



GIOVANNI BUTTARELLI
ASSISTANT SUPERVISOR

Mr Carlos MONTALVO
Executive Director
European Insurance and Occupational
Pensions Authority (EIOPA)
Westhafen Tower
Westhafenplatz 1
60327 Frankfurt am Main
GERMANY

Brussels, 16 January 2014
GB/DG/sn/D(2014)0092 **2013-0800**
Please use edps@edps.europa.eu for all
correspondence

Dear Mr MONTALVO,

We have analysed the documents you have provided to the EDPS concerning the notification for prior-checking under Article 27 of Regulation EC No 45/2001 ("the Regulation") on the processing of personal data in the context of staff evaluation, probationary reports and promotion at the European Insurance and Occupational Pensions Authority (EIOPA).

The EDPS points out that this case will be analysed in light of the EDPS Guidelines on staff evaluation ("the EDPS Guidelines"). On this basis, in this letter the EDPS will only identify and examine the EIOPA practices which do not seem to be in conformity with the principles of the Regulation and the EDPS Guidelines, providing relevant recommendations.

1) Information to data subjects

As explained in the EDPS Guidelines, Articles 11 and 12 of the Regulation provide that data subjects must be informed of the processing of data relating to them. These Articles also list a range of general and additional items that the individuals should be made aware of, in order to ensure transparency and fairness of the processing.

EIOPA's data protection notice contains most of the information required by Articles 11 and 12. However, it does not mention the right to have recourse to the EDPS or the legal basis of the processing. Moreover, the address of the controller is omitted in section 9.1.

Recommendation: Additions should be made to the data protection notice as detailed above, and an updated version provided to the EDPS for review.

Conclusion

Please inform the EDPS of the implementation of this recommendation within a period of 3 months following receipt of this letter, with supporting documentation where relevant.

Kind regards,

(signed)

Giovanni BUTTARELLI

Cc: Catherine COUCKE – Data Protection Officer