

REGISTER NUMBER: 821

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 03/01/2012

Case number: 2012-0010

Institution: CEDEFOP

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 address of the controller**

Ginette Manderscheid, Head of Human Resources (data controller by delegation)  
Cedefop  
P.O. Box 22427  
GR-55102 Thessaloniki (Pylea)  
Greece

**2 a/ Part of the institution or body entrusted with the processing of personal data**

Human Resources staff, Head of Human Resources, Reporting Officer, Countersigning Officer, Appointing Authority (AIPN)/ Authority Empowered to Conclude Contracts of Employment (AHCC), members of the Cedefop Governing Board.

**b/ Name and address of the processor**

**3/ Name of the processing**

End of probation period reports  
Management probation period reports  
Annual performance appraisal of the Director – senior management assessment

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

Personal data are processed in order to meet the requirements of the Staff Regulations and the Conditions of Employment of other Servants of the European Communities (CEOS) related to staff probationary periods. The purpose of the probation period report is to assess whether the person meets the job requirements, with a view to confirming the engagement of staff or to extending their probationary period (or to terminating the contract of employment) at the end of the probation period.

The purpose of the management probation period report for middle managers (AD 9-12 grades) stipulated in Article 6 of the Cedefop Implementing Provisions on Middle Management (Cedefop/DGE/8/2011) is to assess their abilities with a view to confirming their engagement, extending their probationary period, re-assigning them to a non-management position or terminating their contract (only in the case of temporary agents and officials recruited via external competitions).

The process for the **end of probation period** report is as follows:

- the job description and the individual objectives for the probation period are agreed between the jobholder and the reporting officer shortly after the jobholder has taken up duties (note that the Head of Human Resources holds a meeting with newly recruited staff to discuss the probation report procedure). The job description and objectives for the probationary period are placed in the personal file;
- towards the end of the probation period (the report needs to be finalised at the latest one month before the probation period), the reporting officer asks the jobholder for his/her self-assessment in relation to the probation period objectives;
- the jobholder provides the self-assessment;
- a dialogue is held between the jobholder and the reporting officer;
- the reporting officer draws up a report, including a recommendation (e.g. confirmation of appointment, extension of probation period etc.);
- the countersigning officer countersigns the report;
- the probationer enters comments as appropriate and signs (he or she may request a meeting with the countersigning officer at this stage);
- taking account of the probation report, the AIPN/AHCC takes a final decision (e.g. confirmation of the appointment, extension of the probation period, termination of service). This decision is prepared by the HR service;
- the jobholder receives the final decision and a copy of the decision as well as the original end of probation report are placed in the personal file.

**For middle managers**, in addition to the probationary period report, a final assessment sheet has to be filled in on their management capacities. This draft template requests assessment of management competences in the following data fields: leadership, management of people, working with others, fixing objectives, delivery of results and communication (assessing as good/average/insufficient). The RO and the CO (if applicable) should include a recommendation to the AIPN/AHCC (i.e. establishment, prolongation of the trial period, reassignment to a non-management position, termination of contract).

**Annual appraisal of the Director** – the procedure:

- the jobholder establishes, after the reporting officers' request<sup>1</sup>, a self assessment which is incorporated into the CDR report;
- the reporting officers and the jobholder then hold a formal dialogue. The dialogue covers the following elements:
  - a) the reporting officers examine the jobholder's efficiency based on the fulfilment of objectives and the implementing of the agency work programme, adopted each year by the agency, the competencies shown and the conduct in the service of the jobholder, for the reference period;
  - b) the jobholder and the reporting officers set the objectives for the following reference period and, - if necessary-, a training plan which takes into account the objectives in relation to the agency annual

<sup>1</sup> The 2 reporting officers are designated by the Governing Board. They typically include one Commission representative.

work programme and the personal development goals.

- at the latest ten working days after the formal dialogue, the reporting officers draw up a draft career development report. This draft comprises a general appraisal which takes into account the appraisals given on efficiency, competencies and conduct in the service of the jobholder, in accordance with the criteria defined in the appraisal report.
- the report is notified in writing to the jobholder.
- the jobholder accepts the report without making any comments, accepts it after adding comments in the appropriate section of the report, or refuses the report by justifying the revision request in the appropriate section. If the report is accepted by the jobholder, the appraisal report is closed. A report is deemed to be accepted in case of absence of reaction of the jobholder within the time foreseen.
- the closed report is transmitted to the president of the Governing Board for information;
- the report is filed in the personal file of the jobholder.

In case of disagreement, the jobholder may appeal (Article 7 of the draft DGE) to the Appeals Assessor (for the Director this would be the chair of the Governing Board).

#### **Management probation period for the Director:**

If the agency director performs for the first time senior management functions he or she shall serve a management probationary period of nine months, in accordance with Articles 44 and 46 of the Staff Regulations applicable by analogy to the temporary staff under the conditions foreseen in the conclusions of the heads of administration of 20 June 2005.

The reporting officers of the management probationary period are the same as those for the annual appraisal.

The management report shall confirm the senior management skills of the probationer.

The appraisal report for the management probationary period is drafted including the assessment carried out during the probationary period.

After the end of the management probationary period, the reporting officers draw up a draft report. The probationer and the reporting officers hold a formal dialogue. After the formal dialogue with the probationer, the reporting officers can propose either a positive appraisal of the management probationary period or its extension.

After having been notified of the report in writing, the probationer comments on the report.

The report is deemed to be accepted in case of absence of reaction of the probationer within the time foreseen.

The report is filed in the personal file

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

Probation period: all Cedefop officials, temporary agents and contracts agents whose contracts are concluded for a minimum of one year.

