

# Record of Personal Data Protection of Personal Data Processing Activity, pursuant to Article 31 of Regulation (EU) 2018/1725<sup>1</sup>

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NAME OF PROCESSING OPERATION: Processing of personal data in the context of probationary reports, managerial probationary reports and the annual appraisal of staff

## I. GENERAL INFORMATION

### 1) Contact Details of Controller(s)

Name: The European Banking Authority, represented by Executive Director/Acting Executive Director

Email Address: [ExecutiveOffice@eba.europa.eu](mailto:ExecutiveOffice@eba.europa.eu)

### 2) Contact Details of Processor

*Who is actually conducting the processing?*

The data is processed by:

The EBA itself: The Human Resources Unit will be conducting the processing activity.

Email address: [hrteam@eba.europa.eu](mailto:hrteam@eba.europa.eu)

In the case of appeals, the individual email address of the HR Unit member dealing with the appeal will be used.

## II. DESCRIPTION & PURPOSE OF PROCESSING

### 3) Description of Processing

The EBA deals with the evaluation of staff through the probationary report when a temporary or contract agent takes up duties or changes to a new contract, when a staff member takes up the role as a manager and through the annual performance appraisal exercise.

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<sup>1</sup> 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

**4) Purpose of processing**

*Why are the personal data being processed?*

*Specify the rationale and underlying reason for the processing*

- Staff administration
- Relations with external parties
- Procurement, finance and accounting
- Administration of membership records
- Auditing
- Information administration

Other (please give details):

Temporary and contract agents (staff members hereon in) are subject to serving a probationary period when taking up duties or changing contract. The probationary report evaluates the staff members' ability to perform the job successfully and to assess if their performance meets the needs and expectations of the service.

Newly appointed managers are also subject to carrying out a mid-term and final managerial probationary report to assess if the staff member has the qualities to carry out a management role effectively.

Staff members are subject to a written performance report drawn up each year to evaluate their ability, efficiency and conduct in the service.

An SNE or an SNE's employer may request an appraisal annually.

**5) Lawfulness of Processing**

*Article 5 of Regulation (EU) 2018/1725*

A. Legal Basis justifying the processing:

- Regulation (EU) No 1093/2010 of the European Parliament and the Council of 24 November 2010 establishing the EBA, especially Article 68 thereof ;
- Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community, in particular Articles 43 and Articles 14, 15, 84 and 87 of the Conditions of Employment of Other Servants (CEOS);
- Decision EBA/DC/2015/127 of the Management Board of 15 September 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 temporary staff;
- Decision EBA/DC/2015/128 of the Management Board of 15 September 2015 on 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 for contract staff;

- Decision EBA DC 180 of the Management Board of 4 April 2017 on adoption by analogy of Commission Decision C(2016)7270 amending Commission Decision C(2013)8985 laying down provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations;
- Decision EBA/DC/239 of the Management Board of 12 September 2018 on middle management staff;
- Decision EBA DC 304 of the Management Board on the Secondment of National Experts of 13 December 2019, in particular Article 23.

B. Processing is necessary:

- for the performance of a task carried out in the public interest
- for compliance with a legal obligation to which the Controller is subject
- for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract
- in order to protect the vital interests of the data subject or of another natural person

Or

- Data subject has given his/her unambiguous, free, specific and informed consent

### III. CATEGORIES OF DATA SUBJECTS & PERSONAL DATA

#### 6) Categories of Data Subjects

*Please tick all that apply and give details where appropriate*

- EBA Temporary Agents or Contract Agents
- SNEs
- Visitors to the EBA (BoS, MB, Working Groups, Sub-Groups, Seminars, Events, other)  
If yes, please specify:
- Providers of good or services
- Complainants, correspondents and enquirers
- Relatives and associates of data subjects

Other (please specify): SNEs can carry out the appraisal on a voluntary basis.

## 7) Categories of personal data

*Please tick all that apply and give details where appropriate*

### (a) General personal data:

The personal data contains:

Personal details (name, address etc.):

Probationary report/managerial probationary report: Probationer's details: First name, surname, personnel number

Appraisal: Staff member's first name and surname

Education & Training details:

Probationary report/managerial probationary report: Principal language used at work

Appraisal: Training requested and completed during the appraisal period, languages used at work and level of competence, learning and development objectives,

Employment details:

Probationary report/managerial probationary report: Period of the probationary report and dates from and to, job title, unit/department, category, grade, work details and objectives: indication of the main objectives/tasks accomplished during the probationary period.

