

**Register number: 297**

## **NOTIFICATION FOR PRIOR CHECKING**

**Date of submission: 17/09/2007**

**Case number: 2007-569**

**Notification of: EMSA**

**Legal basis: Article 27-5 of the regulation CE n° 45/2001<sup>(1)</sup>**

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

### **Name and address of the controller**

Controller: TOM VAN HEES

Delegated Controller: CRISTINA ROMAY LOPEZ

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

Section Human Resources/ Unit A/ European Maritime Safety Agency (EMSA)

### **Name of the processing**

#### Probationary Period Report

The process is clearly defined in the Conditions of Employment of Other Servants of the European Communities (CEOS), Art. 14 and Art. 84, as well as in a Note from the Head of Unit A to all Reporting Officers on Probationary Period Reports (in Annex I).

The templates used by the Reporting Officers (the Interim Probationary Period Report and the Probationary Period Report) are attached in Annex II.

### **Purpose or purposes of the processing**

To assess the ability, efficiency and conduct in the service during the probationary period of the staff members: temporary and contract agents (TAs and CAs) with a view to confirm or not to confirm the contract or to extend the duration of the probationary period.

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

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

### **Description of the category or categories of data subjects**

EMSA staff members (Job Holders), and in particular Temporary Agents and Contract Agents.

### **Description of the data or categories of data (including, if applicable, special categories of data (Article 10) and/or origin of data).**

Professional data, no special categories of data.

In the Interim Probationary Period Report and Probationary Period Report:

Job Holder's details: Surname and first name, personnel number, current position, date of taking up current position, department/unit, category and grade of the Job Holder

Period of Appraisal

The Reporting Officer's name and his department/unit of work

Assessment of the reporting officer regarding: efficiency, competencies and conduct in the service of the Job Holder

Recommendation of the Reporting Officer and his/her signature

Comments of the Job Holder and his/her signature

Comments of the Executive Director/Appointing Authority

Decision of the Executive Director and signature

### **Information to be given to data subjects**

Following disclaimer on data protection has been added to the Interim Probationary Period Report and the Probationary Period Report form as of September 2007:

*Any personal data provided by the Job Holder shall be processed pursuant to Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movements of such data. It shall be processed solely for the purposes of the performance of the Probationary Report Period, as well as the management and follow-up of the development of the career of the Job Holder. The Job Holder shall have the right of access to his/her personal data. Should the Job Holder have any queries concerning the processing of his/her personal data, (s)he shall address them to the delegated controller of the data, Head of Human Resources section.*

### **Procedures to grant rights of data subjects**

The Probationary Period reports are kept in the personal file of each staff member. Personal files are accessible for consultation according to art. 26 of the Staff Regulations. The staff member also receives a copy of his/her Interim Probationary Period Report and Probationary Period Report.

If the data subject requests the controller orally, by email or by letter to exert his/her rights, the controller will facilitate the applicant the exercise of his rights in relation to the access and acknowledgement of the data. However, the evaluation data in the Probationary Period Report form cannot be changed.

**Automated / manual processing operation**

Manual

**Legal basis of the processing operation**

Staff Regulations of Officials (SR) and the Conditions of Employment of Other Servants of the European Communities (CEOS), laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68 last amended by Council Regulation (EC, EURATOM) No 31/2005 of 20 December 2004, and in particular Art. 14 (For TAs) and Art. 84 (For CAs).

The operation is performed in public interest, so EMSA could evaluate the staff members during the probationary period in order to determine if to confirm their contract or not and to ensure the quality of their work (in accordance with the Reg. 45/2001, art. 5 (a) – public interest).

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

Head of Unit A

HR Officer (Head of section Human Resources)

Career Guidance Officer

Job Holder

Hierarchical superiors of the Job Holder evaluated

Executive Director/ Appointing Authority

**General indication of the time limits**

**for blocking:**

**and/or**

**for erasing:**

**of the different categories of data** (*Please, specify the time limits for every category, if applicable*)

According to art. 26 of the SR, the Interim and Probationary Period Reports are kept in the personal files.

So far, there is no time limit as to how long they should be kept (obviously a certain period after the Job Holder finished his/her contract with the Agency). However before taking any decision on this matter, the Agency would like to see the results of the Working Party on Time Limits and Blocking.

**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

**Proposed transfers of data to third countries or international organisations**

None

**The processing operation presents specific risk which justifies prior checking (*Please describe*):**

**as foreseen in:**

↑ Article 27.2.(b)

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

The Interim Probationary Period Report and Probationary Period Report intends to evaluate the performance of the staff member during the probationary period and the results of this evaluation are the basis for determination if his/her contract should be confirmed or not.

**Comments**

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**Place and date:** Lisbon, 2007 .....

**Data Protection Officer:** Malgorzata Nesterowicz .....

**Institution or body:** European Maritime Safety Agency