



EUROPEAN COMMISSION
RESEARCH EXECUTIVE AGENCY

RECORD OF PERSONAL DATA PROCESSING ACTIVITY

In accordance with Article 31 of the Regulation (EU) 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data (Regulation), individuals whose personal data are processed by the Research Executive Agency (REA or Agency) in any context whatsoever are to be protected with regard to the processing of personal data and the Agency has to keep records of their processing activities.

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Created on (date): 29 April 2019
Last update (date):

NAME OF THE PROCESSING ACTIVITY

Annual appraisal and reclassification of REA Contract and Temporary Staff

1. MANDATORY RECORD UNDER ARTICLE 31 OF THE REGULATION

1.1. Name and contact details of controller

The controller is Research Executive Agency (REA). For organisational reasons, the role of the data controller is exercised by Ms Sari Vartiainen, head of Unit C1 (“Administration”) of the REA. The controller may be contacted via functional mailbox: REA-APPRAISAL@ec.europa.eu.

1.2. Name and contact details of the Data Protection Officer (DPO)

Mr Evangelos Tsavalopoulos (REA-DATA-PROTECTION-OFFICER@ec.europa.eu).

1.3. Name and contact details of joint controller (where applicable)

Not applicable.

1.4. Name and contact details of processor (where applicable)

- DG HR for SYSPER (HR-MAILA3@ec.europa.eu);
- DG DIGIT for “ICT services” (ARES/HAN, functional mailboxes, etc.) (DIGIT-MOU@ec.europa.eu).

1.5. Purpose of the processing

The Human Resources Sector of the Agency (REA HR) defines, coordinates and ensures the implementation of human resources 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 is adequate to his/her assigned role, REA HR requires recruited Contract and Temporary staff to undergo an annual appraisal and reclassification exercise. The appraisal report evaluates the annual performance of the data subject.

Therefore, the main purposes of the processing activity are to:

General

- Provide guidance for the future career development and training needs of the contract and temporary staff.

Appraisal

- Assess the performance and achievements of the concerned jobholders focusing on the following aspects: Efficiency, Ability, Conduct, Languages, Responsibilities, and Learning and Development.
- In application of Article 92 and Article 20(4) of the CEOS, and the first paragraph of Article 44 of the Staff Regulations, a staff member shall not advance to the next step in his grade if the last finalised report concluded that his performance was unsatisfactory.

Reclassification

- Assess the performance, the merit and the personal achievements of the concerned jobholders following the assessment in the annual appraisal reports.

1.6. Legal basis for the processing

- 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 paragraphs 1 and 3.

Staff Regulations

- The Staff Regulations of Officials of the European Union ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union (CEOS), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/681, and in particular Articles 43, 44, 45 and 110(2) of the Staff Regulations.

Conditions of Employment of Other Servants of the European Communities

- Articles 15(2), 20(4), 54, 87 and 92 of the Conditions of Employment of Other Servants of the European Communities.

Commission Decisions

- The Commission Implementing Decision 2013/778/EU of December 13th, 2013, establishing the Research Executive Agency and repealing Decision 2008/46/EC.
- The Commission Decision C(2013) 9418 final of 20.12.2013 on delegating powers to the Research Executive Agency with a view to performance of tasks linked to the implementation of Union programmes in the field of research and innovation comprising, in particular, implementation of appropriations entered in the general budget of the Union

Provisions governing the evaluation of Contract and Temporary Staff

- REA Steering Committee Decision REA/SC(2015)WP.2 "Steering Committee Decision on General Provisions for implementing article 87(1) of the Conditions of Employment of Other Servants of the European Union and implementing the first paragraph of Article 44 of the Staff Regulations".
- REA Steering Committee Decision REA/SC(2015)WP.3 "Steering Committee Decision on General Provisions for implementing article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations for Temporary Staff".

Provisions governing the reclassification of Contract and Temporary Staff

- REA Steering Committee Decision REA/SC(2015)WP.8 "Decision on General implementing provisions regarding article 87(3) of the Conditions of Employment of Other Servants of the European Union".
- REA Steering Committee Decision REA/SC(2015)WP.9 "Decision on General implementing provisions regarding article 54 of the Conditions of Employment of Other Servants of the European Union".

1.7. Categories of data subjects

Appraisal

REA Contract and Temporary staff who have completed their probationary period and are in active employment by the 31 December of the reference year.

Reclassification

REA Contract and Temporary staff who fulfil the following requirements:

- i. by 31 December of the year of the reclassification exercise at the latest, they have achieved the minimum seniority in the grade required by Articles 54(1) and 87(3) of the CEOS;
- ii. they are in active employment, on parental or family leave or on leave for military service on the date on which the reclassification decisions are adopted by the authority authorised to conclude contracts of employment ('AACC'),
and

- iii. their appraisal reports have been finalised in application of the Agency's general provisions on appraisal. In cases where an appraisal report has not been finalised as a result of a delay for which the staff member cannot be held responsible, the staff member nevertheless takes part in the reclassification procedure on the basis of other valid information replacing the appraisal report and may therefore be the subject of a reclassification decision;
- iv. they have a contract of at least three years (only for Contract staff);
- v. at the time of the launch of the reclassification exercise, they occupy a post which corresponds to one of the types of post set out in Annex I, Section A, or in Article 30(1) or Article 31(1) of Annex XIII to the Staff Regulations for the grade to which they may be reclassified (only for Temporary staff);
- vi. they have demonstrated before their first reclassification after engagement the ability to work in a third language among those referred to in Article 55(1) of the Treaty on European Union (only for Temporary staff);

