



## **Prior Checking Opinion**

### **'Online coaching for interpreters – European Parliament' Case 2015-1125**

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The European Parliament has set up an online coaching platform for interpreters and students of interpreting with a view to ensuring high-quality interpretation in a multilingual environment, covering also covers lesser-used languages. The selection of candidates and the coaching itself entails the processing of the users' personal data in order to evaluate their ability and their efficiency. For further information on the selection and the evaluation of staff, see the guidelines published by the EDPS in the field of staff recruitment<sup>1</sup> and in the area of staff evaluation<sup>2</sup>.

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Brussels, 10 October 2016

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<sup>1</sup> [Guidelines in the field of staff recruitment](#)

<sup>2</sup> [Guidelines in the area of staff evaluation](#)

## 1. Procedure

On 22 December 2015, the EDPS received a notification for prior checking from the European Parliament ('the Parliament') relating to a procedure providing additional support in connection with the training of students of interpreting called the 'Virtual Coaching Tool' ('the VCT').

This opinion is delivered in accordance with Article 27(4) of Regulation 45/2001 ('the Regulation')<sup>3</sup>.

## 2. The facts

The VCT is an online training platform intended to provide additional educational support to interpreters and interpreting students with remarkable talent or a language combination needed by the Parliament. On account of their rare language combination, these students find it difficult to access specific training at university-level educational establishments. The VCT thus contributes to the efforts made by DG INTE to provide high-quality interpretation in a multilingual environment, whilst avoiding the risks associated with the loss of certain capacities, more specifically the capacities to cover the lesser-used languages. Anyone may apply to access the platform and the selection criteria are published in the announcement on the DG INTE website<sup>4</sup>.

This procedure has two **related goals**: 1. 'to select university-level candidates who deserve to take part in the specific training offered by the VCT'; and 2. 'to provide additional support in the training of students/interpreting beginners who are of great interest to the institution'.

The VCT may be used inter alia to bridge the lengthy waiting periods between obtaining a degree or diploma from an interpreting school and the organisation of an accreditation test, and to address any shortcomings in the conference interpretation training provided in the Member States.

The **data subjects** are students of interpreting and new or freelance interpreters<sup>5</sup>.

**The personal data processed**: in the case of VCT users (post-selection), the data include their surname, first name, date of birth, nationality, home university, e-mail address and telephone number, as well as the languages they know, their CV and their evaluation by the trainers. When selecting candidates for the VCT, the data processed also include a covering letter, the candidates' educational and academic qualifications (including grades) and, where necessary, proof of their interpreting abilities. The Parliament reserves the right to request that candidates provide a letter from their university lecturers that includes an assessment of their abilities.

A **privacy statement** will be included in the selection announcement published on the Parliament's website. It will also be attached to the e-mail inviting successful candidates to participate in the programme. The statement will likewise be accessible via a link in the

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<sup>3</sup> The period of two months within which the opinion must be delivered was suspended from 22 December 2015 to 3 February 2016, and from 20 February to 19 August 2016, so that additional information could be obtained, and from 29 September 2016 to 6 October 2016 to allow the Parliament's DPO to submit comments on the draft opinion.

<sup>4</sup> The selection procedure is detailed in the document entitled 'VCT – Procedure for implementation', which is annexed to the notification.

<sup>5</sup> The notification also refers to the interpreter trainers as data subjects; however, since the processing of the data of those individuals falls outside the scope of Article 27(2) of the Regulation, they are not regarded as data subjects in the context of this opinion.

application form. It contains information about the processing of data at the selection stage and at the actual training stage.

The **recipients** of the data are members of staff within DG INTE, internal auditors, ex-ante and ex-post controllers, the Court of Justice, the Court of Auditors and OLAF.

The **retention period** is three years from the date of the non-selection decision in the case of unsuccessful applications in order to allow any legal remedy to be sought. The data of the individuals selected to take part in the VCT are retained until the data subjects achieve accreditation or tenure, or for a maximum period of ten years from the end of the coaching in the case of those individuals who have not achieved accreditation or tenure within that timeframe. The Parliament's justification for that retention period is the period of time likely to elapse between the period of coaching undertaken by the data subjects and their accreditation. Furthermore, the Parliament considers it to be helpful to retain the results of the coaching with a view to evaluating the method and improving the objectives of the VCT.

### **3. Legal analysis**

#### **3.1. Prior checking**

The processing of personal data is performed by an institution of the European Union. Furthermore, the processing is partly done through automatic means. Regulation (EC) No 45/2001 is therefore applicable.