Appraisal: Appraisal year, beginning, mid-year and end date for appraisal period, period covered by the report, function group: AD/AST, grade, seniority in grade, statutory link: temporary or contract agent, data relating to working conditions: active employment, percentage worked.

Financial details

Family, lifestyle and social circumstances

Other (please give details) :

Probationary report/managerial probationary report:

If applicable, interruption of work due to sickness, maternity or accident;

Summary rating and appraisal: Aptitude for the duties, standard, official conduct/work behaviour;

Probationer's strengths and limitations/areas for improvement (optional);

Reporting Officer's recommendation: Confirm the contract, extend due to absence for sickness, maternity or accident, terminate the contract before the end of the probation period or at the end of the probation period.

Probationer's, Countersigning Officer's comments.

Executive Director's decision: Confirm the contract, extend due to absence for sickness, maternity or accident, terminate the contract before the end of the probation period or at the end of the probation period.

Managerial probationary report:

Mid-term review and final assessment: Managerial competencies (managerial probationary report only): Leadership, management of people, fixing objectives, delivery of results and communication;

Reporting officer's opinion and Executive Director's mid-term review decision: Satisfactory/unsatisfactory;

Executive Director's decision in final assessment: Confirm the contract, extend due to absence for sickness, maternity or accident, reassign to a non-managerial position, terminate the contract at the end of the probation period.

Appraisal: Self-assessment by the staff member on how they met their objectives and their performance during the appraisal period: Efficiency, ability and conduct;

Name of the Reporting Officer, Reporting Officer delegated (if applicable), Countersigning Officer;

Other activities in the interest of service;

Future objectives and decision on final objectives;

Reporting Officer's assessment;

Overall assessment and potential;

Jobholder's final comment;

Appeal Assessor's comments.

For managers: Assessment on if the managerial performance has been satisfactory: Yes/No and comments on the managerial performance.

**(b) Special categories of personal data:**

The personal data reveals:

Racial or ethnic origin

Political opinions

Religious or philosophical beliefs

Trade union membership

Genetic or Biometric data

Data concerning health, sex life or sexual orientation:

A probationary period/managerial probationary report can be extended due to sickness, maternity leave or an accident. The EBA does not receive any information about the condition or diagnosis but is informed by the staff member of their absence. This personal data is processed on the basis of Article 10(2)(b) of the Regulation (EU) 2018/1725 EUDPR.

**Important Note**

If you have ticked any of the sensitive data boxes contact the Data Protection Officer before processing the data further.

#### IV. CATEGORIES OF RECIPIENTS & DATA TRANSFERS

##### 8) Recipient(s) of the data

*To whom is the data disclosed?*

Managers of data subjects:

Probationary report/managerial probationary report: The Jobholder, Reporting Officer (the jobholder's direct superior), the Countersigning Officer (the direct superior of the Reporting Officer, except when the direct superior is a director, in which case the Countersigning Officer is the Executive Director), the Executive Director.

Appraisal:

The Jobholder, the Reporting Officer (the Jobholder's direct superior), the Countersigning Officer in the case of an unsatisfactory appraisal (the direct superior of the Reporting Officer, except when the direct superior is the Director, in which case the Countersigning Officer shall be the head of unit/department or equivalent in the Agency who is the most senior in the highest grade) and the Appeal Assessor (the direct superior of the Reporting Officer or where the director as the Reporting Officer, the Commission representative on the Management Board who is the most senior in grade).

Designated EBA staff members: Members of the HR Unit dealing with the probationary report/managerial probationary report or appraisal exercise. Also, if appropriate, access will be given to the specialised members of the ICT Unit involved in the management of the Human Resources processes and the Legal Unit in the case of complaints.

Relatives or others associated with data subjects

Current, past or prospective employers

Healthcare practitioners

Education/training establishments

Financial organisations

External contractor

Other (please specify): If needed, access will be given to EU staff with the statutory right to access the data required by their function, i.e. the European Ombudsman, the Civil Service Tribunal, the Internal Audit Service, the European Court of Auditors, OLAF and the European Data Protection Supervisor.

The SNE's employer, if they have requested that the annual appraisal be carried out.

