

REGISTER NUMBER: 1353

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 16-12-2015

Case number: 2015-1104

Institution: European Investment Fund

Legal basis: article 27-5 of the regulation CE 45/2001⁽¹⁾

(1) OJ L 8, 12.01.2001

Probation periods⁽²⁾

(2) Please attach all necessary backup documents

1/ Name and address of the controller
European Investment Fund
37B, Avenue J. F. Kennedy
L - 2968 Luxembourg

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

3/ Name of the processing
Probation periods the and e-probation tool for the management of probationary periods

4/ Purpose or purposes of the processing
There are two types of probationary periods: a recruitment probationary period for newly recruited staff and a mobility probationary period for staff taking up a position in a higher staff category. Recruitment probationary periods are specified in the employment contract and for staff hired with an unlimited contract ("Contrats à durée illimitée - CDI") in the executive and managerial categories it is 9 months and 6 months for support staff. For staff hired on contracts limited in time ("Contrats à durée déterminée - CDD") the probationary period is 6 months for a contract of 18 months or more and 4 months for contracts of between 8 and 17 months. For contracts of less than 8 months, the probationary period would be for a maximum of 2 months. Staff members hired on a GRAD contract have a probation period of 4 months. For mobility probationary periods, the period is 9 months for promotions to an executive or managerial position, as indicated in the promotion letter

At the beginning of the probationary period, an e-probation document is created for each individual and the reporting officer (i.e. the direct manager) sets out the evaluation criteria (objectives and responsibilities) upon which the staff member will be evaluated at the end of the probationary period. The documents are created and managed online by the reporting officer via the "e-performance" software (ref. EIB Notification for prior checking no. 2014-1141)

5/ Description of the category or categories of data subjects

New recruits are subject to a probationary period, as stipulated in their letter of appointment, and staff starting a new job in a higher staff category, as stipulated in their letter of nomination/promotion.

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

Individual online Probation Documents, with the following sections: objectives, responsibilities, mid probation review by manager, mid probation review commented by employee, overall summary by the reporting officer, overall summary by final reviewing officer (normally the Head of Department), employee final comment. The final decision to confirm/extend/not confirm the contract is confirmed by HR in a letter to the staff member and reflected in the "Contract Data" PeopleSoft screen.

7/ Information to be given to data subjects

"Rules and Procedures governing probationary periods" to be annexed to the Staff Rules. Instructions ("Quick Guide to using e-probation") are available on the Intranet and also within the e-performance software, both as a Guide to Staff, and a Guide to Reporting Officers, explaining how to complete the online documentation

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

Staff on probation will have ongoing "view" access to their Probation Document. Once the reporting officer has completed the mid review, staff may express their comments in the mid probation employee box. All staff on probation may express their comments, if they wish, after the overall comments by the reporting officer and the reviewing officer and before the Chief Executive takes the decision relating to the confirmation, extension or non-confirmation of the probationary period.

9/ Automated / Manual processing operation

All Probation Documents will be managed online and may be printed if necessary. Staff will be informed by automatic email when their probationary period has been successfully concluded. In addition, HR issues a letter with the final decision to confirm/extend/not confirm, according to the Rules and Procedures governing Probationary Periods (cf. paragraph 10).

10/ Storage media of data

Probation Documents are stored online in the e-performance section of the Peoplesoft database. Letters regarding the extension, confirmation or non confirmation of the probationary period are filed in the staff member's individual personal file.

11/ Legal basis and lawfulness of the processing operation

The Rules and Procedures governing Probationary Periods form an annex to the Staff rules.

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

The staff member on probation and his/her hierarchy, the Chief Executive and HR staff. The data may also be disclosed if required to the EIF Legal Services if called upon to defend the EIF. Apart from access to the staff member concerned and his/her hierarchy, access to the data is limited to the Chief Executive and his assistants, to Heads of Departments and their assistants if authorised.

13/ retention policy of (categories of) personal data

HR staff will have access to all Probation Documents for all staff throughout their careers. Where probationary periods are unsuccessful and contracts are terminated, the probation document will be deleted from the database within a period not exceeding five years in order to address potential litigation risks. Staff will continue to have access to their Probation Document throughout their career via Peoplesoft, e-performance. Their current hierarchy will have access to the Probation Document in line with retention rules for Performance Documents (cf. Notification for Prior checking no. 2014-1141): current reporting officers have access to the Performance Document for the current year and the past three years. Where the Probation Document falls outside of this period, the reporting officer will no longer have access.

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)

After decision by the Chief Executive regarding the confirmation, extension, or non-confirmation of the probationary period, the Probation Document is automatically locked.

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,

Not applicable

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.(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)

17/ Comments

18/ Measures to ensure security of processing (3)

Please check all points of Article 22 of Regulation (EC) 45/2001.

(3) Not to be published in the EDPS' Register (article 27.5 of Regulation (EC) 45/2001)

PLACE AND DATE: Luxembourg, 15 December 2015

DATA PROTECTION OFFICER: J. Neuss

INSTITUTION OR BODY: European Investment Fund

To be filled out in the EDPS' office

EDPS OPINION

Of date:

Case number:

Follow up (*in case of acting measures to be taken*)

