

REGISTER NUMBER: 820

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 03/01/2012

Case number:2012-0009

Institution: CEDEFOP

Legal basis:

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN⁽²⁾

(2) Please attach all necessary backup documents

1/ Name and address 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

Promotion procedure

4/ Purpose or purposes of the processing

Purpose of the processing is to assess whether the staff member meets the formal eligibility criteria for promotion to the next higher grade and to provide the information required by management in the promotion

5/ Description of the category or categories of data subjects

Applies to officials /temporary staff remunerated on the appropriations of the budget of Cedefop where the grade allows promotion to a higher grade within their function group, other than officials/temporary staff of a grade higher than AD 13. To be eligible for promotion, officials/temporary staff must have, on 31 December of the calendar year in which the promotion exercise takes place, a minimum of 2 years seniority in their grade. Pending the establishment of detailed implementing provisions for the career advancement of contract agents by the European Commission, contract agents are included in the promotion exercise, by applying by analogy the main principles of the DGE on reclassification of temporary agents.

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 promotion procedure are:

- list of staff in the area, grades of staff members with time in grade
- history of performance levels
- information on the 3rd language requirement (for officials and temporary agents only)

7/ Information to be given to data subjects

A specific privacy statement will be posted on Intranet. Pursuant to Articles 11 and 12 of Regulation (EC) No 45/2001, this statement will inform the data subjects of the identity of the controller, the purpose and legal basis for the collection of data, their right to access and rectify their own personal data, the categories of people who have access to the data, the length of time for which their data will be stored and of the possibility of contacting the Data Protection Officer of Cedefop.

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

Staff members can at any time consult their personal files.

The right of blocking/erasure will be dealt with on a case-by-case basis in accordance with the Cedefop Code of Good Administrative Behaviour, in particular articles 14 (acknowledgement of receipt) and article 17 (reasonable time for taking decisions).

9/ Processing operation

The process starts when the CDR for the previous year is completed.

HR prepare the list of all staff eligible for promotion. The list is signed by the Head of Resources and published on Intranet.

HR prepares the necessary documentation for the Heads of Area (list of staff in the area, with the history of performance levels

and information on the 3rd language requirement, as well as on availability of posts) and a standard template for promotion proposals.

HR prepares the necessary documentation for the Management Committee (history of performance levels, time in grade, 3rd language requirement, availability of posts, copy of the relevant implementing provisions).

The HoA and the Director/Deputy Director (in their capacity as reporting officers for Directorate staff) provide to the Management committee the lists of officials/TAs/CAs to be proposed for promotion.

The MC meets and discusses the proposals. The MC draws up a consolidated proposal and forwards it to the AIPN/AHCC.

The AIPN/AHCC takes a decision on promotions/reclassifications and replies to the MC.

HR prepares the individual promotions decisions, and the Head of HR gives them to the staff members concerned. A Note to all staff, signed by the Director, about the promotions granted is posted on Intranet.

HR informs PMO about the new grade (and multiplication factor, where applicable) of the promoted individuals.

HR updates the FIBUS records for the promoted individuals (career and job title, and leave days, where applicable). Job descriptions are updated by HR.

HR provides to JCAP a hard copy of an overview of the staff performance levels.

JCAP prepares a report with an assessment of the promotion exercise and possibly recommendations for the attention of AIPN concerning the preparation of the next promotion exercise.

The report is published on Intranet. AIPN/AHCC responds to the JCAP note, and the response is also published on Intranet.

10/ Storage media of data

All documents related to the promotions procedure are stored in the Promotions folder organised per year.
The promotions decisions are stored in the personal files of the respective staff members.

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 implementing provisions: Cedefop/DGE/10/2011 General implementing provisions relative to the career and the promotion of officials (on the basis of Article 45 of the Staff Regulations) and Cedefop/DGE/11/2011 General implementing provisions relative to the career of temporary staff and their assignment to employment of a higher grade than that to which they are employed (on the basis of Article 10 of the CEOS) and Decision of the Management Board of CEDEFOP concerning the treatment of complaints under Article 90 of the Staff Regulation. (see Annexes) Note to staff RS/HR/GMA/tpe/2011/1476

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

The following are provided with data related to the promotion procedure:

- staff members in the Human Resources service dealing with the promotion procedure
- members of the Management Committee
- members of the Joint Committee on Appraisal and Promotion
- staff members responsible for examining appeals pursuant to Article 90 and cases brought before the Civil Service Tribunal;
- auditing bodies (IAS, Court of Auditors, OLAF, EDPS)

13/ Retention policy of (categories of) personal data

Records related to the process of promotion of staff, subdivided by year, are kept for 10 years (5 years in active status and 5 years in the archives).

The promotion decisions are kept in the staff member personal file and have the same retention period.

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

(on justified legitimate request from the data subject)

Same as above

14/ Historical, statistical or scientific purposes

Storage of anonymised data for historical, statistical or scientific purposes is envisaged (e.g. to track, at organisational level, staff evolution as well as promotion rates).

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:

X Article 27.2.(b)

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

17/ Comments

PLACE AND DATE: Thessaloniki, 22-12-2011

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

INSTITUTION OR BODY: CEDEFOP

NOTIFICATION REFERENCE:

To be filled out in the EDPS' office

Follow up *(in case of acting measures to be taken)*