

REGISTER NUMBER: 620

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 20/08/2010

Case number: 2010-0620

Institution: CEDEFOP

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

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN⁽²⁾

(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

Head of Human Resources Service

3/ Name of the processing

STAFF APPRAISAL (CAREER DEVELOPMENT REVIEW)

4/ Purpose or purposes of the processing

The purpose of the annual appraisal is to assess individual performance in the course of a given reporting period. Besides providing ongoing feedback, the appraisal system is designed to set individual goals aligned with the Agency's priorities and work plans, effectively plan work in advance and contribute to future career development. The appraisal system aims in particular at assessing the jobholder's efficiency, competences and conduct in the service in the course of a given reporting period.

5/ Description of the category or categories of data subjects

The data subjects are officials except the Director and the Deputy Director (art 1 (1) DGE), temporary agents and contract agents of Cedefop who have been in active employment/leave for a continuous period of at least one month (art. 2 DGE).

In the case of officials, temporary staff or contract staff who:

- are to be retired automatically under Article 52 of the Staff Regulations in the year following the reporting period;
- are the subject of a Cedefop decision leading to termination of their service, within the meaning of Article 47 of the Staff Regulations, in the year following the reporting period;
- have been granted an invalidity pension by Cedefop under Article 78 of the Staff Regulations which takes effect in the course of the reporting period or the year following the reporting period;
- have either left the service of Cedefop permanently during the reporting period or will do so in the year following the reporting period

a report needs to be drawn up only if they submit an express request to that effect to the reporting officer referred to in Article 3 of the DGE

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

The data required for the career development report are:

(1) Report details

- staff number
- reporting officer: surname, first name, staff number, function
- countersigning officer: surname, first name, staff number, function

(2) Personal details of the jobholder

- surname, first name
- current status, category and grade
- location (i.e. area/service)
- career history
- period of appraisal (from... to...)

(3) Job description

(4) Initial dialogue (planning of objectives for the period)

- objectives in relation to the area/service work programme (agreed objectives, assessment criteria)
- discussion on personal development goals leading to agreed training map

(5) Self-assessment (achievement of objectives)

(6) Assessment of the reporting period

The assessment covers efficiency, abilities.

(7) Final approval

- (a) Reporting Officer's signature
- (b) Countersigning Officer's assessment and signature
- (c) signature of person under assessment

(8) Further review

- (a) Countersigning officer's further review and signature
- (b) jobholder's signature

(9) Appeal

- (a) opinion of the Joint Committee on Appraisal and Promotion
- (b) appeal assessor's decision and signature

7/ Information to be given to data subjects

Firstly, a specific privacy statement will be directly accessible on the "staff appraisal – CDR" module home page.

Secondly, before an evaluation exercise starts, the Head of Resources publishes an administrative notice on Cedefop's Intranet that states the purpose of the procedure and the timetable. Once the CDR on-line tool is deployed, the administrative notice will also include information on the process in Livelink and on the way in which data will be processed.

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

Every jobholder has access to his 'Career Development Review'. In addition, in line with article 26 of the Staff Regulation, the staff members have right of access to all the documents contained in their personal files even after leaving the service.

If the subject requests the controller to exert his/her rights the controller will facilitate the applicant the exercise of his rights in relation to access and rectification of factual identification data. The evaluation data in the CDR form cannot be changed.

The jobholder may contest the content of the career development report at two separate stages in the evaluation procedure, initially by requesting a second dialogue with the countersigning officer (i.e. the hierarchical superior of the reporting officer) and, thereafter, if he is not content, by lodging an appeal with the Joint Committee on Appraisal and Promotion.

9/ Automated / Manual processing operation

While "workflow" is an automated process, the content of the specific phases, on the other hand, is not. The agreement or refusal of one person automatically triggers the transition to the next phase in the procedure and messages are automatically generated for the next person concerned.

10/ Storage media of data

All the data related to the workflow (actions by the users, content, dates of the actions, auditing) are stored in Livelink database tables.

Once finalised, the CDR report is printed for inclusion in the personal file.

11/ Legal basis and lawfulness of the processing operation

The legal bases for these processing operations are the Staff Regulations of Officials of the European Communities, the Conditions of employment of other servants of the European Communities, the general provisions for implementing Article 43 of the Staff Regulation. (CEDEFOP/DGE/9/2010 - corrigendum, dated 1 June 2010 – see Annex I) and Decision of the Management Board of CEDEFOP concerning the treatment of complaints under Article 90 of the Staff Regulation.(see Annex)

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

The staff appraisal module is used by:

- jobholders (officials, temporary and contract staff at Cedefop);
- reporting officers (the jobholder's hierarchical superior);
- countersigning officers (reporting officer's hierarchical superior);
- the appeals assessor (the Director of Cedefop);
- members of the Joint Committee on Appraisal and Promotion.

The following may be provided with a copy of the CDR report:

- members of the Appeals Committee
 - staff members in the Human Resources service dealing with the appraisal process;
 - staff members responsible for examining appeals pursuant to Article 90 and cases brought before the Civil Service Tribunal;
 - staff members in charge of inquiries and disciplinary proceedings;
 - auditing bodies(IAS, Court of Auditors, OLAF, EDPS)
- external contractors of Cedefop (e.g. a lawyer who might be contracted to assist with the handling of a court case related to a staff member and touching on appraisal)

Career development reviews are transferred to other Community institutions and agencies if officials are transferred to another institution. They may also be provided to the Appeals Committee in Cedefop (if the staff member lodges an appeal under Article 90 after the decision of the appeal assessor) or be sent to the Civil Service Tribunal, if it so requests, in the context of proceedings brought before it.

13/ Retention policy of (categories of) personal data

Career development reviews are stored in Livelink until the jobholder or his beneficiaries have exhausted all channels of appeal after termination of service within the meaning of Article 47 of the Staff Regulations. Once finalised, the CDR report is printed for inclusion in the personal file.

As the CDR report is part of the personal file, the conservation period is the same as for the personal file, i.e. 8 years after the extinction of all rights of the person concerned and of any dependents, but at least 120 years after the date of birth of the official concerned.

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)

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.

Storage of anonymised data for historical, statistical or scientific purposes is envisaged (e.g. to track, at organisational level, the evolution of performance levels).

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

None foreseen.

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

AS FORESEEN IN:

Article 27.2.(b)

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

17/ Comments

PLACE AND DATE:

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

INSTITUTION OR BODY: CEDEFOP

NOTIFICATION REFERENCE: PCCDFNOT010