

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 16/08/2012

CASE NUMBER: 2012-0693

INSTITUTION: REA

LEGAL BASIS: ARTICLE 27-5 OF THE REGULATION CE N° 45/2001⁽¹⁾

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

WIM DE MEYERE
RESEARCH EXECUTIVE AGENCY (REA)
UNIT A.3.001 (HUMAN RESOURCES)
COV2 15/052
B - 1049 BRUSSELS

2/ ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA

REA, Unit A.3.001 (Human Resources)

3/ NAME OF THE PROCESSING

Probation Period of the Members of the REA Management

4/ PURPOSE OR PURPOSES OF THE PROCESSING

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**
0885-2012-0693

The Human Resources Sector of the Agency (hereinafter referred to as "HR") defines, coordinates and ensures the implementation of human resource policies (covering the whole employment cycle). It does so by following the relevant provisions of the Staff Regulations and the Conditions of Employment of Other Servants of the European Communities (CEOS).

In order to comply with the Staff Regulations and the Agency's provisions and to ensure that a newly appointed Head of Unit or Head of Department has demonstrated the competencies required for holding middle management positions, the REA requires the newly appointed middle management to serve a trial period.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

All Temporary agents newly appointed to a Head of Unit or a Head of Department position that have not served for at least two years as a Head of Unit or Head of Department either in the Agency or in other European Institutions, bodies, offices and Agencies.

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA (*including, if applicable, special categories of data (Article 10) and/or origin of data*).

For the assessment of the probation period a "probationer assessment sheet" is used which contains the following data:

Personal details of the data subject

- surname, first name, Unit, probation period and number of staff in the unit)

Main tasks of the Unit

Objectives of the data subject

Management competencies

- Leadership
- Management of people (i.e. capacity to motivate and delegate)
- Working with others
- Fixing objectives
- Delivery results
- Communication

Opinion of the reporting officer

- Successful/Unsuccessful, Date and Signature

Opinion of the Countersigning Officer

- o Successful/Unsuccessful, date and signature, date and signature of the data subject

Recommendation to the appointing authority (only for final assessment)

- Established as Head of Unit/Prolongation of trial period/Re-assignment to a non-management position/Termination of contract
- Date
- Signature

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Under the REA Intranet, data subjects may find information relevant to the probation period.

In addition, a Specific Privacy Statement, relevant to the procedure will be provided to the data subjects and will also be published under the REA Intranet.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

The data subject may also request to the data controller the rectification of any factual data processed during the procedure by sending an email to the following email address: REA-APPRAISAL@ec.europa.eu

Evaluation data cannot be rectified.

Data subjects can also request to have access to their personal data by sending an e-mail to the following email address: REA-APPRAISAL@ec.europa.eu

9/ AUTOMATED / MANUAL PROCESSING OPERATION

One month before the end of the probationary period of the data subject (probationer), the REA HR launches the procedure by sending the management probationary period assessment sheet form (via e-mail marked as "PRIVATE") to the probationer's line manager (the Head of Department or the Director), who acts as the Reporting Officer. The Reporting Officer assesses the management competencies of the probationer and writes his opinion on the assessment sheet.

The assessment sheet is then transmitted to the Probationer's countersigning Officer (the Director or the President of the Steering Committee) who also gives his opinion of the management probationary period of the data subject.

The assessment sheet, containing the opinions of both the reporting and the countersigning officer is then sent to the data subject for information and/or comments before the final recommendation of the Appointing Authority (The Director).

The assessment sheet is considered completed/closed upon the final opinion of the Appointing Authority.

If the assessment of the probationer is "successful", the probationer is established and an instruction to implement the provisions of article 44 (to advance a step) of Staff regulation is sent to the REA.A2 (Finance) unit.

If the assessment of the probationer is "unsuccessful", the management trial period may be extended by up to six months by the AECC (Authority Empowered to Conclude Contracts), in order to give the probationer's manager time to remedy perceived deficiencies.

If at the end of the process (i.e. after 15 months maximum) the probation is deemed to have been unsuccessful (meaning at least one 'insufficient' in the assessment sheet), the AECC shall propose reassignment to a non-management position. The Joint Evaluation Committee (JEC) shall give its opinion on any proposal within 10 working days after submission of this proposal, after which the AECC shall take his/her decision. The opinion of JEC is communicated via a note recorded in ARES.

10/ STORAGE MEDIA OF DATA

- Electronic files

Data, in electronic format, is stored on the servers of the REA (limited access) and/or on the servers (email server, ARES) of the European Commission.

- Paper files

During the procedure paper files are stored in secure cupboards and at the end of the procedure they are stored in the personal files residing in the HR archives room (locked, limited access).

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

- Council Regulation (EC) No 58/2003 laying down the statute for executive agencies: Article 11, paragraph 6, and Article 18 paragraph 1 and 3.
- Commission Decision 2008/46/EC of 14 December 2007 setting up the Research Executive Agency for the management of certain areas of the specific Community programmes People, Capacities and Cooperation in the field of research in application of Council Regulation (EC) No 58/2003.
- Article 44 of the Staff regulations
- Articles 6 and 7 of the Agency Decision REA/SC(2009) 13 of 20.10.2009 on middle management staff

12/ THE RECIPIENTS OR CATEGORIES OF RECIPIENT TO WHOM THE DATA MIGHT BE DISCLOSED

REA

- a. President of the REA Steering Committee
- b. The REA HR sector
- c. The REA Competent Appointing Authority (the Director of the Agency)
- d. The REA Head of Department "Administration, Finance and FP7 Support"
- e. The REA Internal Services (legal service, internal audit)

Other potential recipients

- a. European Ombudsman
- b. Civil Service Tribunal
- c. Court of First Instance
- d. General Court of the European Union
- e. European Court of Justice
- f. Court of Auditors
- g. European Data Protection Supervisor
- h. OLAF

This transmission will be restricted to the information necessary for the competent entity to carry out its task. The recipients will be reminded of the purpose limitation obligations (Article 7(3) of the Regulation to process the personal data only for the purposes for which they were transmitted.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The probationer assessment sheet will be kept in the personal file for up to 10 years after the termination of employment.

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS

Evaluation data cannot be blocked or erased.

14/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES

Reports may be created for statistical purposes but in a form that does not permit identification.

15/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

Not applicable

16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING (*Please describe*):

AS FORESEEN IN:

Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject, including his or her ability, efficiency and conduct

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

Enclosure:

(1) Probationer assessment sheet (Template)

PLACE AND DATE: BRUSSELS, 16 AUGUST 2012

DATA PROTECTION OFFICER: EVANGELOS TSAVALOPOULOS

INSTITUTION OR BODY: RESEARCH EXECUTIVE AGENCY (REA)

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