

REGISTER NUMBER: 1211

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 17/12/2013

Case number: 2013-1396

Institution: EFSA – European Food Safety Authority, Parma

Legal basis: article 27-2b 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 address of the controller

Head of Human Capital & Knowledge Management Unit (HUCAP)

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

HUCAP Staff supporting the internal mobility process

3/ Name of the processing

Transfers in the interest of the service within EFSA

4/ Purpose or purposes of the processing

The purpose of the data processing operation is to meet the discretionary power of the Executive Director to reassign staff members to different posts within the organisation responding to organisational needs whilst considering the professional competencies, knowledge and ambition of the staff members concerned.

5/ Description of the category or categories of data subjects

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All statutory staff at EFSA, officials, temporary agents, contract agents as well as seconded national experts (ENDs)

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

- Performance dialogue tool – information on career development plan of jobholders
- Career project forms and/or expressions of interest and related summary reports prepared by HUCAP
- Reports on Talent Review Meetings prepared by HUCAP (*mobility ‘type 1’*)
- Related to career projects (*mobility ‘type 2’*): Candidates assessment grids as well as reports with recommendations prepared by HUCAP and sent to relevant managers
- Personalised decisions on internal staff transfers signed by the Executive Director

7/ Information to be given to data subjects

A specific Privacy Statement concerning the processing of personal data by EFSA in the context of internal staff transfers is available as part of career project forms as well as on the relevant page on the EFSA Intranet Portal. The text of the Privacy Statement is provided in **Annex 1**.

Additionally the text of the statement is taken up as Article 7 (data protection) of the draft Decision of the Executive Director concerning transfers in the interest of the service within EFSA (**Annex 2**)

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

To exercise the right of access or to ask for the correction of incorrect data, the data subject should contact the head of HUCAP Unit.

9/ Automated / Manual processing operation

Paper-based data processing for what concerns the career project forms, the reports, the career assessment grids and the personalised ED Decisions on individual staff transfers

Automated processing: information on career development plan of jobholders in Performance dialogue electronic tool.

10/ Storage media of data

Documents are collected in the paper filing system with HUCAP and in the personal file of the jobholder as concerns the personalised decisions on internal staff transfers signed by the Executive Director

Information in the Performance dialogue electronic tool is stored on the EFSA servers

11/ Legal basis and lawfulness of the processing operation

- Processing operation is necessary in the legitimate exercise of official authority of EFSA as an EU agency pursuant to Article 5 (a) of Regulation EC No 45/2001, namely:
 - o The Staff Regulations of Officials and the Conditions of Employment of Other Servants, in particular Article 7 of the Staff Regulations ;
 - o The Decision of the Executive Director of EFSA concerning transfers in the interest of the service within EFSA, (*draft*) (**Annex 2**);
 - o The relevant Standard Operating Procedure (SOP) on transfers in the interest of the service within EFSA (*draft*) (**Annex 3**)

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

- Jobholder's line managers (reporting offer, delegated reporting offer, countersigning officer in the CDAC workflow)
- Heads of Unit
- EFSA management team (Directors/Heads of Division) and Executive Director
- Head of HUCAP Unit and HUCAP staff supporting the internal mobility process
- The EFSA Internal Auditor ;
- Institutions or bodies having a legitimate purpose of audit, of the exercise of supervisory tasks or in charge of judicial proceedings: the Internal Audit Service, the EU Court of Auditors, the EU Ombudsman, OLAF, the EU Court of Justice, the European Data Protection Supervisor.

13/ retention policy of (categories of) personal data

Personalised decisions on internal staff transfers signed by the Executive Director are kept in the personal file of the staff members concerned, applying the same conservation period as for the appraisal reports: the transfer decisions are kept for the entire career period of the EFSA staff member and an additional period of nine months.

Other documents containing personal data such as career project forms, expressions of interest, assessment grids and HUCAP reports are kept for five years.

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)

Data subjects can exercise their rights at any time by contacting the Head of HUCAP Unit. Justified requests for blocking and erasure will be handled within 5 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,

N/A

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

N/A

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

Article 27.2.(b)

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

Explanation: For each transfer type, the step-by-step evaluation process resulting in staff transfers in the interest of the service is outlined in the Standard Operating Procedure (SOP) (*draft*) (**Annex 3**).

Article 27.2.(c)

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

Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

Other (general concept in Article 27.1)

17/ Comments

N/A

Supporting documents:

Annex 1 – Privacy Statement – Transfers in the interest of the service at EFSA

Annex 2 – Executive Director Decision concerning transfers in the interest of the service within EFSA (EFSA/HUCAP/DEC/149) (*draft*)

Annex 3 – Standard Operating Procedure (SOP) on transfers In the interest of the service within EFSA (Type 1-2) (EFSA/HUCAP/SOP/003) (*draft*)

Annex 4 – DPO notification by the controller concerning transfers in the interest of the service at EFSA