

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 16/08/2012

CASE NUMBER: 2012-0694

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

Annual Appraisal and Reclassification of Temporary Staff

4/ PURPOSE OR PURPOSES OF THE PROCESSING

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**
0886-2012-0294

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 recruited temporary staff to undergo an annual appraisal and reclassification exercise. The appraisal report evaluates the annual performance of the data subject following specific appraisal standards.

The purposes of this procedure are to:

- provide guidance for the future career development and training needs of the temporary agent;

Appraisal

- assess the performance and achievements of the concerned jobholders (focusing on the following aspects: Efficiency, Competencies, Conduct and use of languages);

Reclassification

- assess the performance, the merit and the personal achievements of the concerned jobholders following the assessment in the annual appraisal reports as stated in article 15(2) of the CEOS.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

REA Temporary staff who have completed their probationary period and are in active employment for at least 1 month after the probationary period in the performance year of reference.

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

During the processing operation, the following data are processed:

Career development review (CDR) report

The CDR report is used during the annual appraisal and reclassification procedure and contains the following data:

- Staff number of the data subject;
- Type and period of report;
- Period of appraisal;

- Information concerning the reporting officer:
 - Surname and first name;
 - Staff number;
 - Function
- Information concerning the countersigning officer:
 - Surname and first name;
 - Staff number;
 - Function
- Personal details of the job holder:
 - Current details:
 - First name;
 - Surname;
 - Category and grade
 - Career history:
 - Status;
 - Category & grade;
 - Unit;
 - From
 - History of Appraisal results
 - Year;
 - Performance levels and points of the previous reports
- Job description
 - Job profile and title
 - Job environment
 - Job requirements
- Initial dialogue
 - Objectives in relation to the unit work programme
 - Personal Development goals
- Self-assessment
 - Achievement of Objectives
 - Contribution to other activities
 - Personal development
- Appraisal of period
 - Efficiency
 - Abilities (competencies)
 - Aspects of Conduct
 - Use of languages
 - Overall summary
 - Potential
 - Additional duties
 - Reporting officer's signature
- Countersigning officer's assessment and signature (includes performance level)
- Jobholder's signature
- Second dialogue with countersigning officer (if requested)
- Jobholder's signature (if second dialogue requested)
- Appeal (if requested)
 - Opinion of the Joint Evaluation and Reclassification Committee
 - Decision of the Appeal Assessor and signature
- Data revealing trade union membership (only data spontaneously provided by the data subject in his/her evaluation report such as information about membership in the joint committees);

- **Reclassification**

The following data may be processed only during the reclassification procedure: Countersigning Officer's assessment and signature (includes proposed award of reclassification points and the points awarded by the Director to recognize the exceptional merits)

At this stage the temporary agent also receives a letter from the Head of Sector REA.A3.001 (Human resources) that contains the following information:

- i. Performance level: XX.
- ii. Proposed award of reclassification points (0-4): XX
- iii. Points awarded by the Director to recognize the exceptional merits: XX
- iv. Total score over the reference period (XX/XX/XXXX – XX/XX/XXXX): XX
- v. Points awarded for probationary period (xx/xx/xxxx – xx/xx/xxxx): XX (if relevant)
- vi. Total "rucksack" before the Annual Appraisal and Reclassification Exercise 20XX: X
- vii. Total new "rucksack": XX
- viii. Promotion threshold for your grade: XX

The temporary agent may accept (sign) the proposed award of reclassification points or lodge an appeal. In case of an appeal on proposed reclassification points:

- i. Opinion of the Joint Evaluation and Reclassification Committee
- ii. Decision of the Appeal Assessor and signature

- **Closure of the annual appraisal and reclassification exercise for Temporary agents**

Temporary agents that have been reclassified receive a letter, signed by the REA Director, which contains the following information:

First name, last name, personnel number, present grade and reclassification grade and step (1).

- **Other**

For administrative and follow-up purposes relevant to the annual appraisal procedure, the REA HR keeps a spread sheet (Excel file) containing the following data: official name; first name; unit/sector; status; request for Self-assessment (date); receipt of self-assessment (date); dialogue planned (date); RO evaluation (date); Jobholder comments (Not applicable for Temporary Staff); CO contribution (date); jobholder (date); report closed (yes/no) If no: second dialogue (date) (JH + Co); Jobholder comment (date); report closed (yes/no) If no: Appeal.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Under the REA Intranet, data subjects may find detailed information about the following:

- Legal framework (Provisions governing the evaluation and reclassification of REA Temporary Staff)
- Appraisal and Reclassification Guide for REA Temporary Staff
- Contact point (REA-APPRAISAL@ec.europa.eu)
- Specific Privacy Statement, relevant to the procedures concerning the evaluation and reclassification of REA Temporary staff

Data subjects also receive from the REA Director the Decision on the average indicative number of years in each grade (normal career) and the respective threshold of required points for promotion.

At the end of the appraisal and reclassification exercise, concerned data subjects will be notified of their reclassification by an official letter sent by the REA director.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

During the evaluation process, the data subject is given the right to submit his/her comments in writing on the report drafted by his/her reporting officer.

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 and reclassification data can only be rectified within the respective appeal procedures. Data subjects can also have access to their personal data by sending an e-mail to the functional mailbox REA-APPRAISAL@ec.europa.eu .

