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Subject: Notification of processing in relation to initial grading and determination of rights

Thank you for your notification for prior checking of initial grading and determination of rights of employees. Having studied the information provided in the notification, the EDPS is of the opinion that the initial grading and determination of rights does not fall to be prior checked under Article 27 of Regulation 45/2001.

Article 27(1) provides that "*Processing operations likely to present specific risks to the rights and freedoms of data subjects by virtue of their nature, their scope or their purposes shall be subject to prior checking by the European Data Protection Supervisor*". Article 27(2) provides some examples of processing operations which are likely to present such risks. As this list is not exhaustive, the EDPS has included some specific cases falling under Article 27(1) and not mentioned in 27(2), such as biometrics and breach of confidentiality.

The EDPS is of the opinion that the initial grading and determination of rights is not "evaluation of personal aspect relating to the data subject", but rather a collation of facts which are measured against objective criteria for the determination of rights and grading. Evaluation of personal aspects of the data subject has occurred at the point of recruitment, i.e. the data subject's competence in fulfilling the role they are recruited for, but the procedure notified happens after that and involves no further evaluation.

In addition, none of the other listed criteria in Article 27(2) appear to be relevant in this case, and the EDPS can see no other significant risks in the procedure, based upon the information provided by EMCDDA.

Should you have any further questions about any issue raised in this letter, please do not hesitate to contact me.

Yours sincerely,

Joaquín BAYO DELGADO