

**RECORD OF PROCESSING ACTIVITY
ACCORDING TO ARTICLE 31 REGULATION 2018/1725¹
NOTIFICATION TO THE DATA PROTECTION OFFICER**

NAME OF PROCESSING OPERATION²: Appraisal of the Director

DPR-2018-016 (to be completed by the DPO)
Creation date of this record: 21/12/2018
Last update of this record:
Version:1

1) Controller(s)³ of data processing operation (Article 31.1(a))
Controller: European Union Agency for Fundamental Rights (FRA) Organisational unit responsible⁴ for the processing activity: Corporate Services Contact person: C. Manolopoulos Data Protection Officer (DPO): [REDACTED] dpo@fra.europa.eu

2) Who is actually conducting the processing? (Article 31.1(a))⁵
The data is processed by the FRA itself <input checked="" type="checkbox"/>
The data is processed also by a third party (contractor) [mention the third party] <input type="checkbox"/>

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1725>

² **Personal data** is any information relating to an identified or identifiable natural person, i.e. someone who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity. This information may, for example, be the name, date of birth, a telephone number, biometric data, medical data, a picture, professional details, etc.

Processing means any operation or set of operations which is performed on personal data, whether or not by automatic means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

³ In case of more than one controller (e.g. joint FRA research), all controllers need to be listed here

⁴ This is the unit that decides that the processing takes place and why.

⁵ Is the FRA itself conducting the processing? Or has a provider been contracted?

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

Why are the personal data being processed? Please provide a very concise description of what you intend to achieve with the processing operation. Specify the rationale and underlying reason for the processing and describe the individual steps used for the processing. If you do this on a specific legal basis, mention it as well (e.g. staff regulations for selection procedures).

The purpose of the processing of the personal data is to evaluate the achievements of the Director with regard to his/her ability, efficiency and conduct in service upon his/her recruitment (probationary period and on an annual basis).

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

Whose personal data are being processed?

Data subject is the Director of FRA, who is in active service for a continuous period of at least three months during the reference period.

5) Categories of personal data processed (Article 31.1(c))

Please tick all that apply and give details where appropriate. Include information if automated decision making takes place, evaluation and monitoring

The personal data contains name, grade, step, personnel number, telephone number, place of employment, function.

6) Recipient(s) of the data (Article 31.1 (d))⁶

*Recipients are all parties who have access to the personal data. Who will have access to the data **within** FRA? Who will have access to the data **outside** FRA?*

Designated **FRA** staff members (Chairperson)

Designated persons **outside** FRA: (European Commission representative)

7) Transfers to third countries or recipients outside the EEA (Article 31.1 (e))⁷

⁶ No need to mention entities that may have access in the course of a particular investigation (e.g. OLAF, EO, EDPS).

⁷ **Processor** in a third country using standard contractual clauses, a third-country public authority you cooperate with based on a treaty. If needed, consult your DPO for more information on how to ensure safeguards.

If the personal data are transferred outside the European Economic Area, this needs to be specifically mentioned, since it increases the risks of the processing operation.

Data are transferred to third country recipients:

Yes

No

8) Retention time (Article 4(e))

How long will the data be retained and what is the justification for the retention period? Please indicate the starting point and differentiate between categories of persons or data where needed (e.g. in selection procedures candidates who made it onto the reserve list vs. those who didn't). Are the data limited according to the adage "as long as necessary, as short as possible"?

The Career Development Report, the Probationary Report and the Management Probationary Period Report are filed in the personal file of the Director. The retention period of the personal files is 20 years after the end of the period during which the Director is in active employment or the last pension payment (See FRA's reply on 28/09/2011 to the EDPS's Joint Opinion 2010-0071).

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

Please specify where/how the data are stored during and after the processing; please describe the security measures taken by FRA or by the contractor

How is the data stored?

