

REGISTER NUMBER: 755

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 21/10/2011

Case number: 2011-0954

Institution: FRA

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

Paul COZZI (Head of Human Resources and Planning)
European Union Agency for Fundamental Rights (FRA)
Schwarzenbergplatz 11, 1040 Vienna

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

Paul COZZI, Head of Human Resources and Planning
Human Resources

3/ Name of the processing

Assessment of Probationary Staff

4/ Purpose or purposes of the processing

To provide an objective summary assessment of the probationary staff member's ability to perform the duties pertaining to his post and also on his conduct and efficiency in the service.

5/ Description of the category or categories of data subjects

Probationary Staff members

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 forms include the following data:

- personal details (name, personnel number, department, job title, function group, grade, step, probationary period)
- description of the work carried out during the probationary period
- training received during the probationary period
- probationer's self-assessment, achievement of objectives and personal development (only in the form for Contract Agents)
- appraisal by the Head of Department
- main languages used at work
- recommendation whether the employee's contract should be confirmed, whether the probationary period should be extended in the same or in a different department/service and whether the person assessed should be discharged at the end or before the probationary period
- date, forename and surname of the Head of Department

7/ Information to be given to data subjects

Within the first month upon the arrival of the newcomer, the Human Resources sends to the Head of Department the probationary period plan via an e-mail (see Annex 1). No less than one month before the expiry of the probation period, a report shall be made on the ability, the efficiency and the conduct in service of the probationary staff. The report shall be made at any time during the probationary period if his/her work is proving obviously inadequate. The report shall be communicated to the person concerned, who shall have the right to submit his/her comments in writing. On the basis of the report, the authority authorized to conclude contracts of engagement may decide to dismiss the member of the temporary staff before the end of the probationary period by giving him/her one month's notice or extend the probationary period (see Annexes 2 & 3).

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

Requests for access, rectification, blockage or erasure may be introduced in any written way such as e-mail, memo, note, etc. Access to the personal file is granted in the light of Article 26 of the SR upon request of the staff member concerned at any moment and without any rigorous formality. The data subjects can consult their personal file at the offices of the administration under supervision of one of the HR members within the available periods according to the procedure.

9/ Automated / Manual processing operation

The processing operation is manual. The forms which are relevant to the probationary period are in Word document, they are printed out and they are sent out at the beginning of the procedure through a general e-mail.

10/ Storage media of data

The probationary report forms are stored in the personal file of the staff member concerned. No other relevant document is stored.

11/ Legal basis and lawfulness of the processing operation

Articles 14 and 84 of the CEOS, Article 34 of the Staff Regulations, as well as management probationary reports in terms of Articles 44-46 of the Staff Regulations

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

The recipients are the assessor, the Head of Department, who will receive the form already filled in by the HR, the Director, when the report is negative, who receives the recommendation of the assessor and takes the decision subject to the provisions of the SR and the HR officer in charge, who is responsible for the management of the processes and has full access to the whole assessment.

13/ retention policy of (categories of) personal data

The probationary reports are conserved in the personal file of the data subjects, until they have exhausted all possible legal remedies, in accordance with article 26 of the SR. The data are kept in the file for 20 years after the end of the period during which a staff member is in active employment or the last pension payment (see FRA's reply on 28/09/2011 to the EDPS's Joint Opinion 2010-0071).

**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)**

The requests for blocking and erasure of data take place without delay upon acceptance of the request.

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.(b)

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

17/ Comments

List of Annexes:

Annex 1 - Probationary Period Plan

Annex 2 - Probationary Report form for Contract Agents

Annex 3 - Probationary Report form for Temporary Agents

PLACE AND DATE:

DATA PROTECTION OFFICER:

INSTITUTION OR BODY: