



(To be filled out by the EDPS' DPO)

**Register number: 46**

**Date of submission: 19/07/2013**

**Legal basis: Art 25 Regulation 45/2001**

## NOTIFICATION

### INFORMATION TO BE GIVEN<sup>1</sup>

1/ NAME AND FIRST NAME OF THE CONTROLLER

EDPS STAFF COMMITTEE

2/ SERVICE RESPONSIBLE FOR PROCESSING PERSONAL DATA

EDPS Staff Committee

3/ NAME AND DESCRIPTION OF THE PROCESSING OPERATION

Participation of Staff Committee members in Joint Advisory Committee operations, pursuant to EDPS decision of 26 November 2007 concerning promotions (“**EDPS Promotion Decision**”).

Pursuant to the above decision, an official who wishes to contest the decision concerning the list of officials eligible for promotion, or the decision to promote, may submit a complaint, before submitting a complaint pursuant to Article 90(2) of the Staff Regulations.

In his/her complaint may indicate that he/she intends to refer the matter to the Joint Committee. The Joint Committee shall consist of two members, one appointed by the Management Board and the other from amongst the members of the Staff Committee (“**SC**”). The Joint Committee shall deliver a reasoned Opinion within 10 working days of receipt of the request. It may consult whoever it wishes and request any document or written information which it considers relevant.

In carrying out this function, the SC member involved and the SC itself may receive and process personal information concerning the evaluation of the member of the staff involved or other staff members referred to

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<sup>1</sup> Please attach all relevant documents

in the complaint. The SC will process the data in question in conformity with notification relating to Staff Committee – General Operations, meaning:

A functional mailbox EDPS Staff Committee has been created, which can be accessed by all members of the Staff Committee and alternates. A request to add or delete access rights shall come from a current member and be made to EP ITEC services the EDPS Staff Committee functional mailbox. As it is the rule for most or all IT services at the EDPS, the functional mailbox is administered by the EP IT services on the basis of a SLA with the EP. Neither the EDPS nor the Staff Committee have therefore direct control over access rights and other system administration issues. The rules and functioning of this functional mailbox are the same as those of other functional mailboxes operated by the EP IT services.

When a case is referred to the Joint Advisory Committee, a new case file is open. All documents and e-mails concerning the case will be stored in this sub-folder. Access to the e-file is allowed only to Staff Committee Members and alternates. The paper file can be consulted, updated and physically kept by any members and/or alternates. It is stored in a locked cupboard in the office of the person who is physically holding it.

#### 4/ PURPOSE(S) OF THE PROCESSING

The purpose of the processing is to participate to the Joint Advisory Committee procedure and deliver an Opinion in conformity with EDPS Promotion Decision.

#### 5/ DESCRIPTION OF THE CATEGORY(IES) OF DATA SUBJECT(S)

- Staff members of the EDPS, directly or indirectly involved in the complaint.
- Members of the Joint Advisory Committee

#### 6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA (INCLUDING, IF APPLICABLE, SPECIAL CATEGORIES OF DATA (ARTICLE 10) AND/OR ORIGIN OF DATA)

- Name, function, contact details;
- Information concerning the professional activities of the staff members, directly or indirectly concerned (e.g., tasks performed, evaluation by hierarchy, comparative assessment, etc.)
- It cannot be excluded that sensitive data may be collected and processed, if and where they are brought forward in the complaint.

#### 7/ INFORMATION TO BE PROVIDED TO THE DATA SUBJECTS

A Privacy Statement is published on the EDPS intranet site. The text of the Privacy Statement is copied below:

*"All personal information processed by the EDPS Staff Committee in the framework of the Joint Advisory Committee instituted by EDPS decision of 26 November 2007 concerning promotions ("EDPS Promotion Decision") is subject to Regulation (EC) 45/2001.*

*In compliance with articles 11 and 12 of the Regulation, the EDPS Staff Committee is providing staff with the following information:*

*The Controller is the EDPS Staff Committee, as elected by EDPS staff in its General Assembly. Data are processed by the EDPS Staff Committee members for the exercise of its task within the framework of the Joint Advisory Committee pursuant to EDPS Promotion Decision.*

*The legal basis for processing data is the EDPS Promotion Decision, namely Articles 4 and 5 thereof.*

