



European Labour Authority

DATA PROTECTION OFFICER

RECORD OF PROCESSING OPERATIONS ON PERSONAL DATA

DPR-ELA-2023-0001 Probationary period and appraisal of ELA Staff

1 PART 1: PUBLIC - RECORD (ARTICLE 31¹)**1.1 GENERAL INFORMATION**

Record reference	DPR-ELA-2023-0001
Title of the processing operation	Probationary period and appraisal of ELA Staff
Controller entity	European Labour Authority, Resources Unit, HR Sector (ELA HR Sector)
Joint controllers	☒ N/A ☐ YES, fill in details below
Processor(s)	☐ N/A ☐ YES, fill in details below
Internal organisation(s)/entity(ies) Names and contact details	☒ N/A ☐ YES
External organisation(s)/entity(ies) Names and contact details	☐ N/A ☒ YES Microsoft Ireland South County Business Park, One Microsoft Place, Carmanhall and Leopardstown, Dublin, D18 P521, Ireland The European Labour Authority's contractors are bound by a specific contractual clause for any processing operations of personal data on behalf of the European Labour Authority, and by the confidentiality obligations deriving from the General Data Protection Regulation.
Data Protection Officer Name and contact details	Laura NUNEZ BAREZ European Labour Authority Landererova 12, 811 09 Bratislava I Slovakia Email: data-protection@ela.europa.eu
Corporate Record	☐ Yes ☒ No
Language of the record	English

¹ Pursuant to **article 31** of the new data protection regulation for EU institutions and bodies (**Regulation (EU) 2018/1725**) each controller and processor have to maintain a **record of processing activities** under its responsibility that contains at least the information listed under that article.

1.2 PURPOSE AND DESCRIPTION OF THE PROCESSING

1.2.1 Purpose

This record aims to cover the process of personal data related to the appraisal and probationary period of ELA Staff.

The main purposes are:

- **Probationary exercise:** to evaluate the jobholder(data subject)'s efficiency, competencies and conduct in the service in the initial phase of his/her contract (9 months probationary period) and assess whether his/her contract shall be confirmed.
- **Appraisal exercise:** to evaluate the jobholder's efficiency, competencies and conduct in the service for the annual appraisal.

1.2.2 Processing for further purposes

- ☒ Archiving in the public interest
- ☒ Scientific or historical research purposes
- ☒ Statistical purposes
- ☐ N/A

Safeguards in place to ensure data minimisation

- ☐ Pseudonymisation
- ☐ Any other, specify

1.2.3 Modes of processing

1. ☒ Automated processing (Article 24)
 - a. ☒ Computer/machine
 - i. ☐ automated individual decision-making , including profiling
 - ii. ☒ Online form/feedback
 - iii. ☐ Any other, specify
2. ☒ Manual processing
 - a. ☒ Word documents
 - b. ☒ Excel sheet
 - c. ☐ Any other, specify
3. ☐ Any other mode, specify

1.2.4 Storage medium

1. ☒ Paper
2. ☒ Electronic
 - a. ☐ Digital (MS documents (Word, excel, Powerpoint), Adobe pdf, Audiovisual/multimedia assets, Image files (.JPEG, .PNG, etc.))
 - b. ☐ Databases
 - c. ☐ Servers
 - d. ☒ Cloud
3. ☐ External contractor premises
4. ☐ Others, specify

Description:

Description of the process related to the probationary period described in Article 9 of the Decision of the European Labour Authority of 3 December 2019.

1.3 DATA SUBJECTS AND DATA CATEGORIES**1.3.1 Data subjects' categories**

1. Internal to organisation	ELA Staff
2. External to organisation	☒ N/A

1.3.2 Data categories/fields

The personal data collected are the following:

- Name, last name, personnel number
- Grade, step and seniority in the service
- Job title
- Job category and main tasks
- Objectives, efficiency, abilities and conduct in the service
- Special category of the data in case of probationary period extension due to maternity or sick leave (as provided for in Article 34(1) Staff Regulations, and Art 14 and Art.84 of Conditions of Employment of Other Servants).

1.3.2.1 Special categories of personal data

Indicate if the processing operation concerns any 'special categories of data' which fall(s) under Article 10(1), which shall be prohibited unless any of the reasons under article 10(2) applies:

☒ **Yes , the processing concerns the following special category(ies):**

Data revealing

- ☐ racial or ethnic origin,
- ☐ political opinions,
- ☐ religious or philosophical beliefs,
- ☐ trade union membership,

Or/and,

- ☐ Genetic data, biometric data for the purpose of uniquely identifying a natural person,
- ☒ Data concerning health,
- ☐ Data concerning a natural person's sex life or sexual orientation.

Description:

Special category of the data in case of probationary period extension due to maternity or sick leave (as provided for in Article 34(1) Staff Regulations, and Art 14 and Art.84 of Conditions of Employment of Other Servants).

If applicable, indicate the reasons under article 10(2) allowing the processing of the special categories of data:

- (a) ☐ The data subject has given explicit consent to the processing of those personal data for one or more specified purposes, [...].
- (b) ☒ Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security[...].

