

REGISTER NUMBER: 304

## NOTIFICATION FOR PRIOR CHECKING

Date of submission: 28/09/2007

Case number: 2007/582

Institution: CEDEFOP

Legal basis: article 27-5 of the regulation CE 45/2001<sup>(1)</sup>

(1) OJ L 8, 12.01.2001

## INFORMATION TO BE GIVEN<sup>(2)</sup>

(2) Please attach all necessary backup documents

### 1/ Name and adress of the controller

Ginette Manderscheid  
Head of Human Resources  
Cedefop  
P.O.Box 22427  
GR-55102 Thessaloniki

### 2/ Organisational parts of the institution or body entrusted with the processing of personal data

Human Resources Service

### 3/ Name of the processing

Administrative enquiries and disciplinary procedures at Cedefop

### 4/ Purpose or purposes of the processing

The purpose of the data processing is to put together a file to enable the Appointing Authority to determine whether an official or other servant has failed to fulfil his/her obligations under the Staff Regulations and, where appropriate, impose a disciplinary penalty in accordance with the Staff Regulations.

### 5/ Description of the category or categories of data subjects

For the purposes of the prior checking notice, the term "official" will be used. This includes former officials, as well as servants or former servants within the meaning of the Conditions of Employment of other servants of the Communities.

For the purposes of the prior checking notice, the expression "the official concerned" means any official who is subject to administrative enquiries or disciplinary proceedings.

### 6/ Description of the data or categories of data (including, if applicable, special categories of data (article 10) and/or origin of data)

Please see sections IV a) and IV) b of the attached document

**7/ Information to be given to data subjects**

Please see sections VIII a) and VIII) b of the attached document

**8/ Procedures to grant rights of data subjects(*rights of access, to rectify, to block, to erase, to object*)**

Please see section VII of the attached document

**9/ Automated / Manual processing operation**

This is a manual processing operation which affects the personal file in which copies of some of the decisions will be filed and a separate disciplinary file in which all the relevant administrative documents related to the disciplinary procedure will be kept. Electronic files and documents will follow the same rules as paper documents (for additional information, please see sections V)a and V)b of the attached document.

**10/ Storage media of data**

The personal files and the disciplinary files are stored in secure cupboards within the Human Resources Service accessible only to authorised persons. Access to the personal file of the official concerned is limited to the data subject and to Cedefop personnel specifically authorised to have access to personal files. The data subject does not have direct access. The personal file is taken out of the secure cupboard by the authorised official/servant and handed to the data subject for consultation on the spot.

Electronic files will be stored in 'Livelihood', a collaborative document management software with built-in auditing (of access), versioning etc. The IT-administrator responsible for Livelihood has access to the system. For Livelihood, standby back-up tapes are kept in line with the time limits applicable to paper files.

**11/ Legal basis and lawfulness of the processing operation**

A Cedefop official, temporary agent or contract agent who does not comply with his obligations under the Staff Regulations may become the subject of an administrative inquiry or disciplinary proceedings. The legal basis for the processing is provided by Article 86 and Annex IX of the Staff Regulations of officials of the European Communities as well as by Articles 49, 50 and 119 of the Conditions of Employment of Other

The process involves collecting and processing personal data relating to officials or other servants and falls under the legitimate exercise of official authority vested in Cedefop qua EU Agency.

**12/ The recipients or categories of recipient to whom the data might be disclosed**

Please see section IX of the attached document

**13/ Retention policy of (categories of) personal data**

Please see section VI of the attached document.

**13 a/ time limits for blocking and erasure of the different categories of data**

(on justified legitimate request from the data subject)

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

In accordance with Article 27 of Annex IX to the Staff Regulations, the data subject may submit a request for the deletion from his personal file of all reference to such measure. The timelines are three years in the case of a written warning or reprimand and six years in the case of another penalty. The decision to grant the request is taken at the discretion of the Appointing Authority. A reasoned decision will be given in case of refusal of the request.

**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,

At present, Cedefop does not intend to keep data beyond the abovementioned time limits for historical, scientific or statistical purposes. Should data be kept for such purposes, they will be duly anonymised.

**15/ Proposed transfers of data to third countries or international organisations**

Please see section X) of the attached document.

**16/ The processing operation presents specific risk which justifies prior checking (*please describe*):  
AS FORESEEN IN:**

**Article 27.2.(a)**

**Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,**

See attached note

**Article 27.2.(b)**

**Processing operations intended to evaluate personal aspects relating to the data subject,**

See attached note

**17/ Comments**

The procedures for administrative enquiries and disciplinary procedures respectively are described in sections I)a) and I)b) respectively.

The final text will be made available to all staff on the Intranet.

PLACE AND DATE: 24-September 2007

DATA PROTECTION OFFICER: Spyros ANTONIOU (Data Protection Officer of Cedefop)

INSTITUTION OR BODY: CEDEFOP