

(To be filled out in the EDPS' office)

REGISTER NUMBER:

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION:

CASE NUMBER:

INSTITUTION:

LEGAL BASIS: ARTICLE 27-5 OF THE REGULATION CE N° 45/2001⁽¹⁾

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

Jessica Mannheim, Head of Section Human Resources, ECDC, Tomtebodavägen 11A SE-17183, Stockholm, Jessica.Mannheim@ecdc.europa.eu

2/ ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA

Learning and Development Group, Human Resources Section, Resource Management and Coordination Unit

3/ NAME OF THE PROCESSING

Staff Development Dialogue (SDD)

¹ OJ L 8, 12.01.2001.

4/ PURPOSE OR PURPOSES OF THE PROCESSING

To provide an individual qualitative appraisal of the jobholder's efficiency, ability and conduct in the service and to identify objectives and development needs.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Temporary agents and Contract staff (TAs and CAs respectively)

Data are collected from the data subject himself/herself, from his/her reporting officer, from other managers for whom the data subject has worked during the year. In case of unsatisfactory performance data is also collected from his/her respective countersigning officer. In case of appeals data may be collected from the members of the Human Resources section, the Joint Committee on Appraisals and the Appeal Assessor.

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA (*including, if applicable, special categories of data (Article 10) and/or origin of data*).

Every year a report is drawn up for each data subject, by his/her reporting officer, appraising the data subject's work performance during the previous year and identifying objectives and development needs for the current year. It also includes the data subject's performance self-assessment. ECDC makes use of a standard SDD template (a copy is attached)

In case the performance of the data subject is appraised as 'unsatisfactory', the report is countersigned by a member of staff in managerial position, the 'countersigning officer' and then transmitted to the data subject. In case the data subject does not accept his/her reporting officer's report, he or she may further appeal to the appeal assessor who shall confirm or amend the report. In the case of a report assessing the jobholder's performance as unsatisfactory, the appeal assessor shall consult the ECDC entity in charge of human resources before taking his/her decision; the latter may in turn consult the Joint Committee on Appraisals.

Upon completion of this procedure in the information system, the report remains accessible to the data subject, his/her current and future reporting officers, current and future managerial hierarchy, Countersigning officer, Appeal assessor and the ECDC entity in charge of human resources. Access may also be given wholly or in part to:

- In the case of an appeal of the data subject the Joint Committee on Appraisal, upon consultation requested by the Head of Section Human Resources
- During the reclassification process, the person/s designated by the rules in force for the examination of the comparative merits of staff members eligible for reclassification and - in the case of an appeal - the Joint Committee on reclassification and, if the case, the joint working parties established for the examination of appeals as described in the Implementing Rules on Reclassification.

The SDD report contains the following:

- Period of appraisal;
- Data subject's surname, first name, administrative data, functional group and grade, gender, working conditions and job assignments;

- Surname and first name of Reporting officer, Head of Unit, Countersigning officer, Appeal assessor;
- Content of the self-assessment;
- Content of the appraisal;
- Content of the development dialogue, including objectives, job description, performance indicators and development plan;
- Content of the feedback from other managers;
- Comments by, respectively, the data subject, the reporting officer, the countersigning officer, the members of the Human Resources section and – in the case of appeal – the appeal assessor
- Comments by the Joint Committee on Appraisals, in the case of consultation from the Head of Section Human Resources.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

A Specific Privacy Statement has been developed in accordance with Articles 11 and 12 of Regulation (EC) No 45/2001, and is available through a web link on 'Allegro', ECDC's Human Resources Portal.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

(Rights of access, to rectify, to block, to erase, to object)

ACCESS (in accordance with Article 13 of Regulation (EC) 45/2001): data subjects may request access from the controller directly, to be granted, depending on the wish of the data subject, by allowing on-the-spot inspection or by giving / sending the data subject electronic or paper copies, or by referring the data subject to the published declaration on ECDC's website; requests are granted within three months of receipt of the request by the controller and free of charge.

RECTIFICATION (in accordance with Article 14 of Regulation (EC) 45/2001): data subjects may request rectification from the controller directly. The request is granted without delay. However, as mentioned in the Specific Privacy Statement, the evaluation data cannot be corrected, notwithstanding the fact that data subjects have the right to lodge an appeal and provide comments on the actual report.

BLOCKING (in accordance with Article 15 of Regulation (EC) 45/2001), **ERASURE** (in accordance with Article 16 of Regulation (EC) 45/2001), **OBJECTION** (in accordance with Article 18 of Regulation (EC) 45/2001): Upon written request to the controller, the data subject shall have the right to obtain from the controller – within 15 working days from the data subject's request - the blocking of data, erasure of their personal data, as well as the right to object to the use of the personal data used during the procedure, under the conditions laid down in the Regulation.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Processing of data may consist of collection, use, transfer, storage and destruction of data.

Collection and use of data are described under paragraph 6. They are partly automated, processing a structured set of data accessible in 'Allegro' through the use of a personal passwords. In the case of an appeal, consultation of the Joint Committee and decision of an appeal assessor outside of ECDC are processed via electronic mail and then uploaded in 'Allegro' and made accessible through the use of a personal passwords.

