



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.

Record No: 12
Created on (date): 20 May 2019
Last update (date):

NAME OF THE PROCESSING ACTIVITY

Probationary Period Report of Contract and Temporary Agents at REA

1. MANDATORY RECORD UNDER ARTICLE 31 OF THE REGULATION

1.1. Name and contact details of controller

The controller is the 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 the following 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)

N/A

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 purpose of the probationary period is to give the opportunity to the Authority Authorised to Conclude Contracts (AACC) to check whether the staff member is able to perform successfully his/her job and to take appropriate measures, if necessary. The evaluation is based on the ability of the staff member to perform the duties pertaining to his/her post and also his/her efficiency and conduct in the service, as requested by articles 14 and 84 of the CEOS, respectively.

1.6. Legal basis for the processing

- Articles 14 and 84 of the Conditions of Employment of Other Servants of the European Communities;
- Article 11 of the Commission Decision C(2017)6760 final on the general provisions for implementing Article 79(2) of the Conditions of Employment of Other Servants of the European Union, governing the conditions of employment of contract staff employed by the Commission under the terms of Articles 3a and 3b thereof, as adopted by analogy by the REA Steering Committee Decision of 15 December 2017 (REA/SC(2017) 4.5);
- Articles 9.2(b) and 15 of the REA Steering Committee Decision of 16 March 2015 on general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the Conditions of Employment of Other Servants of the European Union (REA/SC(2015) WP.1).

1.7. Categories of data subjects

Newly recruited temporary or contract staff except:

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

1.8. Categories of personal data

The probationary reports are drawn up in accordance with the implementing provisions on the procedures governing the engagement and the use of contract staff and temporary staff and are circulated in ARES and by e-mail with the necessary confidentiality markings.

In the framework of the probation procedure, health related data may be processed (only by consulting SYSPER), namely in case of its extension due to a maternity and/or sick leave as provided for respectively in Article 14(1) and 84(1) of the CEOS.

The used templates contain the following data (grouped by section):

a. Probationary Period Report:

- Personnel number and staff category (statutory link)
- Report details
 - Probationary period start and end dates, probationer's supervisor (surname, first name, personnel number and position), countersigning officer (surname, first name, personnel number and position)
- Personal details of the data subject
 - Surname, first name, administrative address, telephone, fax, place of employment, classification
 - Employment record of the data subject (statutory link, 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 probationer's supervisor after the formal dialogue)
 - Ability to perform the duties pertaining to the post, efficiency, conduct in the service, overall summary, summary of the appraisal: ability to perform the duties pertaining to the post (satisfactory/Unsatisfactory), efficiency (Satisfactory/Unsatisfactory), conduct in the service (Satisfactory/Unsatisfactory), is the agent 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 extended (only in case of long term absence due to illness, maternity leave or accident)" or "Dismissal at the end of the probationary period").
- Final approval
 - Date of dialogue between the probationer's supervisor and the probationer staff member, supervisor's name and signature, date of signature, countersigning officer's name and signature, date of signature, comments by the probationer, probationer's name and signature, date of signature.
- Follow-up on recommended dismissal or extension of the probationary period
 - Opinion of the Joint Reports Committee (only ARES reference), Decision of the AACC (only ARES reference), AACC name and signature, date of signature.

b. Early Probationary Period Report:

- Personnel number and staff category (statutory link)

- Report details

Probationary period start and end dates, probationer's supervisor (surname, first name, personnel number and position), countersigning officer (surname, first name, personnel number and position)

- Personal details of the data subject

Surname, first name, administrative address, telephone, fax, place of employment, classification

Employment record of the data subject (statutory link, 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 probationer's supervisor after the formal dialogue)

Ability to perform the duties pertaining to the post, efficiency, conduct in the service, overall summary, summary of the appraisal: ability to perform the duties pertaining to the post (satisfactory/Unsatisfactory), efficiency (Satisfactory/Unsatisfactory), conduct in the service (Satisfactory/Unsatisfactory), is the agent 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: "Probationary period to be continued, in another unit/department" or "Dismissal before the end of the probationary period").

- Final approval

Date of dialogue between the probationer's supervisor and the probationer staff member, supervisor's name and signature, date of signature, countersigning officer's name and signature, date of signature, comments by the probationer, probationer's name and signature, date of signature.

- Follow-up on recommended dismissal or assignment to another entity

Opinion of the Joint Reports Committee (only ARES reference), Decision of the AACC (only ARES reference), AACC name and signature, date of signature.

c. Mid-Term Probationary Period Report:

- Personnel number and staff category (statutory link)

- Report details

Probationary period start and end dates, mid-term probationary period start and end dates, probationer's supervisor (surname, first name, personnel number and position)

- Personal details of the data subject

Surname, first name, administrative address, telephone, fax, place of employment, classification

- Date of the dialogue

- Description of the tasks assigned to the data subject

Job environment clear, job description is available and has been discussed and agreed upon (options: Yes/No, comments), objectives set in SYSPER are clear,

measurable and agreed upon (options: Yes/No, comments), training needs were discussed and established (options: Yes/No, comments)

- Appraisal of the data subject's mid-term probationary period (To be completed by the probationer's supervisor after the formal dialogue)

Ability to perform the duties pertaining to the post, efficiency, conduct in the service, overall summary, summary of the appraisal: ability to perform the duties pertaining to the post (satisfactory/Unsatisfactory), efficiency (Satisfactory/Unsatisfactory), conduct in the service (Satisfactory/Unsatisfactory), is the agent 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 extended (only in case of long term absence due to illness, maternity leave or accident" or "Dismissal at the end of the probationary period").

- Final approval

Additional comments by the probationer's supervisor, name and signature, date of signature, additional comments by the probationer, name and signature, date of signature, comments by the probationer, probationer's name and signature, date of signature.

For administrative and follow-up purposes relevant to the probation period procedure, the REA HR keeps electronic documents (Excel tables, notes, reports, e-mails, etc.) containing inter alia the following data: Per ID and personnel number, first name of the probationer, last name of the probationer, administrative contact details, staff category and classification as well as eventual changes, Unit of service, contract start date and assignment, mid-term probationary period details, probationary period end date, eventual extensions, starting / closing date of the report, outcome encoding in SYSPER, personnel number, first and last names, as well as Unit of service of the probationer's supervisor, personnel number, first and last names, as well as Unit of service of the probationer's countersigning officer, etc.

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

The probationary period report is part of the personal file of the staff member concerned and, therefore, will be retained 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 probationary period procedure, 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 year during which the probationary period report(s) were closed.

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

1.10. Recipients of the data

Within the Agency, the following recipients will have access to the personal data:

- The REA Competent AACC (the Director of the Agency);
- The REA Head of departments;
- The REA Heads of Unit, Deputy Heads of Unit, Heads of Sectors, Team Leaders;
- Members of the REA Joint Reports and Reclassification Committees;
- The REA HR sector;

- The REA legal service;

Other potential recipients are:

- European Court of Auditors (ECA);
- European Anti-Fraud Office (OLAF);
- The Court of Justice of the European Union;
- European Ombudsman;
- European Data Protection Supervisor (EDPS).

In case of the transfer of a REA staff member to other EU Institutions, Bodies or Agencies, the staff member's probationary period report is transmitted to other EU Institution, Body or Agency as part of his/her personal file.

The transmission is restricted to the information necessary for the legitimate performance of tasks within the competence of the recipient. The recipients of the data are reminded of their obligation not to use the data received for other purposes than the one for which they were transmitted.

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").