

## **PRIVACY STATEMENT FOR STAFF EVALUATION PROCEDURES RELATING TO THE PROBATIONARY PERIOD**

**This privacy statement provides information relating to the processing of personal data of the staff of the European Institute of Innovation and Technology (EIT) when managing data related to the probationary period. The processing of personal data of EIT staff follow the provision of Regulation (EC) No 45/2001 on the protection of personal data by the European Union's institutions and bodies.**

### **What is personal data and what is a personal data processing operation?**

**Personal data** shall mean any information relating to an identified or identifiable natural person ('data subject'). An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his or her physical, physiological, mental, economic, cultural or social identity.

**Personal data processing operations** can be any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organisation, storage, adaptation or alteration, retrieval, consultations, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction.

### **Who is the controller of the data collection?**

Head of Unit Services and Finance

### **What is the purpose of the personal data collection?**

The main purpose of processing personal data with reference to the assessment of probationary staff is to assess the ability, efficiency and conduct in the service of the EIT staff members during their probationary period.

Therefore, the purpose for the collection of data for the completion of the probationary period report is to assess whether the temporary/contract staff member has shown adequate qualities to justify retention in his/her function, whether, in exceptional circumstances, the probationary period should be extended or whether the staff member should be dismissed or (in case of management positions) re-assigned to a non-management function.

### **Who are the data subjects?**

The data subjects are the staff members of the EIT: temporary agents - except for those who are seconded in the interest of the service, contract agents and seconded national experts.

### **What personal data are collected?**

Personal data: name (first, maiden and family name), personnel number, career history (department at the EIT, position (category/grade), type of employment contract, administrative address and telephone.

Special categories data: data relating to the evaluation of personal aspects of the data subject (abilities, efficiency and conduct) and data relating to the exclusion of individuals from a right, benefit or contract (e.g. no managerial allowance in case of re-assignment to non-management post).

No medical data is processed.

### **What happens if requested data is not provided?**

If the staff member fails to reply to question by the controller he/she may be excluded from a benefit (e.g. retention in his/her function).

### **Who has access to the personal data (data recipients)?**

#### **1) EU institutions and bodies:**

**Within the EIT:** EIT HR, Head of Unit Services and Finance, Director of the EIT, Internal auditor, EIT Governing Board members

**Within the Commission:** Internal Audit Service of the EC, DG EAC and other EC staff members as reporting officer/countersigning officer, Legal Service, DG HR IDOC, OLAF

**Within other EU institutions and bodies:** Court of Auditors, Civil Service Tribunal, General Court, European Court of Justice, European Ombudsman, European Data Protection Supervisor

#### **2) Third parties subject to Directive (EC) 95/46: External lawyers**

Concerning the external lawyers, it should be noted that personal data relating to the probation of a staff member may be disclosed only in very exceptional circumstances e.g. in case the specific assistance of a law firm is necessary. Evidently, in such cases a written contract (following the models of the Commission including a specific article on data protection) is signed between the EIT and the law firm in order to ensure that that Article 23 of the Regulation is respected by the data processor.

#### **3) Third parties not subject to Directive (EC) 95/46: n/a**

### **What are the rights of the data subjects? Who should be contacted in case of queries or complaints?**

In accordance with the Staff Regulations, staff members have access to their personal files, therefore, as a general rule, the data subjects have the right for information and the right to access their personal data. In addition, the jobholders have the right for rectification and the right for erasure of their inaccurate or incomplete factual personal data.

During the procedure of the assessment of probationary staff, the data subject is informed about his/her assessment and is given the possibility to make comments at several occasions in the procedure.

After the closure of the procedure for the assessment of the probationary staff, personal data related to assessment of the duties, conduct and efficiency in the service cannot be rectified or erased, while factual personal data related to the identification of the jobholder can be rectified at any time during the procedure and while the data is kept by the EIT.

The rights of data subjects can be practised only based on a written request. They cannot result in unequal treatment and cannot be exercised in way that is contrary or harmful to the aim of the procedure or to its confidentiality.

In case of any queries concerning the processing of personal data, the jobholders may send their written requests to [HR@eit.europa.eu](mailto:HR@eit.europa.eu). Such requests for access, rectification, erasure and blocking etc. are handled within 5 days after receiving the request.

The data subjects have the right of recourse at any time to the Data Protection Officer of the EIT ([EIT-DPO@eit.europa.eu](mailto:EIT-DPO@eit.europa.eu)) and to the European Data Protection Supervisor ([EDPS@edps.europa.eu](mailto:EDPS@edps.europa.eu)) for matters relating to the processing of their personal data.

### **What is the legal basis of the processing?**

- a. Conditions of Employment of Other Servants of the European Communities (CEOS) in the case of temporary and contract agents, Articles 14(1) and 84
- b. General implementing provisions on the procedures governing the engagement and the use of contract staff at the European Institute of Innovation and Technology (EIT)
- c. General implementing provisions on the procedure governing the engagement and the use of Temporary agents at the European Institute of Innovation and Technology (EIT)
- d. General implementing provisions on the procedure governing the middle management staff at the European Institute of Innovation and Technology (EIT)
- e. Decision concerning the appraisal for the Director of the European Institute of Innovation and Technology (EIT)

### **Grounds for lawfulness:**

Article 5(a) of Regulation (EC) 45/2001: the assessment of probationary staff is necessary for the performance of the tasks carried out in the public interest on the basis of the Treaties or other instruments adopted on the basis thereof.

### **For how long the data is retained?**

The information related to probation report is kept in the personal file.

The probationary reports are kept for 5 years after the end of the period during which a staff member is in active employment.