

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 16/08/2012

CASE NUMBER: 2012-0692

INSTITUTION: REA

LEGAL BASIS: ARTICLE 27-5 OF THE REGULATION CE N° 45/2001⁽¹⁾

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

WIM DE MEYERE
RESEARCH EXECUTIVE AGENCY (REA)
UNIT A.3.001 (HUMAN RESOURCES)
COV2 15/052
B - 1049 BRUSSELS

2/ ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA

REA, Unit A.3.001 (Human Resources)

3/ NAME OF THE PROCESSING

Probation Period of Contract and Temporary Staff

4/ PURPOSE OR PURPOSES OF THE PROCESSING

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

The Human Resources Sector of the Agency (hereinafter referred to as "HR") defines, coordinates and ensures the implementation of human resource policies (covering the whole employment cycle). It does so by following the relevant provisions of the Staff Regulations and the Conditions of Employment of Other Servants of the European Communities (CEOS).

In order to comply with the Staff Regulations and ensure that a staff member has proven adequate to the role assigned, HR requires newly recruited temporary or contract staff to undergo a period of probation.

The probationary report allows deciding whether or not to retain a staff member, or possibly extend the probationary period. The probationary report can also be used in assessing the performance of the person concerned.

The processing operation is necessary to decide whether or not to retain a temporary or contract staff member after their period of probation, in accordance with articles 14 and 84 of the Conditions of Employment of Other Servants of the European Communities (CEOS).

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Newly recruited temporary or contract agents except:

- Recruited contract agents who have successively passed a probationary period as contract agent referred to in Article 3a of the CEOS in another institution and in the same function group and who have joined the REA without having had a contract interruption of more than six months.
- Recruited temporary agents who have successively passed a probationary period as temporary agent referred to in Article 2a of the CEOS in another institution and in the same function group and who have joined the REA without having had a contract interruption of more than 6 months.

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA (*including, if applicable, special categories of data (Article 10) and/or origin of data*).

The probation period report contains the following data (grouped by section):

Report details

Probationary period, probation supervisor (surname, first name, personnel Number and position)

Personal details of the data subject

Surname, first name, function group, grade, personnel number, administrative address, telephone, fax, place of employment.

Employment record of the data subject (administrative status, function group, grade, unit, period of assignment).

Description of the tasks assigned to the data subject

Working environment, nature of the tasks assigned.

Self-assessment of the data subject

Achievement of objectives, personal development.

Appraisal of the data subject's probationary period (To be completed by the probation supervisor after the formal dialogue)

Efficiency, abilities (competencies), aspects of conduct, overall summary, Efficiency (Satisfactory/Unsatisfactory), Competencies (Satisfactory/Unsatisfactory), Conduct (Satisfactory/Unsatisfactory), Is the probationer regularly required to work in a language other than his/her native language?(Yes/No), breaks in service (length and reasons), additional comments, recommendation (Options: Retention in the function, Probationary period to be continued in another department, Probationary period to be extended in the same department, Probationary period to be extended in another department, Dismissal before the end of the probationary period, Dismissal at the end of the probationary period).

Final approval

Date of dialogue between the probation supervisor and the probationer contract staff member, probation supervisor's signature, date of signature, comments by the probationer, probationer's signature, date of signature,

Other

Data revealing trade union membership (only data spontaneously provided by the data subject in his/her probationary report such as information about membership in the joint committees).

In the framework of the probation procedure, health related data may be processed, namely in case of its extension due to a maternity and/or sick leave as provided for in Article 34(1) of the Staff Regulations.

For administrative and follow-up purposes relevant to the probation period procedure, the REA HR keeps a spread sheet (Excel file) containing the following data: first name, last name, staff category, Unit of service, contract start date, probationary period end date, starting / closing date of the report, outcome (retained / not retained).

Under the REA Intranet, data subjects may find information relevant to the probation period.

In addition, a Specific Privacy Statement, relevant to the procedure will be provided to the data subjects and will also be published under the REA Intranet.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

During the probation period process, the data subject is given the right to submit his/her comments in writing on the report drafted by his/her probation supervisor.

If a second dialog is held, the data subject is also given the right to submit his/her comments in writing on the report drafted by his/her countersigning officer.

The data subject may also request to the data controller the rectification of any factual data processed during the procedure by sending an email to the following email address: REA-APPRAISAL@ec.europa.eu

Evaluation data cannot be rectified.

Data subjects can also request to have access to their personal data by sending an e-mail to the following email address: REA-APPRAISAL@ec.europa.eu

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The data subject (staff member) is requested by his/her probation supervisor (usually the line manager) to complete his/her self-assessment, using the designated template (probationary report), within eight working days.

