Recommendation 1/2001  
on Employee Evaluation Data  

Adopted on 22.3.2001
Recommendation on Employee Evaluation Data

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


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