



European Research Council
Executive Agency

Established by the European Commission

RECORD OF PERSONAL DATA PROCESSING

Art. 31 of the REGULATION (EU) 2018/1725 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (henceforth the "Data protection regulation")

Record n°

DPO 03 - 2019

In accordance with Article 31 of the data protection regulation, individuals whose personal data are processed by the Executive Agency in any context whatsoever are to be protected with regard to the processing of personal data and the Executive Agency has to keep records of their processing operations.

This record covers two aspects:

1. Mandatory records under Art 31 of the data protection regulation (recommendation: make the header and part 1 publicly available)
2. Compliance check and risk screening (initial; part 2 is internal only to the Agency, not published)

The ground for the record is (tick the relevant one):

- ☐ Regularization of a data processing operation already carried out
- ☐ Record of a new data processing operation prior to its implementation
- ☐ Change of a data processing operation
- ☒ Migration from notification to record

Evaluation of Probationary Period/Probation Report

1	Last update of this record if applicable	ARES(2017)52437 of 05/01/2017
2	Short description of the processing	The probation report process applies to each newcomer in the Agency or anyone who changes contract or administrative status. The probationary report itself aims at providing an objective summary assessment of the staff member's performance, competences and conduct during the initial period of the engagement. The main steps of the probationary period process are self-assessment, dialogue, probationary report, comments and signature. According to ERCEA's requirements, the report should be detailed for a clear and precise assessment and should highlight potential weaknesses and /or areas of improvement for the probationer.

		The ultimate purpose is to make sure that the staff member is suitable for a particular post and, more in general, for the service at the ERCEA.
(This part may be public) Part 1 - Article 31 Record		
3	Function and contact details of the controller	Head of Human Resources Unit: (ERCEA.D2) ERC-CDR@ec.europa.eu ERC-CAREER@ec.europa.eu
4	Contact details of the Data Protection Officer (DPO)	ERC-DATA-PROTECTION@ec.europa.eu
5	Name and contact details of joint controller (where applicable)	N/A
6	Name and contact details of processor (where applicable)	European Commission Directorate General Human Resources (DG HR) HR-RRH-EEAS-AND-EA-APPRAISAL@ec.europa.eu DIGIT DIGIT-SYSPER2-INTERNAL-SUPPORT@ec.europa.eu
7	Purpose of the processing	The purpose of processing the personal data of staff members is to meet the requirements of the Staff Regulations (SR) and the Conditions of Employment of other Servants of the European Communities (CEOS). The probation report itself aims at providing an objective summary assessment of the staff member's performance, competences and conduct during the initial period of the engagement. The ultimate purpose is to make sure that the staff member is suitable for a particular post and, more in general, for the service at the ERCEA. Although currently we don't keep statistics, the Controller or the ERCEA in general may further envisage anonymous statistical analyses with the purpose of improving the quality of the process and the management of Human Resources.
8	Description of the categories of data subjects	☒ EA staff (Contract and Temporary staff in active employment) ☐ Visitors to the EA ☐ Contractors providing goods or services ☐ Applicants ☐ Relatives of the data subject ☐ Complainants, correspondents and enquirers ☐ Witnesses ☐ Beneficiaries