1.8. Categories of personal data

Annual appraisal report

The annual appraisal report, which is stored for each member of the REA staff under the appraisal module of SYSPER, is used during the annual appraisal and reclassification procedures and contains the following data:

- Personal details of the job holder – first name, last name and Per ID;
- Type of report and reporting year;
- Information concerning the reporting officer, the reporting officer by delegation (when defined), the countersigning officer (if intervenes in the report) and the Appeal Assessor (if intervenes in the report): first name, last name and Per ID;
- Details of the appraisal procedure – date of each step, type of action proceeded, author (first name, last name), state/step of the report, due date, next actor (first name, last name), comment;
- Career history summary: description, grade, level, seniority, etc.;
- Job assignments: dates, job type, organisational entity, assignment type;
- Self-assessment: efficiency, ability, conduct, languages, responsibilities, learning & development, general comment / dialogue;
- Appraisal of period (filled-in by the reporting officer) :efficiency, ability, conduct, languages, responsibilities, learning & development, general comment / dialogue;
- In case of an unsatisfactory performance : The Countersigning Officer verifies whether the appraisal procedure has been respected and whether the report has been drafted in a coherent manner, in accordance with the general implementing provisions and consistent with the staff member's performance;
- 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);
- The staff member has five working days to accept the report with or without comments or refuse to accept the report and make an appeal by stating reasons for refusal.
- The appeal assessor holds a dialogue at the request of the staff member and within 20 working days shall confirm the report or amend it, giving reasons in SYSPER.

Reclassification

The reclassification procedure is based on consideration of the comparative merits of the staff members eligible for reclassification. SYSPER is used to administer the exercise and contains the information required for this comparative examination. For the purposes of the examination, the AACC shall take into account, in particular:

- Reports on the staff members drawn up since their last reclassification or, failing that, since their recruitment to the function group and grade in which they are classified at the time of the reclassification exercise, and in particular the appraisal reports drawn up in accordance with the Agency's general provisions for implementing Article 87(1) of the CEOS;
- The use by the staff members in the execution of their duties of languages other than the language for which they produced evidence of thorough knowledge in accordance with Article 82(3)(e) of the CEOS, and
- The level of responsibilities exercised by them.

Closure of the annual reclassification exercise for Contract/Temporary staff

The list of the reclassified Contract/Temporary staff is published under the Agency's Intranet in the form of an administrative notice signed by the Director. Each staff member is invited to consult his or her reclassification file on SYSPER.

Other

For administrative and follow-up purposes relevant to the annual appraisal and reclassification procedures, the REA HR keeps electronic documents (Excel tables, notes, reports, e-mails, etc.) containing the following data: official name, first name, unit/sector, grade, seniority in the grade, eligibility for appraisal or reclassification, results of previous reclassification exercises, status during current appraisal or reclassification exercises, etc.

1.9. Retention time (time limit for keeping the personal data)

Data (and relevant reports) processed during the annual appraisal and reclassification exercises, and which constitute part of the Personal File of a REA staff member, will be retained for 8 years after the extinction of all rights of the person concerned and of any dependants, and for at least 100 years after the recruitment of the person.

All electronic documents used by REA HR for administrative and follow-up purposes relevant to the annual appraisal and reclassification procedures, are considered as reference working documents and are retained for audit purposes, for opening of potential administrative enquiries or disciplinary procedures, as well as for possible litigation cases. These documents will be retained for 10 years starting from the closure date of the appraisal/reclassification exercise.

Is any further processing for historical, statistical or scientific purposes envisaged? **No**

1.10. Recipients of the data

Within the Agency, the following recipients may have access to the data:

- Director of the Agency in his/her capacity of Authority Empowered to Conclude Contracts (AECC);
- Heads of Department, Heads of Unit, Deputy Heads of Unit, Heads of Sector in their role of "Reporting Officer", "Reporting Officer by Delegation" , "Countersigning Officer" or "Appeal Assessor";
- Authorised staff members of REA Human Resources and Legal Services.

- Members of the REA Joint Reclassification Committees (for Temporary and Contract staff);
- Members of the delegation appointed by the Staff Committee to hold the discussion with the Director in view of the drawing of the lists of Contract and Temporary staff proposed for reclassification.

In case of the transfer of a REA staff member to other EU Institutions, Bodies or Agencies, his/her appraisal report will be automatically available to the respective services if they also have access to the appraisal module of SYSPER. Otherwise, a printed version is included to the personal file prior to its transmission to other EU Institution, Body or Agency.

Finally, an audit-trail mechanism is available under the appraisal module of SYSPER, which logs the access of all actors participating in this process, including those of the REA Director in his capacity of authority enabled to conclude contracts. This audit-trail may be accessed by the data subject via the SYSPER interface.

1.11. Transfers of personal data to third countries or international organisations

Not applicable

1.12. High-level description of security measures

All data in electronic format (emails, documents, etc.) that are processed during this processing activity are stored either on the servers of the European Commission or of the REA, the operations of which abide by the European Commission's security decisions and provisions established by the Directorate of Security for this kind of servers and services.

Access to data is granted only to authorised members of the REA staff.

1.13. Data Protection Notice

A Data Protection Notice (DPN) relevant to this data processing activity is available under the REA Intranet (Section "Data Protection").