

REGISTER NUMBER: 506

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 13/05/2009

Case number: 2009-356

Institution: CPVO

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

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN⁽²⁾

(2) Please attach all necessary backup documents

1/ Name and adress of the controller

Mr Carlos GODINHO, (+33).2.41.25.64.13

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

CPVO Human Ressources service

3/ Name of the processing

Annual appraisal, probationary period and management probationary period of the President of the CPVO

4/ Purpose or purposes of the processing

a) In accordance with Article 34 of the Staff Regulations and Article 14 of the CEOS, every agent shall serve a probationary period when taking up service. A report shall be drawn up in order to evaluate the agent during this period.

b) In accordance with Article 44 and 46 of the Staff Regulations applicable by analogy to the temporary agents as laid down in the conclusion of heads of administration of 20 June 2005, an agent who is appointed head of unit, director or director-general, shall serve a management probationary period when taking up service. A report shall be drawn up in order to evaluate the agent's management skills.

c) In accordance with Article 43 of the Staff Regulations and Article 15(2) of the CEOS, the ability, efficiency and conduct in service of each official shall be the subject of a periodical report. The CPVO will conduct an appraisal exercise every calendar year for the president of the CPVO (the 'jobholder'), to be conducted by the Administrative Council of the CPVO.

All data is collected in a form (annual appraisal report, probationary report or management probationary period report) which is kept in the personal file of the jobholder once signed. Only the jobholder, the reporting officers (2 members of the Administrative Council) and eventually the appeal assessor (the chairman of the Administrative Council) have access to the data.

5/ Description of the category or categories of data subjects

- a) The **probationary report** is made in order to evaluate the first six months of duties (nine months in case of an official) of the president.
- b) The **management report** is made in order to evaluate the management skills of the president during the first nine months of service.
- c) The **annual appraisal** is made for the president who has worked for a continuous period of at least three months during the reference period (1 January to 31 December of the preceding year) excluding the period already covered by the probationary period.

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

Annual appraisal: The data are collected in a form (report) (see annex 1) divided into 8 chapters. The reporting officers (2 members of the AC appointed by the AC in accordance with Article of the 3 of Decision of the Administrative Council of the Community Plant Variety Office concerning the appraisal of the President of the CPVO) fill in chapters 1, 2 and 3 and sends the report to the jobholder and asks him/her to do a self assessment and to fill in chapter 5. Once completed the report is sent to the reporting officers and a date for a formal dialogue is set. Both jobholder and reporting officers meet for a formal dialogue which covers the fulfilment of objectives and implementing of the Office's work programme, and a training plan which takes into account the objectives in relation to the agency annual work program and the personal development goals (chapter 4). After the formal dialogue has been held, the reporting officers draws up a draft career development report which includes appraisals of efficiency, abilities and conduct in the service which is transmitted to the jobholder, who is allowed up to 5 working days to accept the appraisal without adding any comment, accept it after adding some comments in the appropriate section or refuse to accept it, stating in the appropriate section the reasons for requesting that is reconsidered. If the jobholder accepts the annual appraisal report, the latter is considered as being final. If the jobholder fails to react within the time limit, he /she shall be deemed to have accepted the report.

If the jobholder refuses to accept the career development report, the reasoned refusal is transmitted to the appeal assessor (the Chairman of the Administrative Council), who has 5 working days to deliver his/her opinion. After consultation with the Administrative Council, the appeal assessor confirms or amends the report. When the appeal assessor departs from the opinion of the Administrative Council, he/she must justify his/her decision. The report is then closed and communicated to the jobholder and to the Administrative Council.

The final report is kept in the jobholder's personal file in the HR department (locked cupboard).

Probationary period report: The data are collected in a form (report) (see annex 2) divided into 6 chapters. During the month which follows the first day of entry into service, the reporting officers meet the probationer in order to comments on his/her job description and to agree, in writing, on how the objectives and the performance level expected from the probationer will be assessed during the probationary period. At the latest one month before the expiry of the probationary period, a final report shall be drawn up on the efficiency of the probationer, on his/her competencies to perform the duties pertaining to the post and on his/her conduct in service. The reporting officers fills in chapters 1 to 4 before an official dialogue is held with the probationer. After the dialogue has been held, the reporting officers finalise the report and fill in chapter 5. In case of need, the probationary may be extended for a maximum period of six months.

After having being notified of the report in writing, the probationer has eight working days to accept the report without making any observations, accept it after adding comments in the appropriate section of the report, or refuse the report justifying his/her decision. The appeal procedure is the same as for the annual appraisal procedure above. If the probationer accepts the report, the procedure is closed. The final report is kept in the probationer's personal file in the HR department (locked cupboard).

Management probationary period: The data are collected in a form (report) (see annex 3) divided into 3 chapters. After the end of the management probationary period (9 months), the reporting officers draw up a draft report. The probationer and the reporting officers hold a formal dialogue and at the latest 10 working days after this dialogue the reporting officers can either propose a positive appraisal of the management probationary period or propose its extension. After having being notified of the report in writing, the probationer has eight working days to comment on the report. A report is deemed to be accepted in case of absence of reaction of the probationer within the time foreseen. The final report is kept in the jobholder's personal file in the HR department (locked cupboard).

7/ Information to be given to data subjects

The President of the CPVO is informed, when signing the engagement contract (articles making reference to the Staff Regulations), of the 2 probationary reports to be drawn up during the first 6/9 months. He/she is also informed orally about the appraisal to be drawn up annually. The draft Decision of the Administrative Council of the CPVO concerning the appraisal of the President of the CPVO will also be added to the 'Vademecum of the CPVO procedures' once signed. This Vademecum is available to all staff on the CPVO intranet.

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

Upon request, the jobholder may always have access to his/her personal file and receive a copy of the different reports. Once finalised and signed, the final reports cannot be modified.

9/ Automated / Manual processing operation

The procedure does not follow any automated processing operation. The reports are sent electronically by email to the different contributors together with data protection information (see annex 4). Once completed they are printed and signed.

10/ Storage media of data

The paper copy of the final report is kept in the personal file of the President in the HR Department. The report is also kept in electronic format in Docman (electronic storage of documents). The HR Part in Docman is accessible only to the HR officer, his/her replacement and the HR secretary via a password. Documents to be included in Docman are scanned directly by HR.

11/ Legal basis and lawfulness of the processing operation

Periodical reports as provided for in Article 43 of the Staff Regulations and Article 15(2) of the CEOS. Probationary reports as provided for in Article 34 of the Staff Regulations and Article 14 of the CEOS, and Articles 44 and 46 of the Staff Regulations applicable by analogy to the temporary agents as laid down in the conclusion of heads of administration of 20 June 2005.

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

The data may be disclosed to the jobholder subject of the appraisal and probationary reports, the reporting officers and appeal assessor, and the HR Officer.

13/ retention policy of (categories of) personal data

Data are kept on paper in the personal file of the President.

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)

In accordance with the Decision of the President on the conservation of personal files of 1 September 2008, all personal data, including evaluation reports, will be destroyed after a period of 10 years from the date of the end of contract of the staff member.

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
Data are not transferred to anyone outside the CPVO, except the Administrative Council.

16/ The processing operation presents specific risk which justifies prior checking (*please describe*):
Appraisal and probationary reports contain a lot of personal data and evaluate the jobholder. If the data would not be processed in a controlled manner and to a restricted number of persons, the integrity of the jobholder would be at risk.

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

PLACE AND DATE:

DATA PROTECTION OFFICER:

INSTITUTION OR BODY:

