

**REGISTER NUMBER: 765**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 21/10/2011

Case number: 2011-0969

Institution: Frontex

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

(1) OJ L 8, 12.01.2001

**INFORMATION TO BE GIVEN<sup>(2)</sup>**

(2) Please attach all necessary backup documents

**1/ Name and adress of the controller**

Jose Carreira, Administration Division Director, Controller; Tomasz Cybulski, Head of HR Sector is Delegated Controller; Frontex, rondo ONZ, 00124 Warsaw, Poland

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

Administration Division,HR Sector

**3/ Name of the processing**

1. Staff appraisal process;
2. Probation;
3. Reclassification (regrading).

**4/ Purpose or purposes of the processing**

The processing is necessary for the execution of the evaluation process related to staff annual appraisal (1), probation period evaluation(2) and reclassification (3).

**5/ Description of the category or categories of data subjects**

1. The staff appraisal process covers TA, CA and SNE appraisal.
2. Probation evaluation covers TA and CA;
3. Reclassification covers TA.

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

The appraisal report, the probation period assessment and the reclassification process report include personal data such as name, type of contract, job details (category, grade, job title, start date of the contract); but also general data concerning the reporting officer and the countersigning officer (name, job details)

#### **7/ Information to be given to data subjects**

The appraisal report, the probation period assessment and the reclassification process report shall contain information about identity of the controller, purposes of the processing operation for which the data are intended, recipients or categories of recipients of the data, whether replies to the questions are obligatory or voluntary, as well as the possible consequences of failure to reply, the existence of a right of access to, and the right to rectify, the data concerning him or her, any further information.

The reclassification process report shall also include written information/annex to the contract on the number of points accumulated for reclassification purposes.

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

The data subject has the right to access the data, to rectify, to block, to erase and to object in line with Art. 13-18 of the Council Regulation 45/2001.

#### **9/ Automated / Manual processing operation**

1. The appraisal procedure is performed via e-appraisal tool: manual processing using IT tools.
2. The probation period assessment process is performed via e-probation tool: manual processing using IT tools.
3. The reclassification process bases on the e-appraisal toll and is continued manually, mainly via e-mail:

#### **10/ Storage media of data**

The e-appraisal and e-probation tool are locked electronic systems with access rights granted to the data subject and parties directly involved in the process.

#### **11/ Legal basis and lawfulness of the processing operation**

1. Staff appraisal process: ED decision/2009/31 on establishing staff appraisal procedure; ED/decision 2009/77 on appraisal procedure for Seconded National Experts
2. Probation procedure: ED decision/2009/31 on establishing staff appraisal procedure; Administrative Notice nr 40 - Contract Renewal procedure for TA and CA. Staff appraisal process;
3. Reclassification (regrading): ED decision/2009/58 on procedure governing the engagement and use of temporary staff; ED decision/2010/100 on establishing a career of temporary staff and their assignment to employment of a higher grade that which they are employed

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

The data might be disclosed to: data subject, parties involved in the process on the legal basis, HR staff directly involved in the process, in justified cases - 3rd parties to whom the access is granted by the data subject (e.g. National authorities of SNEs).

#### **13/ retention policy of (categories of) personal data**

The appraisal-related data is stored as long as the personal files, in line with the retention policy (*see Article 4(1)(e) of Council Regulation 45/2001*) and up to five years.

#### **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)*

Seven working days after the controller takes the final decision concerning the request for blocking or erasure of the relevant 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**

No transfers possible. Only the appraisal of the SNEs might be transferred on justified request to the national authorities, upon the written consent of the data subject.

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

The ICT tools (incl.access rights), the personal data used, the authorization of all involved parties and ways of data processing are verified on regular basis in order to avoid breach of data protection rules.

**17/ Comments**

PLACE AND DATE: Warsaw,

DATA PROTECTION OFFICER: Sakari Vuorensola

INSTITUTION OR BODY: Frontex