

REGISTER NUMBER: 759

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 21/10/2011

Case number: 2011-0958

Institution: EU OSHA

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

(1) OJ L 8, 12.01.2001

NOTIFICATION OF NEW DATA PROCESSING OPERATIONS

Processing operation: Probationary Report

INFORMATION TO BE GIVEN⁽²⁾

(2) Please attach all necessary backup documents

1/ Name and address of the controller

Christa Sedlatschek, Director;
Françoise Murillo, Head of Resource and Service Centre;
Eusebio Rial González, Head of Prevention and Research Unit;
Andrew J.A. Smith, Head of Communication.

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

Heads of Unit, including the Director;
Human Resources Section.

3/ Name/exact title of the processing (operation)

Staff probation - initial staff evaluation based on Article 34 of Staff Regulations and Articles 14 and 84 CEOS.

4/ Purpose or purposes of the processing

Evaluate the jobholder's efficiency, competencies and conduct in the service in the initial phase of his/her contract (6 months Temporary Agents and 9 months for Contract Agents) and assess whether his/her contract shall be confirmed.

5/ Description of the category or categories of data subjects

Data subjects are all staff members in active service after 6 months / 9 months from the start date of their contract at the Agency.

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

The following categories of data are subject to the evaluation exercise:

- name, last name, personnel number, date of birth
- grade and step
- efficiency, competencies and conduct in the service
- some special category of the data (in the meaning of Article 10 of EC Regulation 45/2001) might be collected - such as data related to health conditions in case of probationary period extension due to maternity or sick leave (as provided for in Article 34(1) Staff Regulations).

7/ Information to be given by the data subject

The responsible Head of Unit prepares the probationary report at the expire date of the jobholder's probation period. As from now on, a link to the privacy statement in relation to personal data in relation to the probationary report (that will also always be available in the Intranet - [Attachment 1](#)) is included in the email that the Head of Unit sends the jobholder his/her draft probationary report.

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

As per Article 34 SR, data subjects are provided with a draft copy of their reports and are invited to make comments. They can therefore amend all administrative data at that time.

Data subjects can also access and rectify their data by submitting a written request to the controllers. If they want to have access to their report after the exercise is over, they can readdress their request to the HR Section as a copy of the report is kept in the personnel file.

Each data subject is provided with an original copy of the report once this is signed by the Countersigning officer and the jobholder him/herself.

Rectification is possible only for factual data - not for evaluation data that are subjective.

10/ Storage media of data

Paper version of the probationary reports are kept in the personnel files of the data subjects located in secure lockers in the HR Section. During the evaluation exercise, the electronic version of the reports may be saved in the password protected folders of the reporting officers. Data subjects are free to keep their copy of the probationary report where they wish although they are encouraged to do so either in secure lockers or in password protected folders.

11/ Legal basis and lawfulness of the processing operation

Legal basis:

Article 34 Staff Regulations, Articles 14 and 84 CEOS.

Lawfulness of the processing:

Article 5(a) of Regulation EC 45/2001.

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

Responsible Head of Unit

Appointing authority (the Director)

Human Resource staff in charge (for administrative follow up purposes only)

Legal Service, Civil Service Tribunal, the EDPS, OLAF, the European Ombudsman.

13/ Retention policy of (categories of) personal data

The retention policy for evaluation reports aligns with the current policy as it is foreseen in EU-OSHA Document Management Policy for all documents included in the data subjects' personnel files (8 years after the extinction of all rights).

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)
Data subjects can block or erase their personal data and sensitive information about them at any time by submitting a request to their reporting officer or by requesting access to the Human Resources section (only administrative data).

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*):
Yes
AS FORESEEN IN:

Article 27.2.(a)
Processing of data relating to health and to suspected offences, offences, criminal convictions or security

 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

Attachment 1: Privacy statement in relation to the probationary report
Attachment 2: Probationary Report form
Attachment 3: Confidentiality declaration regarding the obligation of professional secrecy equivalent to that of a health professional pursuant to Article 7(3) of Regulation EC/2001