

**NOTIFICATION FOR PRIOR CHECKING**

**DATE OF SUBMISSION: 02 MAY 2005**

**CASE NUMBER: 2004/281**

**NOTIFICATION OF: CJCE**

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

**INFORMATION TO BE GIVEN<sup>2</sup>**

1/ NAME AND ADDRESS OF THE CONTROLLER

**MARK RONAYNE, HEAD OF THE PERSONNEL DIVISION, COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES, L-2925 LUXEMBOURG**

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

**Personnel Division; Personnel and Finance Directorate**

3/ NAME OF THE PROCESSING

**Personal files; Report at end of probationary period and staff reports**

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<sup>1</sup> OJ L 8, 12.01.2001.

<sup>2</sup> **Please attach all necessary backup documents**

4/ PURPOSE OR PURPOSES OF THE PROCESSING

**Articles 33 of the Staff Regulations and 14 and 84 of the Conditions of employment of other agents provide for probationary period reports for, respectively, Officials, Temporary Agents and Contractual Agents.**

**Articles 43 of the Staff Regulations and 15(2) and 87 of the Conditions of employment of other Agents provide for Staff Reports for, respectively, Officials, Temporary Agents and Contractual Agents.**

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

**Officials, 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*).

**Probationary Report (see annex): Name, date of birth, status, grade, dates of beginning and end of stage, information regarding interruption of probationary period (if appropriate), name of reporting officer, summary of work carried out during probationary period, evaluation, linguistic knowledge, languages used in the carrying out of duties, proposal regarding establishment (or not or extension of probationary period), date of meeting with probationary official, names of others consulted, observations of probationary official.**

**Staff Reports (see annex): Name, date of birth, nationality, service, date of entry into service, résumé of career, linguistic knowledge, recently acquired skills, name of reporting officer, name of appeal officer, description of duties, languages used in the exercises of duties, evaluation, name of persons consulted, date of meeting between reporting officer and official/agent, official/agent's observations; in the case of an appeal, information regarding the appeal.**

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

**Data subjects receive the reports and may keep copies.**

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

**Procedures are provided for appealing the evaluations in both cases (see Article 34 of the Staff Regulations and “la décision de la Cour, du 18 octobre 2000, portant adoption des dispositions générales d'exécution relatives à la notation du personnel »).**

**Both types of report are placed in the personal files. Members of staff, and former members of staff, may consult their personal files at any time.**

9/ AUTOMATED / MANUAL PROCESSING OPERATION

**Manual**

10/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

**Staff Regulations, Articles 26, 34 and 43;**

**Conditions of employment of other agents, Articles 11, 14, 15(2), 84 and 87.**

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

**End of probation reports: the hierarchical superiors of the member of staff in question (including the Appointing Authority); members of the personnel division, the members of the Reports Committee (see article 34 (2) of the Staff Regulations. In the event of an appeal under Article 90 of the Staff Regulations, the Legal Advisor and the Members of the Complaints Committee.**

**Staff Reports: the hierarchical superiors of the member of staff in question; members of the personnel division, the members of the Promotions Committee, in the event of an appeal against the assessment: members of the joint committee competent to advise. In the event of an appeal under Article 90 of the Staff Regulations, the Legal Advisor and the Members of the Complaints Committee.**

**Where a member of staff applies for a vacancy in the Court of Justice, the relevant Head of Service may consult the Staff Reports and End of Probationary Period Report.**

**Article 26 of the Staff Regulations provide that the personal file, in which the Staff Reports and the End of probation reports are placed, is transmitted to the Court in the event of staff case.**

**Both reports could also be disclosed to the Disciplinary Committee and the Joint Advisory Committee on professional incompetence.**

12/ GENERAL INDICATION OF THE TIME LIMITS

FOR BLOCKING: -----INDEFINITIELY-----

AND/OR

FOR ERASING: ----- INDEFINITIELY -----

OF THE DIFFERENT CATEGORIES OF DATA (*Please, specify the time limits for every category, if applicable*)

**THE PERSONNEL DIVISION HAS RAISED FOR DISCUSSION WITH THE OTHER INSTITUTIONS THE QUESTION OF THE TIME DURING WHICH PERSONAL DATA CONTAINED IN ADMINISTRATIVE FILES SHOULD BE KEPT (IN THE COMITÉ DE PRÉPARATION DES QUESTIONS STATUTAIRES).**

13/ 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.*

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

**WHEN A MEMBER OF STAFF IS TRANSFERRED TO ANOTHER COMMUNITY INSTITUTION, END OF PROBATIONARY PERIOD REPORTS AND STAFF REPORTS – WHICH ARE CONTAINED IN HIS PERSONAL FILE – ARE TRANSFERRED TO THE OTHER INSTITUTION.**

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

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)

16/ COMMENTS

PLACE AND DATE: LUXEMBOURG: **21 APRIL 2005**

DATA PROTECTION OFFICER: MARC SCHAUSS

INSTITUTION OR BODY: **COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES**