

REGISTER NUMBER: 671

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 25/03/2011

Case number: 2011-0263

Institution: Community Plant Variety Office

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

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN⁽²⁾

1/ Name and address of the controller

Mr. Carlos GODINHO
Community Plant Variety Office
3, Boulevard Foch
B.P. 10121, F-49101 ANGERS cedex 02

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

CPVO Human Resources Service

3/ Name of the processing

Assessment and reporting on probationary periods.

4/ Purpose or purposes of the processing

The present procedure deals with evaluation of officials, temporary and contract agents during the initial period of their employment at the CPVO, as foreseen in Article 34 of the Staff Regulations (SR), in Articles 14 and 84 of the Conditions of Employment of Other Servants of the European Communities (CEOS) and in Article 7 of the Decision of the President of the CPVO on Temporary Agents in the CPVO.

The purpose is to assess the performance of newly recruited officials and temporary/contract agents. In order to fulfill this purpose, a report on the probationary period is elaborated at the end of this initial period, which serves as a basis for the confirmation or dismissal of the respective official or agent, as well as for the possible extension of the probation period.

The probationary report itself aims at providing an objective summary assessment of the staff member's performance, competences and conduct during the initial period of the engagement.

5/ Description of the category or categories of data subjects

Data subjects include all permanent officials, temporary and contract agents employed by CPVO.

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

The probationary report (cf. annex 1a and 1b) contains the following data:

- Name and surname;
- Date of birth;
- Personal number;
- Type of contract;
- Category and grade;
- Place of employment;
- Department/unit;
- Position occupied by the staff member concerned;
- Type and description of the main duties;
- Any break in probationary period if applicable (period of absence and reasons);
- Conduct of the jobholder (including evaluation on relations on service, relations with third parties and punctuality);
- Languages used at work;
- Reporting officer's comments;
- Skills to perform the tasks (including adequate knowledge to perform the tasks; comprehension, adaptability and sense of judgment; initiative, sense of organization and sense of responsibility);
- Efficiency of work (including quality of work and quickness on performing the tasks);
- Opinion (whether the staff member concerned is or not suitable for the post) and signature from the reporting officer;
- Opinion and signature from the staff member concerned;
- Opinion and signature from the President.

7/ Information to be given to data subjects

Upon their appointment or recruitment, officials and temporary/contract agents are informed about the probationary period in their employment contract (cf. annex 2).

Additionally, a privacy statement (cf. annex 3) is available on the CPVO's intranet. The privacy statement contains information on the identity of the controller, purposes of the processing, types of data processed, legal basis for the processing, recipients of the data, lawfulness of the processing, storage periods, the existence of the right of access and rectification, and the right to recourse to the EDPS.

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

Upon request to the data controller, data subjects have the possibility to access and modify their data, except merits and skills. Before signing the final probationary report, the reporting officer sends a draft report to the probationer, who is asked to give his/her comments and to counter-sign it. A copy of the final report will be provided to the probationer.

9/ Automated / Manual processing operation

The data processing is basically manual.

In accordance with article 34 of the Staff Regulations, before an official can be established, he or she has to serve a nine-month probationary period. This period, however, is limited to 6 months to the temporary agents (article 14 of the CEOS). The contract agents, whose contract is concluded for a duration of at least one year shall serve the probationary period of 6 months if the agent is in function group I. The probationary period is 9 months for contract agents if he or she is in any other function group than group I (Article 84 of the CEOS). The period defined may be extended, if the probation period was interrupted by sickness or accident.

At least one month before the expiry of the probationary period, a report (cf. annex 1a and 1b) is made on the ability of the probationer to perform the duties pertaining to his/her post, and also on his/her efficiency and conduct in service. A report on the probationary may, however, be made at any time during the probationary period, if the quality of work is obviously inadequate.

The report is then communicated to the probationer, who has the right to submit his/her comments in writing within a period of 8 days. She/he is also requested to counter-sign it. The report and comments will then be transmitted by the immediate superior to the appointing authority, the President. If the probationer is not found adequate for the job, she/he is dismissed. However, in exceptional circumstances, the appointing authority may extend his/her probationary period for a maximum of additional 6 months, or assign him/her to another unit. A dismissed temporary agent or contract agent is entitled to compensation equal to one-third of his basic salary per month of the probation completed.

10/ Storage media of data

The data are kept on paper in the personal files of each staff member concerned under locked cupboards at the Human Resources service and in Docman (tool to manage documents by electronic means).

11/ Legal basis and lawfulness of the processing operation

Article 34 of the Staff Regulations;

Article 14 and 84 of the Conditions of Employment of Other Servants of the European Communities (CEOS);

Article 5(a) of the Regulation (EC) 45/2001,

Article 7 of the Decision of the President of the CPVO on Temporary Agents in the CPVO.

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

The data is disclosed to the President, the reporting officer, the staff member concerned and to the Human Resources Service.

In case the staff member concerned is dismissed, data will be transferred to the Office for administration and payment of individuals entitlements.

13/ retention policy of (categories of) personal data

In accordance with the "*Decision of the President on the conservation of personal files*", of 1 September 2008 (cf. annex 4), all personal data will be destroyed after a period of 10 years from the date of the end of contract of the staff member.

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)

No procedure adopted. A request to block or erase data would be dealt with on a case by case basis.

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*):

Probationary reports contain a lot of personal data, including an evaluation of various skills of the probationer. If this data would not be processed in a controlled manner and to a restricted number of persons, the integrity of individuals 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: Angers, 31/03/2011

DATA PROTECTION OFFICER: Véronique Doreau

INSTITUTION OR BODY: CPVO