



**5008/01/EN final
WP 42**

**Recommendation 1/2001
on Employee Evaluation Data**

Adopted on 22.3.2001

The Working Party has been established by Article 29 of Directive 95/46/EC. It is the independent EU Advisory Body on Data Protection and Privacy. Its tasks are laid down in Article 30 of Directive 95/46/EC and in Article 14 of Directive 97/66/EC. The Secretariat is provided by:

The European Commission, Internal Market DG, Unit Free flow of information and data protection.
B-1049 Bruxelles/B-1049 Brussel - Belgium - Office: C100-6/136
Internet address: http://europa.eu.int/comm/internal_market/en/dataprot/wpdocs/index.htm

Recommendation on Employee Evaluation Data

THE WORKING PARTY ON THE PROTECTION OF INDIVIDUALS WITH REGARD TO THE PROCESSING OF PERSONAL DATA

set up by Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995,

having regard to Articles 29 and 30 paragraphs 1 (a) and 3 of that Directive,

having regard to its Rules of Procedure and in particular to articles 12 and 14 thereof,

HAS ADOPTED THE PRESENT RECOMMENDATION:

Directive 95/46/EC on the protection of individuals with regard to the processing of their personal data and the free movement of such data calls upon Member States to protect the fundamental rights and freedoms of individuals, and in particular their right to privacy with respect to the processing of personal data.

The Directive is part of the Community measures necessary to remove obstacles to flows of personal data in the various spheres of economic, administrative and social activity within the internal market, and that to this end it aims at harmonising the rules on processing of personal data by affording a high level of protection in the Community.

Based on the definition included in Article 2(a) of Directive 95/46/EC, personal data means *any* information relating to an identifiable or identified person, such as for instance data relating to his/her physical, physiological, mental, economic, cultural or social identity.

The scope of this definition implies that personal data includes not only population registry data or information resulting from objective factors which can be verified or rectified, but also any other element, information or circumstance having an information content such as to add to the knowledge of an identified or identifiable person.

Personal data can be therefore found in subjective judgments and evaluations which can actually include elements specific to the physical, physiological, psychical, economic, cultural or social identity of data

subjects. This is equally true if a judgment or an evaluation is summarised by a score or rank or is expressed by means of other evaluation criteria.

The fact that under national law a few of these subjective data cannot be always accessed and rectified directly, or that they can be rectified by the inclusion of statements or notes made by data subjects, does not prevent them from being personal data, with a view to transparency of processing and the exercise of right of access.

Similar considerations apply in respect of the fact that direct access to the data included in subjective judgments or evaluations can be deferred or limited under national law.

Done at Brussels, 22 March 2001

For the Working Party

The Chairman

Stefano RODOTA