##### 9) Data transfer(s)

*Is the data transferred outside the EBA?*

Within the EBA or to other EU Institutions/Agencies/Bodies

If yes, please specify: The data will only be transferred between the designated HR Unit members dealing with the probationary report/managerial probationary report and appraisal exercise and the following:

Probationary report/managerial probationary report: Jobholder, Reporting Officer, Countersigning Officer and the Executive Director.

Appraisal: The Reporting Officer (the Jobholder's direct superior). The Countersigning Officer in the case of an unsatisfactory appraisal (the direct superior of the Reporting Officer, except when the direct superior is the Director, in which case the Countersigning Officer shall be the head of unit/department or equivalent in the Agency who is the most senior in the highest grade) and the Appeal Assessor (the direct superior of the Reporting Officer or where the director as the reporting office, the Commission representative on the Management Board who is the most senior in grade). In the case of an unsatisfactory appraisal, Human Resources may consult the Joint Committee.

Also, if appropriate, access will be given to the specialised members of the ICT Unit involved in the management of the Human Resources processes and the Legal Unit in the case of complaints.

If needed, access will be given to EU staff with the statutory right to access the data required by their function, i.e. the European Ombudsman, the Civil Service Tribunal, the Internal Audit Service, the European Court of Auditors, OLAF and the European Data Protection Supervisor.

In the case of an appeal in the appraisal exercise, in the case where the director acts as the Reporting Officer, access will be given to the Commission representative on the Management Board who is the most senior in grade or an alternate if this person is not available.

To other recipients within the EU (e.g. NCAs): The SNE's employer, if they have requested that the annual appraisal be carried out.

To third countries N/A

If yes, please specify:

a) the country:

b) whether suitable safeguards have been adopted:

Adequacy Decision of the European Commission<sup>2</sup>

Standard Contractual Clauses

<sup>2</sup> Third countries for which the European Commission has issued adequacy decisions are the following: [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en)

Binding Corporate Rules

Administrative Arrangements between public Authorities

To international organisations N/A

If yes, please specify the organisation and whether suitable safeguards have been adopted:

**Important Note**  
 If no safeguards have been put in place, please contact the DPO before processing the data further.

**V. RETENTION PERIOD & SECURITY MEASURES**

<b>10) Retention period</b> (see Note 7)
<p>A. How long will the data be retained and what is the justification for the retention period?</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>The data will be retained for ten years as of the termination of employment or as of the last pension payment.</p> </div>



B. For further processing envisaged beyond the original retention period for historical, statistical or scientific purposes, please specify whether the personal data will be anonymised: N/A

No

Yes

### 11) Storage media & security of processing

A. Please indicate how and where the data processed are stored (e.g. Share Point / cloud):

Probationary reports/managerial probationary reports are launched on paper or by email and follow a workflow on paper or by email. A hard paper copy is kept in the staff member's personal file in a secure HR archive with restricted access rights and a scanned copy is stored in the staff member's electronic folder on a secure drive accessible to authorised recipients in the HR Unit.

The appraisal reports are launched, processed and kept in an automated e-HR application called Allegro. The appeal of an appraisal report is dealt with out of the application and is kept in the personal file of the staff member in the HR archive with restricted access rights, with a scanned copy being kept on a secure electronic drive accessible to authorised recipients in the HR Unit.

B. Technical & Organisational Security measures adopted:

Controlled access to ICT-system/controlled access codes

Restricted access to physical location where data is stored

Pseudonymisation and Encryption

Back-up

Audit trails

Confidentiality agreement/clause

Test the effectiveness of security measures adopted

Training of staff

Other (please specify): All members of the HR Unit sign a confidentiality agreement when they take up duties.

If access needs to be given to the specialised members of the ICT Unit involved in the management of the Human Resources processes, or the Legal Unit in the case of complaints, confidentiality agreements will be signed by the members of the unit(s) involved.

**Consultation of the Data Protection Officer and Deputy Data Protection Officer**

Name: Štefan Nebeský

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Date of consultation: Draft received on 17 June 2020

Date of approval of processing: 9 July 2020

Signature: Štefan Nebeský

**Privacy statement** available at:

<https://intranet.eba.europa.eu/StaffMatters/Documents/Appraisal/EBA%20Privacy%20Statement%20probationary%20and%20appraisal.pdf>

**Date of insertion in Register:**