



European  
Global Navigation  
Satellite Systems  
Agency

*To be filled out in the EDPS' office*

**REGISTER NUMBER: 1350**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 14/12/2015

Case number: 2015-1097

Institution: European Global Navigation Satellite Systems Agency

Legal basis: Article 27-5 of the regulation CE 45/2001

**INFORMATION TO BE GIVEN(2)**

*(2) Please attach all necessary backup documents*

**1/ Name and adress of the controller**

European GNSS Agency, Janovskeho 438/2, 170 00 Prague, Czech Republic

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

Human Resources Department

**3/ Name of the processing**

Annual appraisal exercise (staff evaluation).

**4/ Purpose or purposes of the processing**

The purpose of the processing is the execution of the annual appraisal exercise (staff evaluation) of temporary agents and contractual agents.

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

Temporary agents and contractual agents.

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

Personal data processed within the annual appraisal exercise:

- Administrative data: name, position and department of the data subject and the name of the Reporting Officer. In some cases also: name of the Head of Department of the data subject, name of the Countersigning Officer and name of the Appeal Assessor. It may happen that the data subject spontaneously provides data revealing trade union membership in his/her self-assessment. The processing of this data falling within the scope of Article 10 of Regulation (EC) 45/2001 is justified on the basis of Article 10(2)(a) since the data subject makes public himself/herself the data.
- Evaluation data: data of subjective nature about the ability and quality of the Jobholders' performance.

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

The information to data subjects is provided through privacy statement available on the GSA Intranet. The annual appraisal report template and annual objectives template also refer to this privacy statement. The privacy statement informs data subjects about the identity of the controller, purpose of the processing, data concerned, legal basis, lawfulness of the processing, recipients of the data, retention period, rights of data subjects and contact information.

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

Data subjects have the right to be informed about the processing of their personal data and are entitled to access and rectify the data collected. Data subjects can access their personal file, rectify administrative data upon request and rectify the evaluation data via the respective appeal procedures. During the appraisal exercise it is also possible to make comments (specific field in the appraisal report template reserved for comments). During and after the appraisal exercise it is possible to receive a copy of the appraisal report. Requests to exercise these rights can be submitted at any time and shall be dealt within two weeks time.

**9/ Automated / Manual processing operation**

Automated and manual

**10/ Storage media of data**

Personal data are kept in the files of each data subject and in the Human Resources Allegro tool.

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

- Articles 43 and 44(1) of the Staff Regulations and Articles 15(2) and 87(1) of the Conditions of Employment of Other Servants (CEOS).
- Decision of the Administrative Board laying down general provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations for temporary staff. Written procedure no. 48 adopted on 15 October 2015.
- Decision of the Administrative Board on general provisions for implementing Article 87(1) of the CEOS and implementing the first paragraph of Article 44 of the Staff Regulations. Written procedure no. 49 adopted on 15 October 2015.
- Decision of the Administrative Board on the appraisal of the Executive Director. Adopted on 19 March 2009, ref. 08-10-17-13.

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

Data are disclosed to the persons involved in the staff appraisal exercise:

- Staff of the Human Resources Department.
- Reporting Officer who shall be the staff member's direct superior or Head of Department. Staff members may be the Reporting Officer by delegation from the Head of Department and subject to the approval of the Executive Director. The Executive Director shall be the Reporting Officer of the staff members of whom he/she is the direct hierarchical superior. For the evaluation of the Executive Director there shall be at least two Reporting Officers designated by the Administrative Board among its members.
- Countersigning Officer, in case of unsatisfactory performance conclusion, who shall be a superior of the Reporting Officer except in those cases where the direct superior of the Reporting Officer is the Executive Director. Then, the most senior (highest in grade) Head of Department shall be a recipient of the data.
- Appeal Assessor. In case of appeal, the Appeal Assessor shall be:
  - o For appeals of reports with satisfactory performance conclusions: direct superior of the Reporting Officer.
  - o For appeals of reports with unsatisfactory performance conclusions: Executive Director.
  - o For appeals of the in cases where the Executive Director is the Reporting Officer: the most senior European Commission representative in the Administrative Board.
  - o For appeals of the Executive Director's appraisal: the Chairman of the Administrative Board.
- Joint Committee. It consists of a Chair appointed by the Executive Director and four members, two designated by the Executive Director and other two by the Staff Committee.

### **13/ retention policy of (categories of) personal data**

The appraisal reports shall be kept in personal files for up to 5 years from the end of the evaluation exercise.

### **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)*

Blocking: within maximum 5 working days

Erasure: within maximum 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* ):**

Yes, subjective evaluation data are included in the report used for the annual appraisal exercise.

AS FORESEEN IN:

Article 27.2.(a)

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

**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,

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**

Notification in compliance with the EDPS guidelines concerning the processing of personal data in the area of staff evaluation.

**18/ Measures to ensure security of processing (3)**

***Please check all points of Article 22 of Regulation (EC) 45/2001.***

***(3) Not to be published in the EDPS' Register (article 27.5 of Regulation (EC) 45/2001)***

PLACE AND DATE: 14 December 2015, Prague.

DATA PROTECTION OFFICER: Triinu Volmer

INSTITUTION OR BODY: European GNSS Agency

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**Of date:**

**Case number:**

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











