



EUROPEAN DATA
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Ms Maria ARSENE
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Committee
Rue Belliard 101
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Brussels, 8 July 2009
GB/JL/ktl/ D(2009)962 C 2009-0321

Subject: Notification for prior checking concerning the management of applications for training courses

Dear Ms ARSENE,

Having examined the notification concerning the management of applications for training courses (ref. EDPS case 2009-321), we have come to the conclusion that the case **is not subject to prior checking by the EDPS**.

The processing operation was notified pursuant to Article 27(2)(b) of Regulation (EC) No 45/2001 (hereinafter referred to as "the Regulation").

Article 27(1) of the Regulation makes all "*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*" subject to prior checking.

Specifically, Article 27(2) of the Regulation contains a non-exhaustive list of processing operations likely to present such risks, notably "*processing operations intended to evaluate personal aspects relating to the data subject, including his or her ability, efficiency and conduct [...]*" (point (b)).

The EDPS notes that the processing described in the notification is a system of management of training courses organised by the Committee. It involves managing training applications (enrolment forms) and attendance lists and collecting evaluation forms (which are in principle anonymous) relating to courses followed. The purpose of the processing is to inform staff of the various courses available and to organise staff attendance at them.

The data processing, as described in the notification, is not therefore intended to evaluate staff members on the basis of the courses they choose and how assiduously they attend them. Even though information relating to training courses followed may be used in the evaluation process, the purpose of the processing itself is not to evaluate the staff, their conduct and their efficiency, etc.

If you feel there are other reasons that warrant prior checking by the EDPS we are prepared to reconsider our position. Similarly, should there be any change in this processing operation we would ask you to consider whether the operation needs to be submitted to the EDPS for prior checking.

Yours sincerely,

(signed)

Giovanni BUTTARELLI