

PRIVACY NOTICE-
**Procedure following completion of EIGE staff evaluation procedures:
probationary period for temporary and contract staff; annual
appraisal, reclassification**

The European Institute for Gender Equality (EIGE) informs You about processing of Your personal data in compliance with Regulation 2018/1725 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.

Purpose of processing of personal data

In order to comply with obligations in the area of employment law as foreseen by the Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants (CEOS) of the European Economic Community and the European Atomic Energy Community and the applicable Implementing Rules for Temporary Agents and Contract Agents, EIGE collects and processes personal data:

- to establish or dismiss an agent, to decide whether or not to retain a temporary or contract staff member, or to extend the probationary period by completed probationary report;
- to conduct staff appraisal and assess a performance of temporary or contract staff member, including the possible use of performance indicators for the purpose of such evaluation;
- to evaluate the comparison of individual merits among agents of temporary or contract staff in order to decide whether the agent is eligible for assignment to a higher grade.

Legal basis

I. Regulation EU 2018/1725;

II. Establishment Regulation of EIGE (EC) No 1922/2006;

III. 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 and the applicable Implementing Rules for Temporary Agents and Contract Agents.

Lawfulness of processing

Processing is necessary for the performance of a task carried out in the public interest on the basis of the Treaty Functioning the EU (TFEU) and the Establishment Regulation of EIGE (EC) No 1922/2006. Given the fact that the processing of personal data is considered as necessary for the execution of the (initial) evaluation and reclassification procedures provided for in the Staff Regulations, the processing of personal data carried out in this context could be considered as lawful. The use of performance indicators related data for annual evaluation could be considered legitimate provided it is used only as a support tool.

Data categories

I. Personal data collected and further processed are, in particular:

- Name (title, first name, surname);
- Function group/grade;
- Contact details (postal address, telephone number, mobile telephone number, e-mail address).

II. Moreover:

- For the purpose of probationary period assessment: information on data subject's performance and conduct (job description, self-assessment, assessment by line-manager, together with any comments from manager's superior, and data subject's response to this assessment). In addition, absences had by the data subject (maternity/parental leave or leave resulting from sickness or an accident) so that the probationary period can be extended as necessary.
- For the purpose of annual appraisal: information on data subject's performance and conduct, including the possible use of performance indicators for the purpose of such evaluation, job description, self-assessment, assessment by line-manager, together with any comments from manager's superior, and data subject's response to this assessment.
- For the purpose of reclassification: records relating to data subject's function history, such as language level certificates in accordance with Article 12(2)(e) of CEOS (in the case of temporary agents) and Article 82(3)(e) of CEOS (in the case of contract agents), training records, appraisals, other performance measures, attendance and, where appropriate, disciplinary and grievance records.

Data Controller

EIGE is the legal entity responsible for the processing of your personal data and determines the objective of this processing activity. The Data Controller is primarily the Human Resources Officer, supervised by the Head of Administration. The Data Controller ensures the proper implementation of the processing operations in relation to the staff evaluation procedures at EIGE.

Access and storage of the data

Recipients of the data related to the staff evaluation procedures: probationary period for temporary and contract staff; annual appraisal, reclassification of the positions of temporary agents and contract agents are EIGE staff employed in the Administration Unit dealing with HR matters, the members of the Reports Committee, where necessary, the Head of Unit(s), Director.

Officials of OLAF, IAS and the Court of Auditors can be recipients of data upon request and limited to what is necessary for official investigations or for audit purposes. The Agency has several security controls in place to protect personal data from unauthorised access, use or disclosure. EIGE keeps the data stored on computer systems with limited access to a specified audience only. EIGE does not intend to share data to Third Countries/International Organisations.

Date when processing starts

Date of the specific staff evaluation procedure: probationary period for temporary and contract staff evaluation; annual appraisal start, reclassification start.

Retention policy

- Documents related to evaluation containing personal data are being kept in personal files in line with Article 26 of the Staff Regulations for up to 10 years after the termination of employment: career development reports, probation reports, regrading decisions, certification files of successful applicants (application, training attendance and exam results), and attestation decisions.
- In this respect, in certain cases, the storage of evaluation reports for up to 5 years after the end of a particular evaluation procedure is appropriate: negative/disputed report or until the appointing authority or the authority authorised to conclude contracts of employment makes its decision (establishment, retention), in the case of a positive/undisputed report.
- The files of unsuccessful applicants for certification and attestation shall be kept until all appeal channels have been exhausted, including the time limits for appeals before the Civil Service Tribunal.
- Promotion, certification, attestation decisions is kept during the career of the member of staff.

The data subject has specific rights as a 'data subject' under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725

Right to access data – data subjects have the right to access data at any time by sending an email request to EIGE.HR@eige.europa.eu.

Right to rectify – data subjects have the right to rectify their data without delay of inaccurate or incomplete personal data.

Right to restrict – data subjects have the right to restrict the processing at any moment by sending an email request to EIGE.HR@eige.europa.eu; and the right to be informed before personal data are disclosed for the first time to third parties or before they are used on their behalf for the purposes of direct marketing.

Right to erasure – data subjects have the right to obtain from the controller the erasure of data if their processing is unlawful by sending an e-mail to EIGE.HR@eige.europa.eu.

If the data subjects have any queries concerning the processing of their personal data, they may address them to the Data Protection Officer or to the Data Controller of EIGE by contacting information at dpo@eige.europa.eu.

Other rights – Where applicable, you also have the right to object to the processing or the right to data portability. You have the right to object to the processing of your personal data, which is lawfully carried out pursuant to Article 5 (1)(a) on legitimate compelling grounds by sending an e-mail to dpo@eige.europa.eu.

Data subjects are also entitled to have recourse at any time to the European Data Protection Supervisor:

Website: <http://www.edps.europa.eu>

Email: edps@edps.europa.eu

Contact information

Data Protection Officer of EIGE, e-mail dpo@eige.europa.eu

EIGE HR, e-mail EIGE.HR@eige.europa.eu