		☐ External experts ☐ Contractors ☒ Other: Seconded Officials [TA 2(a)] recruited to a management position are required to serve a management probationary period of 9 months. However, if the official has already served a management probation period in previous duties, they will be exempt from a management probationary period in the Agency. N.B. The following staff is not concerned by the probation report (No probationary period is needed): <u>Non statutory staff</u> Seconded National Experts, Interim Agents, Trainees and Officials who are seconded from the European Commission are not concerned by this probationary period procedure. <u>Statutory staff</u> ▪ contract staff who already work in the ERCEA and change job while remaining within the same function group (internal mobility procedure); ▪ contract staff who previously worked for another European Institution as a contract agent 3(a) in the same function group, without interruption or with an interruption of six months or less, and who was confirmed in his or her post following a probationary period in this Institution; ▪ temporary staff who already work in the ERCEA and change job while remaining in their staff category (internal mobility procedure); ▪ temporary staff who previously worked for another European Institution as a temporary agent 2(f), who was confirmed in his or her post following a probationary period in this Institution.
9	Description of personal data categories Indicate all the categories of personal data processed and specify which personal data are being processed for each category (between brackets under/next to each category):	<i>Categories of personal data:</i> ☒ in the form of personal identification numbers (filled by the HR Unit in a Word document) [Personal Id, Job Number] ☒ in the form of broader identification data [Name, Last name, Personnel number, Administrative Status, Position of both the reporting and the countersigning officers, Department, Unit, Administrative address, Phone and Fax]. ☐ concerning the physical characteristics of persons as well as the image, voice or fingerprints ☐ concerning the data subject's private sphere ☐ concerning pay, allowances and bank accounts ☒ concerning recruitment and contracts [data arising from the employment contract (i.e. period of assignment, whether the probationary period is over or not, the category of staff etc.)] [length and reasons of breaks in service (which might contain generic info on sickness leave or maternity without reference to any medical conditions though)] ☒ concerning the data subject's family

	[data about maternity leave either collected or spontaneously received to justify extension of probationary period] ☒ concerning the data subject's career [working environment, description of tasks, self-assessment by the staff member on Achievement of objectives, personal development, evaluation by the reporting officer of staff member's achievement of objectives, personal development, efficiency, competencies, aspects of conduct, use of languages, overall summary, overall opinion of the reporting officer, recommendation of the decision of the reporting officer, additional comments of the jobholders, comments by the counter-signing officer] ☒ concerning leave and absences [data extracted from Sysper to establish the final date of the probationary period or spontaneously mentioned in the probation report by the staff member or the reporting officer] ☒ concerning missions and journeys ☐ concerning social security and pensions ☐ concerning expenses and medical benefits ☒ concerning telephone numbers and communications ☒ concerning names and addresses (including email addresses) ☒ Other: Where applicable (e.g. in case extension of the probationary period or dismissal): - Opinion of the Joint Reports Committee - Decision of the Director with potential comments Regarding Mid-term probationary period report (optional step in the process) In case the reporting officer decides to formalise the evaluation by means of the <i>ad hoc</i> evaluation form, the precise types of data collected and processed are the following: • Administrative Sections: Personal details and employment record of the jobholder: including Name, Last Name, Personnel number, Administrative status, Position, Department, Unit, Administrative address, Phone and Fax, Period of assignment; Name, Last name, Personnel number and Position of both the reporting and the countersigning officers. • Report Sections: Comments on Job environment, Job description, Description of tasks, Comments on objectives set in Sysper, Training needs; Evaluation by the reporting officer of staff member's personal
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		development, Efficiency, Competencies, Aspects of Conduct, General comments Additional comments of the jobholder Additional comments of the reporting officer. <i>Categories of personal data processing likely to present <u>specific risks</u>:</i> ☐ data relating to suspected offences, offences, criminal convictions or security measures ☒ data being used to evaluate personal aspects of the data subject (ability, efficiency, conduct: evaluation by the reporting officer of staff member's achievement of objectives, personal development, competencies, use of languages, overall summary) <i>Categories of personal data whose processing is <u>prohibited</u>, with exceptions (art. 10 new Regulation):</i> ☐ revealing racial or ethnic origin ☐ revealing political opinions ☐ revealing religious or philosophical beliefs ☐ revealing trade-union membership ☒ concerning health (only generic info on sickness leave or maternity without reference to any medical conditions or attached supporting documents for the sole purpose of establishing the final date of the probationary period) ☐ genetic data, biometric data for the purpose of uniquely identifying a natural person ☐ concerning sex life or sexual orientation <i>Specify any additional data or explanatory information on the data being processed, if any:</i> 1. For all staff subject to probationary period: ▪ Personnel number, Surname, First name, Staff category, Function Group, Start date of contract, End date of contract, end date of probationary period. ▪ Data processed via the reports: see the content of the forms in annex: - Annex 1 : Probation report form for contract agents - Annex 2 : Probation report form for temporary agents - Annex 3 : Mid-term / contribution probationary period report 2. Furthermore, for staff whose probationary report recommends dismissal or extension of the probationary period: ▪ Joint Reports Committee's opinion on the probationary period ▪ Final decision of the Director on the probation period.
10	Retention time (time limit for keeping the personal data)	Indicate the period of storage: ... The evaluation documents are considered integral part of the jobholder personal file (section career), for which the Common Retention Policy of the Commission – SEC(2019)900 is applied by analogy.

