



RECORD OF A PERSONAL DATA PROCESSING ACTIVITY

according to Article 31 of [Regulation \(EU\) 2018/1725](#)

Title

Performance Management of Statutory staff - probationary period & performance dialogue cycle

1) Controller(s)¹ of data processing activity (Article 31.1(a))

EFSA unit in charge of the processing activity: Human Capital Unit (HuCap)

EFSA Data Protection Officer (DPO): DataProtectionOfficer@efsa.europa.eu

Is EFSA a co-controller? **No**

If yes, indicate who is EFSA's co-controller:

2) Who is actually conducting the processing? (Article 31.1(a))

The data is processed by EFSA itself

Indicate the EFSA units or teams involved in the data processing:

The Reporting Officer, the Countersigning Officer, ServiceDesk staff for assistance on the use of the electronic tool, Talent Development staff and the relevant HR Business Partner in the HUCAP Unit, the Executive Director

The processing operation is conducted together with an external party

Please provide below details on the external involvement:

3) Purpose of the processing (Article 31.1(b))

Personal data is processed in order to implement the Probationary Period Dialogue and Performance Dialogue processes for statutory staff at EFSA. The Performance Dialogue is illustrated in the toolkit for staff available on DMS. Further use of the Performance Dialogue data considered compatible with the initial purpose includes the use in the context of promotion and reclassification, as well as for the blocking of the advancement in step in the sense of Article 44(1) of the Staff Regulations in case the Jobholder's performance is assessed as unsatisfactory.

4) Legal basis and lawfulness of the processing (Article 5(a)–(d)):

Processing necessary for:

¹ The controller decides on the purposes and means of the data processing. In case of joint controllership (e.g. systems of the European Commission applied by EFSA or jointly with another agency), EFSA is a co-controller.

- (a) a task carried out in the public interest or in the exercise of official authority vested in EFSA
- (b) compliance with a legal obligation to which EFSA is subject
- (c) performance of a contract with the data subject or to prepare such contract
- (d) The data subject has given consent (ex ante, explicit, informed)

Further details on the legal basis:

- Staff Regulations (1 January 2017) - Articles 43, 44, 45 (linked to Performance Dialogue cycle)
- Staff Regulations (1 January 2017) – Articles 14, 34, 84 (linked to Probationary Period)
- Decision of the Management Board of 19 June 2015 laying down general provisions for implementing article 43 of the staff regulations and implementing the first paragraph of article 44 of the staff regulations for officials and temporary staff
- Decision of the Management Board of 19 June 2015 laying down general provisions for Implementing Article 87 (1) of the conditions of employment of other servants of the European Union and implementing the first paragraph of Article 44 of the Staff Regulations
- Decision of the Management Board of 1 September 2017 laying down general implementing provisions regarding Article 54 of the Conditions of Employment of Other Servants of the European Union
- Decision of the Management Board of 1 September 2017 laying down general implementing provisions regarding Article 87(3) of the Conditions of Employment of Other Servants of the European Union

5) Description of the categories of data subjects (Article 31.1(c))

Whose personal data are processed?

- EFSA statutory staff
- Other individuals working for EFSA (consultants, trainees, interims, experts)
- Stakeholders of EFSA, including Member State representatives
- Contractors of EFSA providing goods and services
- The general public, including visitors, correspondents, enquirers
- Relatives of the data subject
- Other categories of data subjects (please detail below)

Further details concerning the data subjects whose data are processed:

6) Type of personal data processed (Article 31.1(c))

a) General personal data

The personal data concerns:

Name, contact details and affiliation	<input checked="" type="checkbox"/>
Details on education, expertise, profession of the person	<input checked="" type="checkbox"/>
Curriculum vitae	<input checked="" type="checkbox"/>
Financial details	<input type="checkbox"/>
Family, lifestyle and social circumstances	<input type="checkbox"/>
Goods and services the person provides	<input type="checkbox"/>
Other personal data (please detail):	<input type="checkbox"/>
b) Sensitive personal data (Article 10)	
The personal data reveals:	
Racial or ethnic origin of the person	<input type="checkbox"/>
Political opinions or trade union membership	<input type="checkbox"/>
Religious or philosophical beliefs	<input type="checkbox"/>
Health data or genetic or biometric data	<input type="checkbox"/>
Information regarding the person's sex life or sexual orientation	<input type="checkbox"/>
<i>Further details concerning the personal data processed:</i>	
Jobholder's objectives: objective setting and definition of development needs of the jobholder;	
Jobholder's appraisal report, comprising the self-assessment of the jobholder, appraisal by the Reporting Officer, on a case-by-case basis the opinion of the Countersigning Officer, further commenting and approval by the Jobholder. It should be specified that the opinion of the Countersigning Officer is required (1) in case the Jobholder appeals against the Reporting Officer's assessment and (2) where the overall performance is assessed as unsatisfactory, blocking the Jobholder's advancement in step in application of Article 44(1) of the Staff Regulations.	
Jobholder's information of the use of language. For TAs and Officials, a certification (B2) to work in a 3rd language is required.	

