

(To be filled out in the EDPS' office)
REGISTER NUMBER: 1336

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 19/10/2015

CASE NUMBER: 2015-0908

INSTITUTION: EU-LISA

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

Daiva Vilkelyte, Head of Human Resources Training Unit

daiva.vilkelyte@eulisa.europa.eu

EU-LISA,
EUROPEAN AGENCY FOR THE OPERATIONAL MANAGEMENT OF LARGE-SCALE IT SYSTEMS IN THE AREA
OF FREEDOM, SECURITY AND JUSTICE
EU HOUSE
RÄVALA PST 4
10143 TALLINN, ESTONIA

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

Staff Development Officer

3/ NAME OF THE PROCESSING

Assessing and reporting on probationary periods

4/ PURPOSE OR PURPOSES OF THE PROCESSING

Personal data is processed in order to meet the requirements of the Staff Regulations and the
Conditions of Employment of other servant of the European Communities (CEOS) related to staff

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

probationary periods, namely the assessment of person-job match in an employment or work termination perspective.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

eu-LISA Staff Members (Jobholders)

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

The data collected from the Jobholders are enclosed in the Annex I “Probation Assessment Report”
The categories of data used in the context of this processing operation are the following:

- The Administrative Data: Name and Surname, Contract type, Function Group and Grade, Department/Unit, Job Title and the start date of the employment contract.
- The Evaluation Data: ability, efficiency, conduct

Please see attached form used to collect the data

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

The Probationary Report includes the following privacy notice:

The Regulation 45/2001 (hereinafter ‘the Regulation’) applies to the processing operation of the personal data for the probation assessment report of the eu-Lisa personnel.

According to the Articles 11 and 12 of the Regulation, eu-Lisa will provide the data subjects with the following information:

The controller is the Head of Human Resources and Training Unit (HRTU) in eu-LISA. Data is strictly processed within the HRTU by the Staff Development Officer.

The purpose of the processing is the assessment of person-job match for employment contract confirmation or termination and cannot be used for any other purpose.

Data subjects can exercise their rights of access and rectification, of the personal data at any time by contacting the controller.

The legal basis of the processing operation is the Staff Regulation of Officials (SR) and Conditions of Employment of Other Servants of European Communities (CEOS); in particular Articles 34 and 44-46 of SR and in particular Articles 14 and 84 of CEOS.

The lawfulness of the processing operation is based on Art.5 (a) of the Regulation 45/2001.

The categories of data used in this this processing operation are the following:

- *The Administrative Data: Name and Surname, Contract type, Function Group and Grade, Department/Unit, Job Title and the start date of the employment contract.*
- *The Evaluation Data: ability, efficiency, conduct*

The recipients of personal data related to the Probationary Period Report as follows:

- a) *As long as the file is active (i.e. throughout the different stages of the Probation) - the Jobholder, the Reporting Officer, the Countersigning Officer, the Controller of the Data Processing Operation;*

b) *Once the appraisal procedure is completed: institutions or bodies falling within the exemption provided by article 20 of Regulation 45/2001 because acting for safeguard purposes (such as the Internal Audit Service, the EU Court of Auditors, the Eu Ombudsam, OLAF, the EU Court of Justice, European Data Protection Supervisor).*

Data subjects may at any time refer to the DPO with regard to the processing of their personal information dpo@eulisa.europa.eu . Data subjects have at any time the right of recourse to the European Data Protection Supervisor (EDPS) at edps@edps.europa.eu with regard to the processing of their personal information in the context.

The probations reports containing personal data are kept in personal files for 10 years counted from the employment date.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

(Rights of access, to rectify, to block, to erase, to object)

Data subjects are provided with a copy of their report and they are invited to make comments on them as foreseen in Article 34, 43 of the Staff Regulation and in Article 14 and 84 CEOS.

