

REGISTER NUMBER: 388

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 10/07/2008

Case number: 2008-432

Institution: OHIM

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

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN ⁽²⁾

(2) Please attach all necessary backup documents

1/ Name and adress of the controller

**François Femia, HRD, Head of Career and Development Sector
OHIM - Avenida de Europa, 4 03080 ALICANTE**

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

Human Resources Department - Career and Development Sector

3/ Name of the processing

Probationary period reports(regular and management assessment)

4/ Purpose or purposes of the processing

Workflow process in SAP aims at the establishment of probationary period reports for:

a) regular probationers:

o new officials: Article 34 of the Staff Regulations,

o new temporary agents: Article 14 of the CEOS

o new contract agents: Article 84 of the CEOS

b) assessing management competencies for complying with Article 44 of the Staff Regulations

c) a combination of a) and b).

At the entry into service of a new official / temporary agent / contract agent, the probationary period is defined according to the

relevant provisions of the Staff Regulation / CEOS and introduced in SAP together with all other data referring to the new recruitment. If there has been a new appointment of head of service or senior manager in accordance with Article 44 of the Staff

Regulations, data relevant to this new function are also specified in SAP.

On the specific reporting officer SAP / Insite portal screen, the reporting officer of the new recruit can see data referring to the

probationary period report. These data are automatically displayed on the date of entry into service and until the probationary period

report has been completed.

Through this portal the reporting officer is able to produce the probationary period report in word format, in which

the necessary administrative data of the probationer have been inserted by SAP. The reporting officer fills in the report,

prints it out, signs it and forwards it to the probationer who is asked to read, sign and comment (if necessary),

and give back the report to the reporting officer. The reporting officer sends the signed report to HRD for filing

on the personal file, amendment of status in SAP whenever relevant, and for sending of a certified copy to the

probationer concerned. On the SAP / Insite portal reserved to that effect, the reporting officer introduces the date

on which the report was completed and sent to HRD together with the result of the probationary period (confirmed

in post, not confirmed, probationary period prolonged). In case the probationary period is prolonged, he/she contacts

the HRD Personal Administration in order that a decision on continuation of the probationary period is issued and

signed by the Appointing Authority of the Office, whenever suitable.

5/ Description of the category or categories of data subjects

The officials, temporary agents and contract agents newly recruited and newly appointed heads of service.

6/ Description of the data or categories of data

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

Full name, grade, administrative address, staff number, status, seniority in grade, starting date in job, department and budgetary post number, job title and overall purpose, data of previous job assignments (department, service, sector, period concerned) and the names and job titles of the current reporting officer, if any.

7/ Information to be given to data subjects

Requirements of Articles 11 and 12 are met in the probationary period appraisal form (see annex)

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

Right to have Access: On written request to the controller, the data subject may ask for a copy of the personal data used during the procedure.

Right to Rectify: On written request to controller, the data subject shall have the right to obtain from the controller the rectification without delay of inaccurate or incomplete personal data used during the procedure.

Right to Block: On written request to the controller, the data subject shall have the right to obtain from the controller the blocking of data under the conditions laid down in the Regulation.

Right to Erase: On written request to the controller, the data subject shall have the right to obtain from the controller the erasure of the personal data used during the procedure under the conditions laid down in the Regulation.

Right to Object: On written request to the controller, the data subject shall have the right to object to the use of the personal data used during the procedure, under the conditions laid down in the Regulation.

9/ Automated / Manual processing operation

Manual processing operation

10/ Storage media of data

SAP HR

Cupboard in HRD – Personnel Administration – for definitive storage of paper reports in personal files
During the generation of the electronic report in word, the reporting officer stores it on his/her personal computer in a folder with restricted personal access. The reporting officer erases the electronic copy when
the probationary period report becomes final.

11/ Legal basis and lawfulness of the processing operation

Articles 34 and 44 of the Staff Regulations and Articles 14 and 84 of the CEOS.

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

- the probationer appraised
- the reporting officer who is in charge of drafting the probationary period report
- the countersigning officer / director of department who must decide on the result of the probationary period
- the members of Human Resources Department in charge of the probationary period reports, the personal folders, issuing decisions to be submitted to the Appointing Authority in relation to probationary period reports, and dealing with payroll and individual rights.

13/ retention policy of (categories of) personal data

As for the original report in paper format stored in the personal folder, no time limits until transfer to another institution, permanent leave or retirement.

As for the word document (report) used for the drafting of the individual reports (stored provisionally on the individual PCs of the reporting officers for drafting purposes), the time limit for storage is the moment when the report is deemed final, i.e. when the reports have been signed by all parties and no conflict has arisen on the basis of that report. This document is then erased by the reporting officer from his/her computer.

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)

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,

NO

15/ Proposed transfers of data to third countries or international organisations

NO

16/ The processing operation presents specific risk which justifies prior checking (*please describe*):

Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject,

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

/

PLACE AND DATE: **ALICANTE , 10th July 2008**

DATA PROTECTION OFFICER: **Ignacio DE MEDRANO CABALLERO**

INSTITUTION OR BODY: **OHIM**