7) Recipients of the data (Article 31.1(d))	
Line managers of the data subject	<input checked="" type="checkbox"/>
Designated EFSA staff members	<input checked="" type="checkbox"/>
Other recipients (<i>please specify</i>):	<input type="checkbox"/>
1) As long as the Performance Dialogue process is ongoing (i.e. throughout the different	

stages of the Performance Dialogue): the Jobholder, the Reporting Officer, the Countersigning Officer, ServiceDesk staff for assistance on the use of the electronic tool, Talent Development staff and the relevant HR Business Partner in the HUCAP Unit, the Executive Director;

2) Once the Performance Dialogue Objectives are accepted and the Performance Appraisal report is completed: the Reporting Officer and the Head of Department under whom the jobholder resorts, Talent Development staff, the relevant HR Business Partner in the HUCAP Unit. There may be other recipients upon request, namely: the EFSA Internal Auditor, the Joint Promotion and Reclassification Committee concerning the appraisals of staff members proposed for promotion/reclassification and/or lodging an appeal against non-inclusion on the draft list of proposed people for promotion/reclassification, the disciplinary board, institutions or bodies having a legitimate purpose of audit, of the exercise of supervisory tasks or in charge of judicial proceedings, namely: the Internal Audit Service, the EU Court of Auditors, the EU Ombudsman, OLAF, the EU Court of Justice and EU Civil Service Tribunal, the European Data Protection Supervisor.

8) Transfers to recipients outside the EEA (Article 31.1 (e))

Data are transferred to third country recipients:

Yes No

If yes, specify to which third country:

If yes, specify under which safeguards:

- | | |
|--|--------------------------|
| Adequacy Decision of the European Commission | <input type="checkbox"/> |
| Standard Contractual Clauses | <input type="checkbox"/> |
| Binding Corporate Rules | <input type="checkbox"/> |
| Memorandum of Understanding between public authorities | <input type="checkbox"/> |

9) Technical and organisational security measures (Article 31.1(g))

How is the data stored?

- | | |
|--|-------------------------------------|
| On EFSA's Document Management System (DMS) | <input checked="" type="checkbox"/> |
| On a shared EFSA network drive or in an Outlook folder | <input type="checkbox"/> |
| In a paper file | <input checked="" type="checkbox"/> |
| Using a cloud computing solution (please detail the service provider and main characteristics of the cloud solution, e.g. public, private) | <input type="checkbox"/> |

On servers of an external service provider	<input type="checkbox"/>
On servers of the European Commission or of another EU Institution	<input type="checkbox"/>
In another way (<i>please specify</i>):	<input type="checkbox"/>

Please provide some general information on the security measures applied:

For the Performance Dialogue, the data on annual objectives and appraisals are stored in EFSA's Performance Dialogue IT tool, on EFSA's servers.
The probationary period appraisal is paper-based.

10) Retention period (Article 4.1 (e))

The completed Performance Dialogue Objectives and Appraisal report is kept for the entire career duration of the jobholder, plus nine months after the end of his/her employment. This retention period applies both to the printed files inserted in the personal file and the electronic tool. For practical file management reasons, the physical elimination of paper versions from the personal files is carried out by HUCAP on a yearly basis.

The probationary period report is placed in the personal file and will remain there for a period of 2 years.

11) Consultation with the Information Security Officer

Was the ISO consulted on the processing operation ?

Yes No

If yes, please provide some details on the consultation with the ISO:

12) Information given to data subjects (Articles 15 and 16)

Has information been provided to data subjects on the way their data is processed including how they can exercise their rights (access, rectification, objection, data portability)? Usually this information is provided in a Privacy Statement, specifying the controller's contact details. As possible, please provide a link to the relevant Privacy Statement or a description.

Information on the DS rights of access and rectification is provided in the Privacy Statement, which forms part of SOP-045 on Performance Management of Statutory Staff at EFSA.

Last update of this record: 21/02/2020

Reference: DPO/HR/2