

REGISTER NUMBER: 857

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: **10/05/2012**

Case number: **2012-0404**

Institution: **Fusion for Energy**

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 address of the controller**

Hans Jahreiss  
c/Josep Pla, n° 2  
Torres Diagonal Litoral  
Edificio B 3  
08019 Barcelona

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

Administration Department

**3/ Name of the processing**

Probationary period reports

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

Assess the efficiency, ability and conduct in the service during the probationary period of staff newly recruited/appointed in order to decide whether:

- the official shall be established or the temporary agent/contract agent confirmed in his/her post, or
- the probationary period shall be continued in another department and for how long, or
- the probationary period shall be extended in the same department and for how long, or
- the probationary period shall be extended in another department and for how long, or
- the staff member shall be dismissed before or at the end of the probationary period.

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

Newly recruited staff members (temporary agents, contract agents) or appointed (probationary officials)

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

Factual data:

- (i) probationer details: name, surname, personal number, category and grade / function group and grade, job title,
- (ii) dates of the start and the end of probationary period,
- (iii) supervisor's (or Head of Department) details: name and department.

Evaluation data:

- (iv) summary of the work accomplished during the probationary period (description of tasks),
- (v) interruption of work period if applicable,
- (vi) summary of the appraisal regarding the efficiency, competencies and conduct in the service, the date of the dialogue which took place between the probation supervisor and the probationary employee, the principal languages used at work, the probationer's strengths, the probationer's limitations / areas for improvement,
- (vii) recommendation of the Head of Department,
- (viii) comments (if applicable) from the probationary employee and whether s/he agrees or not,
- (ix) signatures of probationary employee and supervisor, dates of signature.

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

A specific privacy notice has been published in the F4E intranet, providing staff members with the information required under Articles 11 and 12 of the Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

In addition, a data protection clause is included in the Probationary Report stating that applicants' personal data are processed as required by Regulation (EC) No 45/2001.

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

Data subject has the right of access to his/her data being processed by contacting the F4E Data Controller. The probationary report is communicated to a data subject concerned. In addition, in accordance with Article 26 of the Staff Regulations, data subject has the right, even after leaving the service, to acquaint himself/herself with the report in his personal file and to take copies of it.

Data subjects have also a right to rectify their data that are inaccurate or incomplete by contacting the F4E Data Controller at any time, with the exception for the evaluation data (in respect of which data subject may only submit comments).

In accordance with Article 34 of the Staff Regulations and Articles 14 and 84 of CEOS, person concerned has the right to comment on the report in writing. The report itself contains a part dedicated to the probationary employee's potential comments.

Data subjects have also the right to obtain from Data Controller blocking or erasure of their data.

When a data subject contests the accuracy of his/her factual data, the relevant data are immediately blocked for a period necessary for verifying the accuracy and completeness of the data, not exceeding 15 working days.

If data subject requests data to be erased for s/he considers their processing unlawful, F4E erases the relevant data. Should the data subject have any queries, s/he shall address them in writing to the Data Controller at the following address:

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

Mixed: manual process but a scanned copy of the report is stored in the Human Resources computer drive.

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

Paper files:

Original reports are filed in the personal file of each staff member.

Electronic files:

Scanned copy of a probationary report is stored in the Human Resources hard-drive.

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

Legal basis:

Article 34 of the Staff Regulations

Articles 14 and 84 of the Conditions of Employment of Other Servants

- read in conjunction with Article 6 of Council Decision 198/2007/Euratom and Article 10(2) of the Statutes annexed thereto.

Lawfulness of the processing operation:

- Processing operation is necessary for the performance of F4E tasks on the basis of the F4E founding instrument or other legal instrument adopted on the basis thereof or in the legitimate exercise of official authority vested in F4E or in a third party to whom the data are disclosed (Regulation (EC) 45/2001, Article 5 (a))

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

Human Resources officer in charge of the administrative management and follow up of the probationary period reports  
Human Resources Head of Unit  
Secretary to the Head of Administration Department  
Head of Administration Department  
Secretary of the supervisor in charge of drafting the probationary report (only administrative data for the follow-up of the procedure)  
Assistant and Secretary to the Director  
Supervisor  
Appointing Authority  
Joint Evaluation and Promotion Committee members in case the appointing authority requests their opinion  
Fusion for Energy Legal Advisor: in case of a dispute  
Internal auditor and Court of Auditors: for auditing purposes only  
European Ombudsman: upon justified request  
Court of Justice of the European Union: upon justified request  
OLAF: upon justified request

**13/ Retention policy of (categories of) personal data**

10 years following the termination of employment or the last pension payment

**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)**

For blocking:

- immediately, when the data subjects contests the accuracy of his/her factual data - the relevant data are blocked for a period necessary for verifying the accuracy and completeness of the data, not exceeding 15 working days, or
- when data subject requires data be blocked because he/she considers the processing unlawful or when s/he considers that data are no longer needed by F4E for the accomplishment of its tasks but have to be blocked for purpose of proof - as soon as possible and in any case not later than within 15 working days from the day the data subject's request reached F4E.

For erasure:

as soon as possible and in any case not later than within 15 working days from the day the data subject's request for erasure reached F4E.

**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,*

After the allotted timeframe for retention of personal data has elapsed, Fusion for Energy may need to keep certain information for statistical purposes. Information will be made anonymous – any data permitting the identification of the staff member will be erased according to Article 4 of Regulation (EC) 45/2001. Such information will be stored for a maximum period of thirty years.

**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**

**PLACE AND DATE:** Barcelona,

**DATA PROTECTION OFFICER:** Radoslav Hanak

**INSTITUTION OR BODY:** The European Joint Undertaking for ITER and the Development of Fusion Energy  
(Fusion for Energy)