*The categories of personal data dealt with are those brought voluntarily to the attention of the Staff Committee by the staff member concerned or further requested by the Joint Committee, in relation with the claims brought up by the complainant. This includes name, function, contact details; information concerning the professional activities of the staff members directly or indirectly concerned (e.g., tasks performed, evaluation by hierarchy, comparative assessment, etc.). It cannot be excluded that sensitive data may be collected and processed, if and where they are brought forward in the complaint.*

*Data can be accessed only by Members of the Joint Advisory Committee (including the member appointed by the Management Board) and other Staff Committee members and alternate members.*

*Pursuant to Article 5 of the EDPS Promotion Decision, the Joint Committee shall send the opinion to the Head of the Human Resources Unit, which in turn shall forward it to the Management Board and to the official who submitted the complaint.*

*Staff members have the right to access and rectify their own data by contacting the Staff Committee at [EDPS-Staff-Committee@edps.europa.eu](mailto:EDPS-Staff-Committee@edps.europa.eu). Restrictions to the general right of access may apply pursuant to Article 20(c) of the Regulation if disclosure of such information would undermine the protection of the data subject or of the rights and freedoms of others (e.g. concerning individual opinions or statements of the members of the Committee).*

*Staff members have the right to refer to the DPO of the institution at any time ([EDPS-DPO@edps.europa.eu](mailto:EDPS-DPO@edps.europa.eu)).*

*If transmitted by e-mail, the personal information is stored in the functional mailbox of the Staff Committee, the e-file and/or the paper file for the maximum period of the duration of the appointed Staff Committee plus one year. In case of appeals before the Courts, the data will be retained until the case has been finally settled by the Courts".*

8/ PROCEDURES TO GRANT DATA SUBJECTS' RIGHTS (RIGHTS OF ACCESS, TO RECTIFY, TO BLOCK, TO ERASE, TO OBJECT)

Data subjects can exercise their rights by sending an e-mail to the EDPS Staff Committee functional mailbox ([EDPS-Staff-Committee@edps.europa.eu](mailto:EDPS-Staff-Committee@edps.europa.eu)).

Data subjects have the right to access and rectify personal data concerning them. Restrictions to the general right of access may apply pursuant to Article 20(c) of the Regulation if disclosure of such information

would undermine the protection of the data subject or of the rights and freedoms of others (e.g. concerning individual opinions or statements of the members of the Committee).

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Automated and manual processing.

10/ STORAGE MEDIA OF DATA

There are three main ways for storing personal data

- Functional mailbox
- E-file
- Paper file

Documents and e-mails containing personal data are stored only where needed.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Legal basis: EDPS Promotion Decision, namely Articles 4 and 5 thereof  
Lawfulness: Article 5.b of Regulation (EC) 45/2011

12/ THE RECIPIENTS OR CATEGORIES OF RECIPIENTS TO WHOM THE DATA MIGHT BE DISCLOSED

Data can be accessed only by Members of the Joint Advisory Committee (including the member appointed by the Management Board) and other Staff Committee members and alternate members.

Pursuant to Article 5 of the EDPS Promotion Decision, the Joint Committee shall send the opinion to the Head of the Human Resources Unit, which in turn shall forward it to the Management Board and to the official who submitted the complaint.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The general rule of deletion after one year following the expiry of the Staff Committee concerned applies. In case of appeals before the Courts, the data will be retained until the case has been finally settled by the Courts.

13 BIS/ TIME LIMITS FOR BLOCKING AND ERASURE OF THE DIFFERENT CATEGORIES OF DATA

*(further to justified legitimate request from the data subject)*

*(Please, specify the time limits for every category, if applicable)*

- Upon justified request by the data subject: 15 working days.

14/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES

*If you store data for longer periods than mentioned above, please specify, if applicable, why the data must be kept under a form which permits identification*

NOT APPLICABLE

15/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

NOT APPLICABLE

16/ FURTHER INFORMATION

The data controller declares the accuracy of the above statements and undertakes to notify any change affecting this information to the Data Protection Officer.

PLACE AND DATE: BRUSSELS 19 JULY 2013

THE CONTROLLER: THE EDPS STAFF COMMITTEE