Data subjects may exercise their right of access to his/her data being process by contacting the Controller. Data subjects have also a right to rectify their administrative data that are inaccurate or incomplete by contacting the Controller at any time, with the exception for the evaluation data in respect of which data subject may only submit comments.

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

The time established to comply with the requests is:

- Access within 3 months
- To rectify according to the previous statement, within 5 days;
- For blocking/erasure/objection, in a case-by-case analysis but within one month.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The probation process is carried out in the following way (the probation process is enclosed in the Annex I of this note):

Probation Period is carried out in accordance and compliance with the provisions of Staff Regulations (SR) and CEOS (Art. 34 of SR, 14 and 84 of CEOS).

1. Two months before the deadline, the HR person in charge of the process send out the template of the report to both the jobholder and the reporting officer.
2. The template is filled in by the HR person in charge of the process only with the data relating to the post (name, surname, category and grade, job title, start date and end date of the probation period).
3. In the email it is stated that the HR shall receive back the completed report duly signed one month before the final deadline. If this deadline is passed, the HR person in charge of the process send out reminder(s) to the reporting officer.
4. The scan report once is finalised is sent to the jobholder and the original is given to HR person in charge of his/her personal file, who also saves it electronically.
5. When the paper file circulates throughout the agency, it is sealed in an envelope marked confidential.

10/ STORAGE MEDIA OF DATA

Paper versions stored in Personal File of each Staff members located in designated fire proof code protected safes and copies of the forms are scanned onto a specially designated folder where specific HR staff has access. In Strasbourg during processing of the information the documents are stored in a filing cupboard with a lock. First the documents are scanned and sent by e-mail and, afterwards the originals are sent via DHL to HRT Unit.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

The probation procedures are based on **Article 34 and 43** of the Staff Regulations and/or **Articles 14 and 84** of the Conditions of Employment of the Other Servants (CEOS) as implemented in the eu-LISA Management Board Decision 2014-50 adopting by analogy **EC Decision C(2013) 8967 of 05 May 2014**.

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

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

Data will only be disclosed to:

- the Staff Member concerned;
- the Reporting Officer;
- the Countersigner Officer;
- the Executive Director in his role of Appointing Authority;
- HRTU;
- Institutions or bodies falling within the exemption provided by article 20 of Regulation 45/2001 because acting for safeguard purposes (such as the Internal Audit Service, the EU Court of Auditors, the Eu Ombudsman, OLAF, the EU Court of Justice, the European Data Protection Supervisor).

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The final probation assessment report is placed in the personal file of the jobholder and will remain there for a period of 10 years counted from the employment date.

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

When the data subject contests the accuracy of his/her data, the data is blocked for a period enabling the controller to verify the accuracy, including completeness of the data. Then an assessment is made within a period of one month.

When a request for blocking or objection is made on the grounds of unlawful processing or for the purpose of proof, the controller will need some time to make the assessment before issuing a decision to block or on an objection for processing the data. The assessment is made in a period of one month.

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.(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)

Probation procedures are processing operations subject to prior checking on a basis of Article 27(2)(b) of Regulation 45/2001 since they are intended to evaluate personal aspects relating to the data subject; namely, the ability, efficiency and conduct of the respective staff members during their probation period.

17/ COMMENTS

The processing operation entrusted to eu-LISA started on the 1st of March 2013, this is an ex-post prior checking.

The processing operation was aligned in order to take into account the EDPS guidelines on staff evaluation.

The following annexes are included to this notification:

Annex I – Probation assessment report template

Annex II – eu-LISA Management Board Decision 2014-050 adopting by analogy EC Decision C(2013) 8967 of 05 May 2014
Annex III – Notification to the DPO of the probation processing operation
Annex IV – Opinion Note by eu-LISA DPO

PLACE AND DATE: TALLINN, 09/10/2015

DATA PROTECTION OFFICER: FERNANDO SILVA

INSTITUTION OR BODY: EU-LISA, LARGE INFORMATION SYSTEM AGENCY