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Brussels, 31 March 2014
GB/TS/sn/D(2014)0789 C 2012-0855
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for all correspondence

Subject: Notification for prior checking concerning evaluations by external contractors

Dear Ms Ciccarone,

I refer to your notification for prior checking concerning evaluations of effectiveness of the European Training Foundation (ETF) by external contractors submitted to the European Data Protection Supervisor (EDPS) on 8 October 2012.

After a careful analysis of all documents submitted also together with the revised notification on 2 December 2013, we came to the conclusion that the procedure in question is **not subject to prior checking**.

The notification was submitted under Article 27(2)(b) of Regulation (EC) No 45/2001 which states that processing operations **intended to evaluate personal aspects** relating to the data subjects, such as ability, efficiency and conduct, present specific risks and should be subject to prior checking.

The revised notification, however, specifies that the performance of the ETF staff members may be evaluated only indirectly in this context. It also explains that information about staff time working on specific project and other resource management information is only provided as aggregate data and not as information relating to individuals.

The data processing operations taking place in the context of evaluation of the ETF effectiveness cannot therefore be considered as intended to evaluate personal aspects of the data subjects. Therefore, the EDPS decided to close the case.

Finally, we would like to use this opportunity to remind you to submit a notification for prior checking on the processing of personal data in the context of selection of external experts (such as the external contractors used for these evaluations) as it was already requested after the publication of the EDPS Public Procurement Guidelines on 25 June 2013¹.

Yours sincerely,

(signed)

Giovanni BUTTARELLI

¹ EDPS Guidelines on the processing of personal data in the context of public procurement, grants as well as selection and use of external experts of 25 June 2013 (EDPS 2012-501).