- (c) ☐ Processing is necessary to protect the vital interests of the data subject or of another person where the data subject is physically or legally incapable of giving consent.
- (d) ☐ Processing is carried out in the course of its legitimate activities with appropriate safeguards by a non-profit-seeking body which constitutes an entity integrated in a Union institution or body and with a political, philosophical, religious or trade-union aim [...].
- (e) ☐ Processing relates to personal data which are manifestly made public by the data subject.
- (f) ☐ Processing is necessary for the establishment, exercise or defense of legal claims or whenever the Court of Justice of the European Union is acting in its judicial capacity.
- (g) ☐ Processing is necessary for reasons of substantial public interest, [...]
- (h) ☐ Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services [...].
- (i) ☐ Processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices [...].
- (j) ☐ Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes [...].

1.3.2.2 Data related to 'criminal convictions and offences'

The data being processed contain sensitive data which fall(s) under Article 11 'criminal convictions and offences'	N/A ☒ Yes ☐
Description:	

1.4 RETENTION PERIOD

Indicate the administrative time limit(s) for keeping the personal data per data category, and if known, specify the start/end date, or describe the specific start/end moment of each time limit:

Data category	Retention period
Probationary and appraisal reports related personal data	are kept in data subject's personal file. The data will be eliminated after 10 years of the termination of employment or the last pension payment.

Description

Following ELA filing plan and specific retention list: ELA.6.5.1 Personnel files File for each staff member, opened when they take up their duties and kept open until their service is finished, personal data will be eliminated after 10 years of the termination of employment or the last pension payment.

1.5 RECIPIENTS

Origin of the recipients of the data	
1. ☒ Within the EU organization	Staff members of the HR Sector (for administrative follow up purposes only) ELA Legal service (for legal support and advice, if needed) - Executive Director (as Appointment authority to conclude contracts, AACC) - Reporting Officers (Responsible Head of Unit)

	- Contributors to the report (i.e. Head of Sector or equivalent) - ELA Joint Reclassification Committee
2. ☒ Outside the EU organization	External lawyer

Categories of the data recipients
1. ☒ A natural or legal person 2. ☐ Public authority 3. ☐ Agency 4. ☒ Any other third party, specify Specify who has access to which parts of the data:

Description

Access to personal data is limited to the persons authorized only or those who have a need to know. Any recipient of the data is bound by the rules set in the Staff Regulations and, where appropriate, any additional rules on confidentiality. Furthermore, any recipient of the data shall be reminded of their obligation not to use the data received for other purposes than the one for which they were transmitted.

All data categories will be shared with the Joint Reclassification Committee in relation with reclassification exercise. This process is covered by Record DPR-ELA-2022-0030 Staff promotion and reclassification procedure.

If the decision is challenged before the European Court of Justice, the relevant file may be sent to a lawyer contracted for that purpose.

1.6 INTERNATIONAL DATA TRANSFERS

Transfer to third countries or international organisations of personal data
1. Transfer outside of the EU or EEA ☒ N/A, transfers do not occur and are not planned to occur ☐ YES,
2. Transfer to international organisation(s) ☒ N/A, transfers do not occur and are not planned to occur ☐ Yes, specify further details about the transfer below
3. Derogations for specific situations (Article 50.1 (a) –(g)) ☒ N /A ☐ Yes, derogation(s) for specific situations in accordance with article 50.1 (a) –(g) apply (ies).

1.7 INFORMATION TO DATA SUBJECTS ON THEIR RIGHTS

Rights of the data subjects

Article 17 – Right of access by the data subject

Article 18 – Right to rectification

Article 19 – Right to erasure (right to be forgotten)

Article 20 – Right to restriction of processing

Article 21 – Notification obligation regarding rectification or erasure of personal data or restriction of processing

Article 22 – Right to data portability

Article 23 – Right to object

Article 24 – Rights related to Automated individual decision-making, including profiling

1.7.1 Privacy statement

☒ The data subjects are informed about their rights and how to exercise them in the form of the a privacy statement attached to this record.

Publication of the privacy statement

☒ Published on website

Web location:

- ELA internal website ☒ (URL: SharePoint on Personal Data Protection)
- External website ☒ (URL: <https://www.ela.europa.eu/en/privacy-policy>)

☒ Other form of publication, specify

The Privacy Statement will be published in the internal space of HR Sector and will be attached to the announcement of the appraisal/probationary report exercise.

☒ Guidance for Data subjects which explains how and where to consult the privacy statement is available and will be provided at the beginning of the processing operation.

Guide on data subjects' rights available at ELA.

1.8 SECURITY MEASURES

Short summary of overall Technical and Organizational Measures implemented to ensure Information Security:

Description:

All data in electronic format (e-mails, documents, uploaded batches of data etc.) are stored either on the servers of the European Labour Authority or of its contractors.

The European Labour Authority's contractors are bound by a specific contractual clause for any processing operations of personal data on behalf of the European Labour Authority, and by the confidentiality obligations deriving from the General Data Protection Regulation.

In order to protect personal data, the European Labour Authority has put in place a number of technical and organisational measures. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

In particular for this process:

Throughout this procedure only authorised people are attributed access rights and only on a "need-to-know" basis. Any possible security measure is taken to prevent any improper use of or unauthorized access to the electronic file. Procedure-related documents are kept in a secure environment.