Transfer of data is described under paragraphs 12 and 15. It is partly automated, processing a structured set of data accessible in 'Allegro' through the use of a personal passwords. In the case of access and use of data by entities outside of the ECDC, data is processed via electronic mail.

Storage and destruction of data are described under paragraphs 10 and 13. It is partly done electronically through the use of a personal passwords, partly in the paper personnel files archived and managed by the Human Resources section.

10/ STORAGE MEDIA OF DATA

Reports are validated and stored via automated workflow and maintained by the Human Resources Section, via 'Allegro', the ECDC's Human Resources Portal through the use of a personal passwords.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Legal basis (Treaty, Regulation, Decision, etc.) for this processing operation are:

- ECDC founding regulation 851/2004.
- Article 43 of the Staff Regulations of Officials of the European Union (applicable to other servants by virtue of Articles 15(2) and 87(1) of the Conditions of Employment of Other Servants of the European Union ('CEOS');
- ECDC Implementing Rule no 20 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, adopted on 13 April 2015 by the ECDC Management Board
- ECDC Implementing Rule no 36 on general provisions for implementing Article 87(1) of the Conditions of Employment of Other Servants of the European Union and implementing the first paragraph of Article 44 of the Staff Regulations, adopted on 13 April 2015 by the ECDC Management Board
- ECDC implementing rule no 21 on Reclassification of Temporary Agents

12/ THE RECIPIENTS OR CATEGORIES OF RECIPIENT TO WHOM THE DATA MIGHT BE DISCLOSED

The data subject, the reporting officer (current and future), the upper managerial hierarchy (current and future) as indicated in the organisational chart of ECDC, and the members of the Human Resources Section, the ECDC HR Portal technical administrator

Additionally, in case of 'unsatisfactory performance': the Countersigning officer assigned for the appraisal exercise

Additionally, in case of appeal during the SDD process: the Appeal assessor, the Joint Committee for appraisals.

Additionally, during the reclassification process: the person/s assigned for the examination of the merits of the staff eligible for reclassification, the Joint Committee for reclassification and the Joint Committee for reclassification working parties.

Exceptionally: Legal Service, the Internal Control Coordinator, the Court of Justice of the European Union, the Court of Auditors of the European Union, the Internal Audit service, the European Anti-Fraud Office (OLAF), the European Ombudsman and the European Data Protection Supervisor.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Personal data are stored for up to ten years after closure of the Staff Development Dialogue procedure for staff members who are in current employment with the ECDC and whose contract has a possibility of renewal or conversion into an indefinite contract; for up to 5 years after closure of the Staff Development Dialogue procedure for staff members who are not in current employment with the ECDC. Relevant personal data of purely informative nature no longer necessary for administrative reasons are deleted in accordance with the time limits set forth in Article 49 of Commission Regulation (EC, Euratom) No 2342/2002.

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS

(Please, specify the time limits for every category, if applicable)

Fifteen working days from data subject's request.

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.

Not applicable.

15/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

No transfer of data to third countries or international organisations is envisaged.

16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING (*Please describe*):

Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures, Processing operations intended to evaluate personal aspects relating to the data subject.

Processing operations likely to present specific risks may include

- processing operations intended to evaluate personal aspects relating to the data subject
- processing operations for the purpose of excluding individuals from a right, benefit or contract

Finally the data processing operation may concern highly sensitive data such as:

- processing operations for the purpose of granting individuals with a right, a benefit or a contract modification,
- processing operations for the purpose of conferring individuals the right to lodge an appeal

AS FORESEEN IN:

Ā Article 27.2.(a)

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

Ā Article 27.2.(b)

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

Ā Article 27.2.(c)

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

Ā Article 27.2.(d)

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

Ā Other (general concept in Article 27.1)

17/ COMMENTS

The following documents are annexed to this notification:

- ECDC Implementing Rule no 20 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, adopted on 13 April 2015 by the ECDC Management Board
- ECDC Implementing Rule no 36 on general provisions for implementing Article 87(1) of the Conditions of Employment of Other Servants of the European Union and implementing the first paragraph of Article 44 of the Staff Regulations, adopted on 13 April 2015 by the ECDC Management Board
- ECDC implementing rule no 21 on Reclassification of Temporary Agents
- Internal Procedure on Use of ICT equipment (ECDC-IP-26)
- SDD template in use

18/ MEASURES TO ENSURE SECURITY OF PROCESSING³ :

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

PLACE AND DATE: STOCKHOLM, 15/12/2015

DATA PROTECTION OFFICER: ANDREA IBER

INSTITUTION OR BODY: EUROPEAN CENTRE FOR DISEASE PREVENTION AND CONTROL

³ Not to be published in the EDPS' Register (Art. 27(5) of Regulation (EC) N°: 45/2001)

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EDPS OPINION

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FOLLOW UP *(in case of acting measures to be taken)*