Speed training on staff appraisal

DPO-EDPS meeting
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Why staff appraisal?

“Classic” forms of staff appraisal

• End of probationary period, annual appraisal

• Assess performance and abilities of staff

• Purpose: positive or negative career development

• Legal obligation – Staff Regulations and Conditions of Employment of Other Servants
More recent forms of appraisal

- **Peer evaluation**
  - Multi-source assessment, usually of managers
  - Feedback from the immediate work environment
  - Purpose: Self-perception assessment, improve efficiency and teamwork

- **180°/360° feedback programmes**
  - Self-development tool for managers
  - Feedback from peers, managers and staff
  - Purpose: Enhance leadership competencies, develop an effective management culture, professional development

- **Main difference** = Voluntary participation, no legal obligation
What to keep in mind

• Prior checkable under Article 27.2(b)
• Purpose
  - Data collected should not be used in any other form of assessment
• Lawfulness
  - Article 5(a) does not apply, not “necessary” for the performance of a task
  - Article 5(d) Consent
• Data quality
  - Processed fairly and lawfully
  - For specific purposes only
  - Adequate, relevant and not excessive
  - Accurate (only applies to factual data)
  - Not kept for longer than necessary
What to keep in mind

• Special categories of data?
  - Only if explicit consent (Article 10,2(a)), otherwise delete

• Consent
  - Freely given, specific and informed
  - Consent in the working environment – should be applied with caution!
  - Possibility to withdraw consent at any time

• Processor/sub-processor
  - Verify if any sub-contracting is foreseen
  - Data protection clause in the contract
  - Avoid transfers to third countries
What to keep in mind

• **Recipients/transfers?**
  - Clearly specify who the recipients are and what data they will receive
  - Inform persons concerned accordingly
  - Only transfer data if necessary for the legitimate performance of a task covered by the competence of the recipient (Article 7)

• **Right of access/rectification**
  - Rectification of factual data possible upon request
  - Not possible to rectify subjective evaluation data
  - Provide for a possibility to provide comments? (c.f. appeals procedure)

• **Information to evaluated persons and assessors**
  - Should be given before the programme is launched
  - In particular as regards consent: absence of negative consequences in case of opt-out, possibility to revoke at any time
  - Inform of all purposes (e.g. generate aggregated team reports)
More information:

- EDPS Reference Library
- EDPS Guidelines on Staff evaluation
- Prior Check opinions
- Consultations
- DPO Corner
Thank you for your attention!

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