a meeting with the HR team in order to take stock of the development priorities and appropriate learning activities.

The 360° tool takes the form of a self-assessment of the management and leadership competencies of managers ('reviewees') and a feedback given by colleagues ('reviewers') by answering an online questionnaire composed of:

- a set of closed questions
- one open question for further individual comments to be made on a voluntary basis.

A request of agreement and privacy statement provided to the reviewees will explicitly indicate its voluntary basis with the possibility to withdraw consent at any time of the process. In addition reviewers will be made explicitly aware of the data protection risk linked to the potentiality of recognizing one's own written style for the open questions – and will invite them to take the necessary precautions in the formulation of their replies.

An individual report for each manager ('reviewee') will be produced by the sub contractor on an aggregated basis without the identification of reviewers and the answers given by each one; it will only indicate the total number of reviewers.

The individual report will be made available to each reviewee and to the external coach (Julhiet-Kienbaum – contractor) who will conduct the feedback session.

Group reports are also generated at Department and Agency level and provided to relevant staff of the EASME HR staff and senior management, who will have access only to the aggregated information about the compiled results (such as most voted and less voted competencies, number of participants), without any possibility to track or identify individual answers.

Around 40 middle managers are concerned by the programme. The process will progress by two waves of around 15-20 reviewees. The reviewees may freely access their questionnaire and reports

on-line. There is no obligation for the reviewees to share the reports with anybody except with the coach and only if they agree to receive coaching services. The reviewees can opt-out at any moment once the process has started.

The reviewers are invited to give feedback on a voluntary basis. The invitation will consist in an e-mail communication from the contractor (Julhiet-Kienbaum) to the reviewers including a privacy statement.

The EASME staff having less than 6 months of working relationship with the reviewee in the Agency as well as EASME staff members being "external service providers" and "trainees" are excluded from the exercise.

The relevant EASME HR staff will provide the email addresses to the contractor.

In case of bigger units, the reviewers will be randomly selected and grouped in one cluster containing around 25 reviewers. The grouping will be made by the external consultant. The reason is solely to facilitate the aggregation of data from a technical point of view.

A communication is sent to the reviewees and the reviewers explaining the conditions of their participation and the procedure.

#### 4/ PURPOSE OF THE PROCESSING OPERATION

The purpose of the processing is to allow reviewees (EASME Managers) in a developmental perspective, to obtain feedback on their management and leadership skills and help them develop their competencies. The data will not be used in any form of evaluation (appraisal) process of any of the persons involved.

#### 5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

- Reviewees: all EASME managers participating in the development programme herein described; Heads of Department, Heads of Unit, Heads of Sector and team leaders.
- Reviewers: all EASME staff members who worked in direct relation with the manager (reviewee) at least for 6 months, colleagues (superiors, peers and stakeholders) selected by the EASME managers (reviewees) 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, email address, position, administrative entity).
- Information provided by the reviewees on their own perception of their competencies related to EASME's leadership competency model.
- Information provided by reviewers on their perception of the reviewees's competencies related to EASME's leadership competency model.
- individual feedback reports for each reviewee, mentioning strengths and areas for development (in relation to EASME's leadership competency model).
- Recommendations on training and on-the-job development activities matching development needs of each reviewee.

#### 7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

All persons participating in this activity (reviewees and reviewers) will receive a message with a request of agreement and information on the processing and the treatment of data. This message contains a link to the privacy statement.

All persons participating in this activity (reviewees and reviewers) are given full information about the feedback exercise and are invited to participate. If they agree, they must provide details (name and electronic address). These details are provided to Julhiet-Kienbaum Consortium, contracted to provide this service and who will enter these data into the Cubiks system. Any change in or addition to the company providing this service will result in an update to the privacy statement. This data

serves purely to identify the programme participant (reviewee) and those colleagues giving feedback (reviewers) and to allow the contractor to contact them. They are provided at this stage with full information about the exercise and the nature and steps of data processing. They are also provided with a privacy statement giving data protection information. There is no obligation for the participant (reviewee) to share the individual report with anyone but the coach sub-contracted, bound by a confidentiality clause. The participants can opt-out at any moment once the process has started.

A copy of the privacy statement is attached to this notification, *see Privacy statement (Annex 7)*.

#### 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, *see Privacy statement (Annex 7)*.

All persons participating in this activity (reviewees and reviewers) are given full information about the feedback exercise and are invited to participate. If they agree, they must provide details (name and electronic address). These details are provided to Julhiet-Kienbaum Consortium, contracted to provide this service and who will enter these data into the Cubiks system. Any change in or addition to the company providing this service will result in an update to the privacy statement. This data serves purely to identify the programme participant (reviewee) and those colleagues giving feedback (reviewers) and to allow the contractor to contact them. They are provided at this stage with full information about the exercise and the nature and steps of data processing. They are also provided with a privacy statement giving data protection information. There is no obligation for the participant (reviewee) to share the individual report with anyone but the coach sub-contracted, bound by a confidentiality clause. The participant can opt-out at any moment once the process has started.

#### 9/ AUTOMATED / MANUAL PROCESSING OPERATION

The data for the 360° feedback is entered into a restricted-use website to which the reviewee (manager) concerned and the reviewers have separated and individual access. The information is processed **automatically** to produce an individual feedback report for each reviewee. No individual input will be visible to the reviewee.

#### 10/ STORAGE MEDIA OF DATA

##### **Processor:**

- Julhiet-Kienbaum group, contractor under framework contract " EPSO/EUSA/PO/2014/069 lot.2 "Coaching";
- Cubiks Ltd, subcontractor which helps in the specialised process of data for the 360° feedback tool. Data for the 360° feedback tool are stored on computing facilities provided by Cubiks Ltd in the United Kingdom subject to a contract between Cubiks Ltd. and Julhiet-Kienbaum.

