

UPDATED NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 01/04/2016

CASE NUMBER: 2011-1077

INSTITUTION: FRA

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

Xavier CATALA (Acting Head of Human Resources and Legal Services Department)
European Union Agency for Fundamental Rights (FRA)
Schwarzenbergplatz 11, 1040 Vienna

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

Human Resources and Legal Services Department / Human Resources

3/ NAME OF THE PROCESSING

Reclassification of Temporary Agents and Contract Agents.

4/ PURPOSE OR PURPOSES OF THE PROCESSING

To conduct the yearly reclassification for temporary agents and contract agents.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Temporary agents eligible for reclassification, with the exception of those in a grade higher than AD13, and contract agents eligible for reclassification.

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

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

The list of staff members eligible for reclassification includes the following data: name, function group, grade, starting date, date of obtaining grade and number of years spent in grade. The list of the proposed staff members for reclassification includes the same data. The Joint Reclassification Committee (JRC) receives both abovementioned lists, the data contained in the Career Development Report (CDR) i.e. administrative data, job related data and appraisal related data and budgetary impact.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Every year, HR launches the Reclassification exercise.

HR notifies departments about reclassification possibilities and the list of eligible contract agents. Reporting Officers compare merits of eligible staff members and draft a list of staff proposed for reclassification. The draft list is discussed between the Director and a delegation appointed by the Staff Committee. Following the discussion, the Director communicates the draft list to the staff and submits it to the Joint Reclassification Committee. From the date of publication of the list, staff, who has not been proposed for reclassification, have five working days to lodge a complaint with the Joint Reclassification Committee. On receipt of the draft list, the Joint Reclassification Committee compares the merits of the eligible staff members, taking into account possible complaints, and makes a final draft list of the staff members it recommends for reclassification. On the basis of the recommendations made by the Joint Reclassification Committee, the Appointing Authority Authorised to Conclude Contracts of Employment (AHCC, i.e. Director) makes a final comparison of merits and, taking into account the budgetary resources available, adopts the list of contract agents to be reclassified. The list of the reclassified staff is published.

The procedure is similar for the reclassification of temporary agents.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS
(Rights of access, to rectify, to block, to erase, to object)

Data subjects have the right to access and rectify their personal data upon written request e.g. e-mail to the Chair of the Joint Reclassification Committee or to the Data Controller.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The processing of the information is done both manually on paper and electronically via e-mail and the FRA Intranet.

10/ STORAGE MEDIA OF DATA

All reclassification files are destroyed immediately after the end of the meeting(s) with the exception of the file of the Data Controller. This file is kept in a locked cupboard with restricted access to the Data Controller and Head of Sector HR. The individual letter signed by the Director to the person reclassified and the amendment to the contract of employment are put into the personal file of the staff member concerned. The Director's Reclassification decision is filed with the Quality Sector.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Articles 54 and 87 (3) of the Conditions of Employment of Other Servants, EB Decision 2016/01 and Commission Decision C(2014)2222 that FRA applies by analogy.

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

The recipients are the members of the Joint Reclassification Committee, a delegation appointed by the Staff Committee (restricted access), the HR staff dealing with reclassification exercise, the Director in his capacity of appointing authority and the PMO. The PMO receives the name, the personnel number, the grade, the step and the date of effect of the reclassified member. In case of an appeal, the data may be transferred to the Court of Justice of the European Communities.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The data are conserved for a period of 5 years, which is considered as necessary for appeals and other purposes related to reclassification. It is assumed that, within this period, the staff members have exhausted all possible legal remedies. The prospect of data being kept for statistical, historical or scientific reasons is excluded.

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

The personal data can be blocked immediately upon request of the data subject at any time during the procedure. At any point the data can be erased upon data subject's request provided there is no conflict with the defined procedure.

(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.

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):*

AS FORESEEN IN:

Article 27.2.(b)

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

17/ COMMENTS

List of Annexes:

Annex 1 - Reclassification for Temporary Agents

Annex 2 - Reclassification for Contract Agents

Annex 3 – Information Notice (revised)