



European Labour Authority

DATA PROTECTION OFFICER

RECORD OF PROCESSING OPERATIONS ON PERSONAL DATA

DPR-ELA-2023-0002 Probationary period and appraisal of ELA Executive Director

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

Record reference	DPR-ELA-2023-0002
Title of the processing operation	Probationary period and appraisal of ELA Executive Director
Controller entity	European Labour Authority, Resources Unit, HR Sector (ELA HR Sector)
Joint controllers	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES, fill in details below
Processor(s)	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES, fill in details below
Internal organisation(s)/entity(ies) Names and contact details	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES
External organisation(s)/entity(ies) Names and contact details	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> 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
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 Executive Director.

The main purposes are:

- **Probationary exercise and management trial period:** to evaluate the Executive Director'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.
- **Annual appraisal exercise:** to evaluate the Executive Director'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 annual appraisal and the probationary period and management trial period described in particular Decision of the European Labour Authority, Decision No 7/2020 of 24 March 2020 of the Management Board of the European Labour Authority concerning

the annual appraisal, probationary and management trial period of the Executive Director of the Authority.

Specific procedure:

The Management Board shall designate at three **reporting officers** from among its members, including one representative of the European Commission. The reporting officers carry out the appraisal/management trial report of the ED, after the dialogue they draw a report/probationary report. In case of appeal, the appeal assessor makes the final decision.

The **appeal assessor** shall be the Chairperson of the Management Board.

1.3 DATA SUBJECTS AND DATA CATEGORIES

1.3.1 Data subjects' categories

1. Internal to organisation	ELA Executive Director
2. External to organisation	Reporting officers (members of the ELA Management Board) Appeal assessor (Chairperson of the ELA Management Board)

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
- Report/Probationary report , allegation and final report
- 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) for an extension of the probationary period to 15 months.

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 <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
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. <input checked="" type="checkbox"/> 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)
2. <input checked="" type="checkbox"/> Outside the EU organization	External lawyer

Categories of the data recipients	
1. <input checked="" type="checkbox"/> A natural or legal person	
2. <input type="checkbox"/> Public authority	
3. <input type="checkbox"/> Agency	
4. <input checked="" type="checkbox"/> 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.

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	
<input checked="" type="checkbox"/> N/A, transfers do not occur and are not planned to occur	
<input type="checkbox"/> YES,	
Country(ies) to which the data is transferred	
2. Transfer to international organisation(s)	
<input checked="" type="checkbox"/> N/A, transfers do not occur and are not planned to occur	
<input type="checkbox"/> Yes, specify further details about the transfer below	
Names of the international organisations to which the data is transferred	
3. Legal base for the data transfer	
<input type="checkbox"/> Transfer on the basis of the European Commission's adequacy decision (<i>Article 47</i>)	

<input type="checkbox"/> Transfer subject to appropriate safeguards (<i>Article 48.2 and .3</i>), specify: <ol style="list-style-type: none"> 2. (a) <input type="checkbox"/> A legally binding and enforceable instrument between public authorities or bodies. Standard data protection clauses, adopted by <ol style="list-style-type: none"> (b) <input type="checkbox"/> the Commission, or (c) <input type="checkbox"/> the European Data Protection Supervisor and approved by the Commission, pursuant to the examination procedure referred to in Article 96(2). (d) <input type="checkbox"/> Binding corporate rules, <input type="checkbox"/> Codes of conduct , <input type="checkbox"/> Certification mechanism pursuant to points (b), (e) and (f) of Article 46(2) of Regulation (EU) 2016/679, where the processor is not a Union institution or body. 3. Subject to the authorisation from the European Data Protection Supervisor: <ol style="list-style-type: none"> <input type="checkbox"/> Contractual clauses between the controller or processor and the controller, processor or the recipient of the personal data in the third country or international organisation. <input type="checkbox"/> Administrative arrangements between public authorities or bodies which include enforceable and effective data subject rights. <input type="checkbox"/> Transfer based on an international agreement (<i>Article 49</i>), specify
4. Derogations for specific situations (<i>Article 50.1 (a) –(g)</i>) <input checked="" type="checkbox"/> N /A <input type="checkbox"/> 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
<i>Article 17 – Right of access by the data subject</i>
<i>Article 18 – Right to rectification</i>
<i>Article 19 – Right to erasure (right to be forgotten)</i>
<i>Article 20 – Right to restriction of processing</i>
<i>Article 21 – Notification obligation regarding rectification or erasure of personal data or restriction of processing</i>
<i>Article 22 – Right to data portability</i>
<i>Article 23 – Right to object</i>
<i>Article 24 – Rights related to Automated individual decision-making, including profiling</i>

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.