

To be filled out in the EDPS' office

REGISTER NUMBER: 635

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 10/11/2010

Case number: 2010-895

Institution:EMCDDA

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

Mr. Dante Storti, Head of Unit Administration (EMCDDA. Cais do Sodre. 1249-289. Lisbon, Portugal)

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

Unit Administration

3/ Name of the processing

Probationary period, management probationary period and annual performance appraisal of the EMCDDA Dire

4/ Purpose or purposes of the processing

The purpose of the processing is the assessment of the EMCDDA Director's probationary period, the management probationary period and the annual appraisal. Therefore, it falls within the scope of Article 27 of the Regulation. For more details on the procedure please refer to the Decision (attached).

5/ Description of the category or categories of data subjects

The Director of the EMCDDA, whose duties and powers are defined in Article 11 of the Regulation (EC) 1920/2006 of the European Parliament and of the Council of 12 December 2006, on the European Monitoring Centre for Drugs and Drug Addiction (recast).

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

The categories of personal data dealt with in these exercises are the following: family name, name, personnel number, function group and grade.

7/ Information to be given to data subjects

The Data Subject will have full access to the 'Decision of the Management Board of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) on the annual appraisal and the probationary period of the Director' which is posted in the EMCDDA Intranet. Furthermore, the Data Subject is called the attention to the attached privacy statements.

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

The Data Subject is informed of his/her rights and is able to access his/her data, verify or correct it according to the privacy statements attached.

9/ Automated / Manual processing operation

n.a

10/ Storage media of data
Electronic-based and paper storage. Probationary period, management probationary period and annual appraisal reports will be stored in two separate folders corresponding to the probationary period and annual appraisal of the Director within the Human Resources drive (only HR staff have access to this drive). Each file will be password protected. Paper copies of the reports are stored in the personnel file of the concerned staff member in separate sealed envelopes. Personnel files are stored in double locked safes within the Human Resources Management Sector.
11/ Legal basis and lawfulness of the processing operation
probationary period: Article 34 of the Staff regulations and Article 14 of the Conditions of Employment of Other Servants (CEOS). Management probationary period: Article 44 of the Staff regulations and the Conclusion of the Heads of administration n° 240/50, of 16 June 2005. Annual appraisal: Article 46 of the Staff regulations and Article 15 of the Conditions of Employment of Other Servants (CEOS). Decision of the Management Board of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) on the annual appraisal and the probationary period of the EMCDDA Director (attached). This decision also includes a chapter dedicated to the management probationary period. The processing is lawful and necessary under Article 34, 44 and 46 of the Staff regulations and Article 14 and 15 of the Conditions of Employment of Other Servants and the Conclusion of the Heads of administration n° 240/50, of 16 June 2005. The present notification is subject to prior-checking by the European Data protection Supervisor under Article 27 of Regulation (EC) 45/2001.
12/ The recipients or categories of recipient to whom the data might be disclosed
The Director, the reporting officers, HR staff in charge, where applicable the appeal assessor and the EMCDDA Management Board members. Other EU institutions in the case of a transfer: personal files follow the staff member to the next institution.
13/ retention policy of (categories of) personal data
Data will be kept for ten years, starting from the time when the staff member concerned leaves the EMCDDA services or from the last pension payment.
13 a/ time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject) <i>(Please, specify the time limits for every category, if applicable)</i>
The Controller shall deal with requests for rectification of data within one month from the introduction of the request and disposes of three calendar months to block or erase data from the moment of reception of request by the data subject.
14/ Historical, statistical or scientific purposes <i>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,</i>
After the conservation time indicated under 22.a., only data related to a macroscopic vision of the appraisal exercises of staff will be kept for statistical reasons and will be kept anonymous.
15/ Proposed transfers of data to third countries or international organisations
16/ The processing operation presents specific risk which justifies prior checking (<i>please describe</i>):
AS FORESEEN IN:
<input type="checkbox"/> Article 27.2.(a) Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,
<input checked="" type="checkbox"/> article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject,

Article 27.2.(c)

Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

Other (general concept in Article 27.1)

17/ Comments

PLACE AND DATE: Lisbon, 27,05,2010

DATA PROTECTION OFFICER: Cecile MARTEL

INSTITUTION OR BODY:EMCDDA

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