		ERCEA foresees the following retention period: evaluation documents are retained for 8 years after the extinction of all rights of the person concerned and of any dependants, and for at least 100 years after the date of recruitment of the person concerned. <i>In case you intend to FURTHER process the personal data for a compatible purpose with the 'initial' one, please also indicate this retention period if different</i> The ERCEA may envisage anonymous statistical analyses with the purpose of improving the quality of the processes and the management of Human Resources. However, retention periods mentioned above will not be increased. Is any further processing for archiving purposes in the public interest, historical, statistical or scientific purposes envisaged? ☐ yes ☒ no <i>If yes, indicate the further retention time: ...</i> If the answer is yes, please go to Part 2 Compliance check, Storage and Security for technical safeguards.
11	Recipients of the data	- Staff member subject to a probation report - Reporting officer (staff member's direct superior) - Countersigning officer (direct superior of the staff member's direct superior) - The Authority Authorised to Conclude Contracts of Employment (i.e. the ERCEA Director) - Members of the Joint Reports Committee (including members designated by DG RTD) - Authorised personnel of HR unit (Head of HR unit and HR staff in charge of the probationary report process) - Authorised personnel of DG HR in their capacity of processors and in the context of management of SYSPER data.
12	Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?	<i>E.g. processor in a third country using an adequate decision, standard contractual clauses, binding corporate rules, a third country public authority you cooperate with based on existing legislation/agreement. If needed, consult your DPO for verifying the legal basis and for more information on how to ensure safeguards.</i> N/A
13	<u>General</u> description of the technical and organisational security measures	Include a general description of your technical and organisational security measures that you could also provide to the data subjects and general public. Physical security: All the information systems listed below are hosted in the DIGIT Datacentre. Access to the DIGIT Datacentre is restricted to authorised staff in DIGIT and it is controlled by badge plus pin code. Logical security: ▪ <u>Outlook</u>: The user needs to log onto the Windows Environment or onto the Outlook WebApp (available via https://myremote.ec.europa.eu and protected via a two way authentication methodology) to have access to his/her email account. In addition, HR Unit recommends to all the stakeholders involved in the process to exclusively use encrypted (SECEM) security system.

		▪ <u>Sysper</u>: is protected with the European Commission's EU login authentication system. The access right system in Sysper is customised in order to restrict the access to the files to the authorised people. ▪ <u>ARES</u>: is protected with the European Commission's EU login authentication system. In Ares, a handling restriction with "Staff Matter" marking is applied to all files in order to restrict the access to the authorised people. ▪ <u>ERCEA HR share drive</u>: Access to restricted data on the ERCEA HR share drive is only given to authorised staff members of the HR Unit in charge of the monitoring of the processes. ▪ Paper file storage: A binder containing hard copies of previous probation reports of some staff members (the ones that are not available in Sysper and dated before the use of Sysper for the probation period) is stored in a locked cabinet of the HR Offices (Career Team and some colleagues of Recruitment Team).
14	Information to data subjects/Specific Privacy Statement (SPS)	A Specific Privacy Statement on probationary period is published on the intranet of the Agency. 1) at the Probation Period Section of the the Career Development page: http://intranet.ercea.cec.eu.int/services/human-resources/career/Pages/Career-development.aspx#anchor2 2) under the Career Privacy Statements section of the Privacy & Data Protection page: http://intranet.ercea.cec.eu.int/services/human-resources/priv/Pages/default.aspx Additionally, reporting officers are requested to attach or give the link to the privacy statement to the probationer when sending him/her the request to fill in his/her self-assessment.