All data are processed solely for the purposes of providing feedback to Managers. Nobody within the Institutions, offices or agencies have access to any data contained in the individual or group feedback reports. Reviewees will be made aware of this.

The data processing will be carried out by Cubiks Ltd. who will be sub-contracted for this purpose by the contractor providing the service to EASME. As sub-contractors they will be subject to the same conditions concerning data protection set out in the contract with the contractors (FWC Art. II.6 Processing of Personal data).

#### 11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

**Lawfulness:** by virtue of 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.

**Legal basis:**

**Staff Regulation Art. 24a and 110(2) and Art. 11 and 81 of the CEOS.**

**Decision of the Steering Committee of the Executive Agency for Small and Medium-sized enterprises of 19/04/2017 on the application by analogy of Commission Decision C (2016)3828 final of 24/06/2016 on the implementation of the learning and development strategy:**

- Point 5.1.5 of the Commission's Learning and Development Strategy outlines the specific support for managers to help them growing in their role, in driving the policy of the Institution and in supporting the learning of their staff. One of the measures proposed is a system of **staff feedback** as a learning tool for middle and senior managers.

In the context of EASME Multi-Annual HR Strategy and in line with the Commission's policy on middle management, managerial excellence and subsequent continuous development of middle managers has been identified as strategic priority area. One of the key strategies is to **Implement existing EC tools to evaluate managerial competencies.**

**PROPOSED ACTIONS:**

- Implement managerial competencies framework developed and adopted in the Commission in the EASME;
- Introduce the 180/360 ° evaluation exercise for all levels of management in EASME independently from the CDR as a tool for developing the managerial competencies.

To organize the development programme for its managers, the Agency uses a framework service contract (contract number EPSO/EUSA/PO/2014/069 ) which has been signed between the European Administrative School (EUSA) and Julhiet-Kienbaum (contractor) for the delivery of coaching/consultancy services for the staff in the European institutions, bodies and agencies. This contract concerns lot 2 – Coaching- and includes an Article **II.6 Processing of Personal Data** for data protection (*Framework Contract attached- see Annex 4*). Under this framework service contract, the Agency will contract services directly from Julhiet-Kienbaum for the development programme "360°feedback exercise" for its Management.

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

After their consent, the reviewees access their questionnaire on-line. Their 'direct reports', their superior(s) and the chosen colleagues are invited by the contractor as reviewers to give their perception on the reviewee anonymously and may freely give their answers. The reviewees receive their individual feedback report with a password protected "pdf" by email. There is no obligation for the reviewees to share the reports with anybody but the coach.

The relevant EASME HR staff will receive only group reports aggregated at Department and Agency level, without the possibility to identify any personal data.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The data collected for the launch and completion of the 360° feedback questionnaire are kept by Cubiks for 12 months after the questionnaire completion and then deleted.

Once the managers (reviewee) have obtained the individual 360° feedback report, the report will be deleted automatically by the subcontractor Cubiks after 12 months.

The group reports, containing only aggregated information without any possibility to track or identify individual answers, will be kept by the EASME HR sector.

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

*(Please, specify the time limits for every category, if applicable)*

<p><b>BLOCKING:</b> For all justified legitimate requests received by the data controller, a response will be given within 15 working days from the day EASME HR Team receives the correspondence, which may however send a justified holding reply.</p> <p><b>ERASURE:</b> For all justified legitimate requests received by the data controller, a response will be given within 15 working days from the day EASME HR Team receives the correspondence, which may however send a justified holding reply.</p>
<p>14/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES</p> <p><i>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</i></p> <p>N/A</p>
<p>15/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS</p> <p>N/A</p>
<p>16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING (<i>Please describe</i>):</p> <p><b>Evaluate the management and leadership skills of EASME Managers and provide them with feedback to help them develop their competencies</b></p> <p>AS FORESEEN IN:</p> <p><input type="checkbox"/> Article 27.2.(a)</p> <p><i>Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,</i></p> <p><input checked="" type="checkbox"/> Article 27.2.(b)</p> <p><i>Processing operations intended to evaluate personal aspects relating to the data subject, including his or her ability, efficiency and conduct,</i></p> <p><input type="checkbox"/> Article 27.2.(c)</p> <p><i>Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,</i></p> <p><input type="checkbox"/> Article 27.2.(d)</p> <p><i>Processing operations for the purpose of excluding individuals from a right, benefit or contract,</i></p> <p><input type="checkbox"/> Other (general concept in Article 27.1)</p>
<p>17/ COMMENTS</p> <p><i>List of attachments:</i></p> <p>Annex 1 – EASME IR on the implementation of the Learning and Development Strategy</p> <p>Annex 2 – EASME Multi-Annual HR Strategy</p> <p>Annex 3 – EASME Key HR Objectives and Strategies</p> <p>Annex 4 – Framework Contract EUSA-Julhiet-Kienbaum EPSO/EUSA/PO/2014/069 lot.2 "Coaching"</p> <p>Annex 5 – Agreement between Cubiks (processor) and data controller (European Economic Area Data Controller/ Processor Agreement, June 2016 )</p> <p>Annex 6 – Consent agreement provided to reviewees</p> <p>Annex 7 – Privacy statement provided to reviewers and reviewees</p>

PLACE AND DATE: BRUSSELS, 16 JUNE 2017

DATA PROTECTION OFFICER: ELKE RIVIERE

INSTITUTION OR BODY: EXECUTIVE AGENCY FOR SMALL AND MEDIUM-SIZED ENTERPRISES  
(EASME)