FRA network shared drive

Outlook Folder(s)

CRM

Hardcopy file

Cloud (give details, e.g. cloud provider)

Servers of external provider

Other (please specify): *E.g. The data is stored in the EU and no transferred outside EU; the system cannot track the IP; cookies are enabled just for keeping the session active and deleted after the session expires; the data transmission takes places via https://; you need to check the security incident procedure of the contractor and the data breach procedure*

10) Lawfulness of the processing (Article 5(a)–(d))⁸: Processing necessary for:

Mention the legal basis which justifies the processing

- (a) a task carried out in the public interest or in the exercise of official authority vested in the FRA (including management and functioning of the institution)
(Examples of legal basis: FRA Founding Regulation (EC) No. 168/2007 establishing the European Union Agency for Fundamental Rights Articles 4.1 a) and 4.1 c); FRA legal acts (Conditions of Employment, Staff Rules, Administrative Circular etc.)
- (b) compliance with a legal obligation to which the FRA is subject
- (c) necessary for the performance of a contract with the data subject or to prepare such a contract
- (d) Data subject has given consent (ex ante, explicit, informed)
Describe how consent will be collected and where the relevant proof of consent will be stored
- (e) necessary in order to protect the vital interests of the data subjects or of another natural person
- Articles 15 (2) and 87 (1) of the Conditions of Employment of Other Servants-CEOS and Article 43 of the Staff Regulations relating to the annual appraisal procedure.
 - Article 14 of the Conditions of Employment of Other Servants-CEOS and Article 34 of the Staff Regulations relating to the probationary period.
 - Articles 44 and 46 of the Staff Regulations relating to the management probationary period.

11) Data Minimisation(Article 4(c))

Do you really need all data items you plan to collect? Are there any you could do without?

⁸ Tick (at least) one and explain why the processing is necessary for it. Examples:

(a) a task attributed to your EUI by legislation, e.g. procedures under the staff regulations or tasks assigned by an Agency's founding regulation. Please mention the specific legal basis (e.g. "Staff Regulations Article X, as implemented by EUI IR Article Y", instead of just "Staff Regulations")

(a2) not all processing operations required for the functioning of the EUIs are explicitly mandated by legislation; recital 17 explains that they are nonetheless covered here, e.g. internal staff directory, access control.

(b) a specific legal obligation to process personal data, e.g. obligation to publish declarations of interest in an EU agency's founding regulation.

(c) this is rarely used by the EUIs.

(d) if persons have given free and informed consent, e.g. a photo booth on EU open day, optional publication of photos in internal directory;

(e) e.g. processing of health information by first responders after an accident when the person cannot consent.

Identification and contact details (name, surname of natural person, name and legal form of legal person, address, identity card number, registration number, VAT number, phone number, e-mail address) are needed for contacting the person who applied for the procurement procedure and for identification checks;

12) Transparency (Article 14)

How do you inform people about the processing operation?

Within the first month upon the arrival of the new Director, the reporting officers meet the Director in order to make a probationary period plan. No less than one month before the expiry of the probation period, a report shall be made on the competencies, the efficiency and the conduct in service of the probationary Director. The report shall be made at the latest 10 working days after the formal dialogue. The report shall be communicated to the Director, who shall have the right to submit his/her comments in writing.

The appraisal report for the management probationary period shall be drafted including the assessment carried out during the probationary period. After the end of the management probationary period, the reporting officers draw up a draft report. The reporting officers and the probationer hold a formal dialogue. The procedure is the same as for the probationary period.

Each year the Agency appraises the performance of its Director via an individual report, namely the Career Development Report. The Director is invited by the reporting officers to complete the self-assessment report, which is incorporated into the CDR. Instructions and an indicative timetable for the exercise are given by the guidelines.

If the jobholder (i.e. Director) does not agree with his appraisal report, he shall refer the matter to the appeal assessor.

13) Exercising the rights of the data subject (Article 14 (2))

How can people contact you if they want to know what you have about them, want to correct or delete the data, have it blocked or oppose to the processing? How will you react?

For more information including how to exercise the rights of the data subject please see the Privacy Notice

Data subject rights:

Right to have access	<input checked="" type="checkbox"/> Anytime
Right to rectify	<input checked="" type="checkbox"/> Anytime
Right to erase ("right to be forgotten)	<input checked="" type="checkbox"/> Anytime
Right to restrict of processing	<input checked="" type="checkbox"/> Anytime
Right to data portability	<input type="checkbox"/> Anytime
Right to object	<input checked="" type="checkbox"/> Anytime
Right to obtain notifications to 3 rd parties	<input checked="" type="checkbox"/> Anytime
Right to have recourse	<input checked="" type="checkbox"/> Anytime
Right to withdraw consent at any time	<input checked="" type="checkbox"/> Anytime

14) Other linked documentation

Please provide links to other documentation of this process (consent form, privacy notice, project documentation, security related policies /measures etc.)

Decision concerning the appraisal of the Director of FRA
Privacy notice

Responsible

Signature

Date

Head of Corporate Services Unit
C. Manolopoulos