Management probation period: staff recruited to occupy a middle management position serve a management trial period of nine months to assess their management competences.

Annual appraisal, end of probation and senior management report of the Director: the staff member recruited to the position of Director.

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

The categories of personal data processed are:

- surname, first name
- personnel number

<ul style="list-style-type: none"> <li>- function group</li> <li>- grade.</li> </ul> <p><u>Other personal data:</u> Article 34 (1) of the Staff Regulations stipulates that " <i>Where, during his probationary period, an official is prevented, by sickness, maternity leave under Article 58, or accident, from performing his duties for a continuous period of at least one month, the appointing authority may extend his probationary period by the corresponding length of time</i>".</p> <p>The extension of the deadline would be handled as follows: the HR unit who is also responsible for leave management would alert the Reporting Officer of the need for an extension of the deadline. The HR staff member concerned would in consultation with the reporting officer and the legal adviser, if appropriate, prepare a letter detailing the reasons for the extension in line with CEOS. The RO ensures that objectives are revised as necessary and the final report is an assessment against these objectives. While the fact that an extension took place can implicitly be derived from the periods noted in the report, no reference to sickness, maternity leave or accident would normally be made in the report unless the jobholder chose to do so in the self-assessment.</p>
<b>7/ Information to be given to data subjects</b>
The data subject is informed of his/her rights and is able to access his/her data, verify or correct it according to the privacy statements attached.
<b>8/ Procedures to grant rights of data subjects (<i>rights of access, to rectify, to block, to erase, to object</i>)</b>
<p>Staff members may consult their personnel file at any time in the HR office. In addition, in line with article 26 of the Staff Regulation, the staff members have right of access to all the documents contained in their personal files even after leaving the service.</p> <p>Regarding the right to rectification, probationers may add comments directly in the final probation reports. These comments are clearly visible in the reports for the hierarchical superior of the probationer and/or the AIPN/AHCC who decides on the outcome of the probation period.</p> <p>In general terms, the data controller must deal with requests for rectification of factual data within one month from the introduction of the request and has three calendar months to block or erase data from the moment of reception of the request by the data subject.</p>
<b>9/ Automated / Manual processing operation</b>
These processes are paper based and involve no automated processing.
<b>10/ Storage media of data</b>
Paper storage: probation period reports and management probation reports are stored in the personnel file of the staff member concerned. Personnel files are stored in locked safes within the Human Resources Service offices which are equipped with secure locks.
<b>11/ Legal basis and lawfulness of the processing operation</b>
<p><b>Legal basis:</b></p> <p>Probation period: Article 34 of the Staff regulations and Article 14 of the Conditions of Employment of Other Servants (CEOS).</p> <p>Management probation period: Article 44 of the Staff regulations and Article 6 of the Cedefop Implementing Provisions on Middle Management (Cedefop/DGE/8/2011).</p> <p>Appraisal of the Director: Articles 34 and 43 of the Staff Regulations, Article 14 of the Conditions of Employment of Other Servants and the draft DGE on the Appraisal of the Director (currently with the Commission for agreement under Article 110 of the Staff Regulations).</p> <p><b>Lawfulness:</b></p> <p>The processing is lawful and necessary under Article 34, 44 and 46 of the Staff regulations and Article 14 and 15 of the Conditions of Employment of Other Servants and the Cedefop Implementing Provisions on Middle Management (Cedefop/DGE/8/2011). The personal data processing operations in the context of reporting of the probationary period and making an assessment of probationers' performance serves a public interest needed for the management and functioning of the institution (Recital 27 of the Regulation). The present notification is subject to prior-checking by the European Data protection Supervisor under Article 27 of Regulation (EC) 45/2001.</p>
<b>12/ The recipients or categories of recipient to whom the data might be disclosed</b>

<p>The Director, the reporting officers, the countersigning officers, HR staff dealing with probation period reports, the appeal assessor (where applicable).</p> <p>Other possible recipients to whom data may be disclosed: the appeals committee of Cedefop, the Court of Auditors, OLAF, Internal Audit Service of the European Commission and Civil Service Tribunal.</p> <p>Other EU institutions in the case of a transfer as personal files follow the staff member to the next institution.</p>
<p><b>13/ Retention policy of (categories of) personal data</b></p>
<p>As the probation, management probation and annual reports of the Director are part of the personal file, the conservation period is the same as for the personal file, i.e. 8 years after the extinction of all rights of the person concerned and of any dependents, but at least 120 years after the date of birth of the official concerned.</p>
<p><b>13 a/ time limits for blocking and erasure of the different categories of data</b>          (on justified legitimate request from the data subject)          (Please, specify the time limits for every category, if applicable)</p>
<p><b>14/ Historical, statistical or scientific purposes</b>  <i>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,</i></p>
<p>Only anonymised data might be stored for statistical/historical purposes.</p>
<p><b>15/ Proposed transfers of data to third countries or international organisations</b></p>
<p>Not envisaged.</p>
<p><b>16/ The processing operation presents specific risk which justifies prior checking (please describe):</b></p>
<p><b>AS FORESEEN IN:</b></p>
<p><b>Article 27.2.(b)</b>  <b>X Processing operations intended to evaluate personal aspects relating to the data subject</b></p>
<p>Evaluation of performance in relation to the requirements of the post.</p>
<p><b>17/ Comments</b></p>
<p>PLACE AND DATE: Thessaloniki, 15-12-2011          DATA PROTECTION OFFICER: Spyros ANTONIOU (Data Protection Officer of Cedefop)          INSTITUTION OR BODY: CEDEFOP</p>