A formal dialogue between the staff member and the probation supervisor will take place in no more than 10 working days after the staff member has submitted the self-assessment. During this dialogue, the ability of the staff member to perform his/her duties, as well as his/her efficiency and conduct are discussed.

After the dialogue (maximum 10 working days), the probation supervisor completes the probationary report with relevant data and sends it to the concerned staff member indicating one of the following:

- The staff member has shown adequate qualities to justify retention in his/her function;
- The probation period should be extended;
- The staff member should be dismissed.

Then, the staff member has eight working days to provide his/her remarks.

Should the reporting officer proposes to retain the staff member in his/her position, the report is closed and sent by e-mail to the REA HR for archiving once the paper version is signed by both actors involved in the probation report process.

Should the probation supervisor proposes not to retain the staff member or exceptionally to extend the probation period, the report will be sent to the probation supervisor's hierarchical supervisor who shall hold a second dialogue with the concerned staff member within the 10 working days.

During this second dialogue the staff member may request to be assisted by another contract agent or temporary agent employed in the agency. The Probation supervisor's hierarchical supervisor will have to add his/her comments in the report.

Within five working days after the second dialogue, the Probation supervisor's hierarchical supervisor will have to send the report to the Director of the Agency (AECC) for his/her final decision.

Although not requested by articles 14 and 84 of the CEOS, but in line with the implementing provisions on the procedures governing the engagement and the use of contract staff and temporary staff, before taking his/her decision, the Director transfers the report to the Joint Evaluation Committee (JEC) for consultation. The opinion of JEC is communicated via a note recorded in ARES.

10/ STORAGE MEDIA OF DATA

- Electronic files

Data, in electronic format, is stored on the servers of the REA (limited access) and/or on the servers (email server, ARES) of the European Commission.

- Paper files

During the procedure paper files are stored in secure cupboards and at the end of the procedure they are stored in the personal files residing in the HR archives room (locked, limited access).

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

- Council Regulation (EC) No 58/2003 laying down the statute for executive agencies: Article 11, paragraph 6, and Article 18 paragraph 1 and 3.
- Commission Decision 2008/46/EC of 14 December 2007 setting up the Research Executive Agency for the management of certain areas of the specific Community programmes People, Capacities and Cooperation in the field of research in application of Council Regulation (EC) No 58/2003.
- Article 34 of the Staff regulations
- Conditions of Employment of Other Servants of the European Communities (CEOS). Article 14 and Article 84

- Article 7 of the Agency Decision SC(2009) 11 of 20.10.2009 on general implementing provisions on the procedures governing the engagement and the use of temporary staff in the REA.
- Article 3 of the Agency Decision SC(2009) 12 of 20.10.2009 on general implementing provisions on the procedures governing the engagement and the use of contract staff in the REA.

12/ THE RECIPIENTS OR CATEGORIES OF RECIPIENT TO WHOM THE DATA MIGHT BE DISCLOSED

REA

- a. Members of the REA Joint Evaluation Committee
- b. The REA HR sector
- c. The REA Competent Appointing Authority (the Director of the Agency)
- d. The REA Head of department "Administration, Finance and FP7 Support"
- e. The REA Heads of Unit, Deputy Heads of Unit, Heads of Sectors, Team Leaders
- f. The REA Internal Services (legal service, internal audit)

Other potential recipients

- a. European Ombudsman
- b. Civil Service Tribunal
- c. Court of First Instance
- d. General Court of the European Union
- e. European Court of Justice
- f. Court of Auditors
- g. European Data Protection Supervisor
- h. OLAF

This transmission will be restricted to the information necessary for the competent entity to carry out its task. The recipients will be reminded of the purpose limitation obligations (Article 7(3) of the Regulation to process the personal data only for the purposes for which they were transmitted.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Data handled in the frame of the probation period procedure will be kept for up to 10 years after the termination of employment.

The HR spread sheet (used for administrative purposes) will be retained only until the end of the of the annual appraisal exercise.

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS

Evaluation data cannot be blocked or erased.

14/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES

Reports may be created for statistical purposes but in a form that does not permit identification.

15/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

Not applicable

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, including his or her ability, efficiency and conduct

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

Enclosure:

(1) Probationary Report (Template)

[Empty rectangular box]

[Empty rectangular box]

PLACE AND DATE: BRUSSELS, 16 AUGUST 2012

DATA PROTECTION OFFICER: EVANGELOS TSAVALOPOULOS

Institution or body: Research Executive Agency (REA)