The processing is subject to prior checking since it is intended to evaluate the ability and efficiency of the data subjects.<sup>6</sup>

The relevant EDPS guidelines in the present case are:

- the Guidelines in the field of staff recruitment<sup>7</sup>; and
- the Guidelines in the area of staff evaluation<sup>8</sup>.

#### **3.2. Data retention**

As a general principle, personal data must be kept in a form which permits identification of individuals for no longer than is necessary for the purposes for which the data are collected and/or for which they are further processed.<sup>9</sup>

##### *a) Selection of candidates for the VCT*

In the Guidelines in the field of staff recruitment, the EDPS acknowledges that the time-limit for storage of such data shall be set in relation to the time-limits to be established for the possible review of the decision taken in the selection procedure (complaint to the European Ombudsman, appeal with the Civil Service Tribunal), as well as in accordance with Article 49 of the

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<sup>6</sup> Article 27 of the Regulation subjects to prior checking by the EDPS processing activities likely to present specific risks to the rights and freedoms of data subjects by virtue of their nature, their scope or their purposes. Article 27(2) of the Regulation contains a list of processing operations that are likely to present such risks, with in particular under Article 27(2)(b) processing operations intended to evaluate personal aspects relating to the data subject, including his or her ability, efficiency and conduct.

<sup>7</sup> [Guidelines in the field of staff recruitment](#)

<sup>8</sup> [Guidelines in the area of staff evaluation](#)

<sup>9</sup> See Article 4(1)(e) of the Regulation.

Implementing Rules to the Financial Regulation (for budgetary and audit purposes). The personal data of unsuccessful candidates may therefore be kept for two years *following the recruitment procedure*, as that period was derived from the length of time during which a complaint may be brought to the European Ombudsman.<sup>10</sup>

In the light of the foregoing, the EDPS invites the Parliament to re-evaluate the retention period for the data of unsuccessful candidates (three years) and to align that period with the recommendations contained in the guidelines.

#### *b) Participation in the VCT*

The maximum retention period of ten years for data processed as part of the coaching seems excessive. The storage of data must be proportionate to the purpose of the processing. However, where there is a very lengthy period between the coaching and accreditation, the accreditation is no longer necessarily linked to the impact of the coaching. It would be more appropriate to align the retention period with the average number of years between the end of the coaching and accreditation. In addition, even though in certain cases the retention period will be less than ten years (where the data subject achieves accreditation or tenure before that deadline), it is very complicated to erase data on a case-by-case basis. With regard to the possible use of the data for the purposes of improving the VCT, the EDPS reiterates the principles established in Article 4(1)(b) and (e) of the Regulation, and points out that the data must be made anonymous in this context.

#### ***Recommendations***

The EDPS invites the Parliament to re-evaluate the data retention period with a view to:

- a) aligning it with the recommendations of the guidelines in relation to unsuccessful candidates; and
- b) establishing a retention period corresponding to the average duration of the period of time that elapses between the coaching and accreditation in relation to participants in the VCT.

#### ***Reminder***

Data processed in the VCT that are used for statistical or scientific purposes must be made anonymous.

### **3.3. Recipients**

The notification and the privacy statement list the data recipients.<sup>11</sup>

#### ***Reminder***

With regard to Article 2(g) of the Regulation, the EDPS reiterates that authorities which may receive data solely in the framework of a particular inquiry are not to be regarded as 'recipients' and do not need to be mentioned in the privacy statement. This is an exception to the information obligation set out in Articles 11 and 12, but not to the rules on transfers in Articles 7 to 9. In practice, this means that authorities such as OLAF, the Court of Justice or the Court of Auditors do not need to be mentioned in the privacy statement (unless the processing operation

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<sup>10</sup> See point 4 of the Guidelines in the field of staff recruitment.

<sup>11</sup> Namely: 'members of staff within DG INTE, internal auditors, ex-ante and ex-post controllers, the Court of Justice, the Court of Auditors and OLAF'.

in question involves transfers to these organisations as part of the procedure). However, the applicable rules on transfers to those institutions must always be respected.

#### **4. Conclusion**

Provided that the Parliament takes account of the aforementioned recommendations and reminders, the processing is compatible with the provisions of the Regulation.

The EDPS therefore entrusts the Parliament with the implementation of those recommendations and hereby closes the case.

**(signed)**

Wojciech Rafał WIEWIÓROWSKI