

**REGISTER NUMBER: 456**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 13/01/09

Case number: 2009-030

Institution: EFSA

Legal basis: article 27-5 of the regulation CE 45/2001<sup>(1)</sup>

*(1) OJ L 8, 12.01.2001*

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

*(2) Please attach all necessary backup documents*

**1/ Name and adress of the controller**

Head of Human Resources Unit, European Food Safety Authority (EFSA), Largo N. Palli 5/A, I-43100 Parma

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

Careers & Development staff in Human Resources Unit, Head of Human Resources Unit, Reporting Officer, Countersigning Officer, Executive Director

**3/ Name of the processing**

Assessment and Reporting on Probationary Periods

**4/ Purpose or purposes of the processing**

Personal data is processed in order to meet the requirements of the Staff Regulations and the Conditions of Employment of other Servants of the European Communities (CEOS) related to staff probationary periods, namely the assessment of person-job match in order to confirm the engagement of staff or to terminate the contract of employment.

**5/ Description of the category or categories of data subjects**

All EFSA Officials, Temporary Agents and Contract Agents whose contracts are concluded for a duration of one year or more.

**6/ Description of the data or categories of data (including, if applicable, special categories of data (article 10) and/or origin of data)**

Please refer to the Probationary Period Report form, Annex 1. The following personal data is recorded in the various parts of the form: (1) Cover page: surname & first name - personnel number - status - job title - directorate/unit/team - function group & grade (2) Part I: Objectives plan for the period: key objectives - performance indicators - personal development and training needs (3) Part II: Report (3.A) Reporting officer's comments (i) efficiency in the achievement of key objectives and performance indicators (ii) demonstrated competencies (iii) conduct in service (iv) overall summary of the probationary period (v) reporting officer's recommendation (3.B) Countersigning officer's comments (3.C) Probationer's comments (3.D) Executive Director's comments and decision

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

The process is detailed in the main policy document 'Guide to the Assessment of Probationary Staff' (see Annex 2). This policy document is made available to all staff on the EFSA Intranet. Periodic training is foreseen for Reporting Officers and Countersigning Officers on job descriptions, objective setting and probationary evaluations. During the Induction Day for newly recruited staff, a HR representative gives information on the Probationary Period (see Annex 3).

#### **8/ Procedures to grant rights of data subjects (*rights of access, to rectify, to block, to erase, to object*)**

The Probationer's (data subject) rights are guaranteed because: (a) during the process, the rights are built into the procedure, in the form of a dialogue between the Reporting Officer and Probationer before the report is finalised ; (b) at the completion of the appraisal cycle, the Probationer can request a copy of the final version of the form. This has been explained to Reporting Officers and Countersigning Officers during the training sessions, as well as to EFSA staff in the Guide to the Assessment of Probationary Staff.

#### **9/ Automated / Manual processing operation**

The operation is currently mainly manual. Automated solutions may be investigated and the EDPS will be informed in the case that these are implemented.

#### **10/ Storage media of data**

Probationary Period Part I forms, giving the Objectives for the period, are scanned and kept electronically in a folder accessible only to the HR Unit. This electronic file is deleted when the signed hard copy of the report is passed to HR. The hard copy is filed on the Jobholder's personal file.

#### **11/ Legal basis and lawfulness of the processing operation**

Article 34 of the Staff Regulations (Officials) and Articles 14 (Temporary Agents) and 84 (Contract Agents) of the CEOS.

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

Reporting Officer, Countersigning Officer, Executive Director, Head of Human Resources, Human Resources staff, Disciplinary Board (once such a body exists), EFSA Internal Auditor, Court of Auditors, OLAF, IAS, Civil Service Tribunal

#### **13/ retention policy of (categories of) personal data**

The final probationary period report is placed in the personal file and will remain there for a period of 2 years, except in case of pending legal action in case the jobholder is not confirmed on the post.

#### **13 a/ time limits for blocking and erasure of the different categories of data**

**(on justified legitimate request from the data subject)**

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

Data subjects can exercise their rights at any time by contacting careers & development staff in the HR Unit. Justified requests for blocking and erasure will be handled within 5 working days.

**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,*  
n/a

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

n/a

**16/ 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)

**17/ Comments**

The following 5 annexes are included to this notification: annex 1 - Probationary period report form ; annex 2 - Guide to the assessment of probationary staff ; annex 3 - Probationary period workflow diagram ; annex 4 - Probationary period administrative procedure ; annex 5 - DPO notification

PLACE AND DATE: Parma, 13/01/2009

DATA PROTECTION OFFICER: Claus Reunis

INSTITUTION OR BODY: European Food Safety Authority (EFSA)