9/ AUTOMATED / MANUAL PROCESSING OPERATION

A. Annual appraisal for REA Temporary Staff

The different steps of the evaluation process within the Annual Appraisal for REA Temporary Staff are the following:

- Publication of the Evaluation and Reclassification guide for Temporary Staff on the REA Intranet.
- Meeting between Reporting Officers (ROs) and Countersigning Officers (COs) (discussion about common appraisal standards and performance levels)
- Launch of the annual appraisal and reclassification procedure/exercise, for REA Temporary Agents. A relevant note, registered in ARES, is sent by the REA Director to all concerned REA staff.
- The HR organises info sessions for all staff.
- The ROs request the Job Holders (JHs) under his/her supervision to provide his/her self-assessment, using a designated template, within eight working days.
- A dialogue between the Reporting officer and the Job Holder takes place during which the assessment of the job holder's performance over the reference period, objective and training map are discussed.
- The ROs write the evaluations shortly after the dialogue.
- Harmonisation meeting between managers and Director: overview of performance levels.
- Reports are transmitted to the COs.
- The COs confirm, complete or modify the reports and send them back to the JHs including the performance level.
- The JHs have 5 working days for accepting the report or requesting a second dialogue with the COs.

The JH may:

- i. Accept the report without comments;
 - ii. Accept the report with comments;
 - iii. Refuse the report and asks for revision to the countersigning officer.
- If reports are refused a dialogue with the COs must be held within 10 working days.
 - The COs confirm or modify the performance level within 5 working days following the dialogue.
 - The JHs have 10 working days for Acceptance/Rejection of reports.

The JH may:

- i. Accept the report without comments;
- ii. Accept the report with comments;
- iii. Refuse the report: appeal on the performance level to the Joint Evaluation and Reclassification Committee (JERC).

- If reports are refused, there will be the appeal procedure phase, which involves the following steps:
 - i. The JERC formulates its opinion on the appeal.
 - ii. Confirmation or modification of the report by the Appeal Assessor within 10 working days.
 - iii. Closure of the appeal and communication of its outcome to the JHs, ROs, COs and JERC.

The second phase of the exercise, reclassification of Temporary staff, starts as soon as the appeals on the performance levels are closed.

B. Annual Reclassification for REA Temporary Staff

The main steps of the reclassification exercise for REA Temporary agents are the following:

After the closure of the Annual Appraisal exercise and the attribution of a performance level, the Temporary agent receives from their COs (Countersigning Officers) the award of reclassification points (and, if applicable, the points awarded by the Director to recognize the exceptional merits).

At this stage the Temporary agents also receives a letter from the Head of Sector REA.A3.001 (Human resources) stating his/her results of the annual appraisal and reclassification exercise for the year concerned

The Temporary agent has 10 working days for Acceptance/Rejection of the award of reclassification points.

In case the Temporary agent refuses the reclassification points and lodges an appeal the following steps take place:

- i. The Joint Evaluation and Reclassification Committee (JERC) formulates its opinion on the appeal within 20 working days after the reception of the appeal;
- ii. The opinion of the JERC is transmitted to the concerned temporary Agent, RO, CO and Appeal Assessor.
- iii. Confirmation or modification of the reclassification points by the Appeal Assessor within 10 working days;
- iv. Closure of the appeal and communication of its outcome to the JH, RO, CO and JERC.

• Closure of the annual appraisal and reclassification exercise for Temporary agents

Temporary agents that have been reclassified are informed by a letter sent by the REA director.

The list of reclassified temporary agents is published under the REA Intranet.

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 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes: Article 11 paragraph 6 and Article 18 paragraph 1 and 3.
- European 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.
- Staff Regulations
Article 43 of the Staff Regulations
Article 45 of the Staff Regulations
- Conditions of Employment of Other Servants of the European Communities
Article 10 of the Conditions of Employment of Other Servants of the European Communities.
Articles 15(2) of the Conditions of Employment of Other Servants of the European Communities.
- Provisions governing the evaluation of Temporary Staff
REA Steering Committee Decision REA/SC(2011)15 "Décision du Comité de Direction relative à l'évaluation des agents temporaires de l'Agence Exécutive pour la recherche".
- Provisions governing the reclassification of Temporary Staff
REA Steering Committee Decision REA/SC(2010)16 "Décision du Comité de Direction relative à la carrière des agents temporaires et à leur affectation à un emploi à un grade supérieur à celui auquel ils ont été engagés".

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

REA

- a. Members of the REA Joint Evaluation & Reclassification Committee
- b. The REA HR sector
- c. The REA Competent Appointing Authority (the Director of the Agency)
- d. The Head of department "Administration, Finance and FP7 Support", Heads of Units, Deputy Heads of Unit, Heads of Sectors, Team Leaders of the REA in their role of "Reporting Officer" and "Countersigning Officer"
- e. 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.

In case a staff member of the agency moves to another to another EU institution, body or Agency, the transfer of the evaluation data (report) can be done only with the explicit consent of the concerned data subject.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Data (including the Career Development Review - CDR) processed during the annual appraisal and the reclassification exercise, 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 and reclassification exercise.

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

Appraisal and reclassification data cannot be blocked or erased but only rectified (if applicable) within the respective appeal procedures.

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) Annual Appraisal & Reclassification Form (Template) for Temporary agents

PLACE AND DATE: BRUSSELS, 16 AUGUST 2012

DATA PROTECTION OFFICER: EVANGELOS TSAVALOPOULOS

INSTITUTION