



Secretary General

Personnel, Administration and Budget Unit

European Ombudsman

Public record of processing activity¹:

Assessment of the probationary staff members in the EO Office

- 1. Last update of this record:** 28.04.2020
- 2. Reference number²:** 9/2020
- 3. Name and contact details of the controller³:** European Ombudsman, 1 avenue du Président Robert Schuman, CS 30403, F-67001 Strasbourg Cedex - Contact: Personnel, Administration and Budget Unit (PAB) - HR Sector- e-mail: eo-ombudsman@ombudsman.europa.eu
- 4. Name and contact details of the Data Protection Officer:** Mr Juliano Franco, Dpo-Euro-Ombudsman@ombudsman.europa.eu
- 5. Name and contact details of the processor⁴:** N/A
- 6. Name and contact details of the joint controller(s)⁵:** The European Commission which manages ARES, the document management tool used to circulate and archive the forms on the assessment of the probationary staff members in the EO Office - e-mail: sg-edomec@ec.europa.eu
- 7. Purpose(s) of the processing⁶:** The purpose of the processing is to assess the performance of staff members at the end of their probation period and to confirm or not their appointment (as officials) or their status (as temporary agents).

¹ To be filled in by the controller. See Article 31(1) and (5) on records of processing activities of Regulation 2018/1725: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1725>

² For tracking. If the office decides to keep a central register, contact the keeper of that register to obtain a reference number.

³ Use functional mailboxes as far as possible to ensure business continuity.

⁴ Where applicable. If you use a processor (contractor) to process personal data on your behalf, please indicate so (e.g. 360° evaluations, outsourced IT services or pre-employment medical checks).

⁵ Where applicable. If you are jointly responsible with another EU institution, please indicate so here (e.g. two institutions with shared medical service). If this is the case, make sure to mention in the description who is in charge of what and who people can address for their queries.

⁶ Very concise description of what you intend to achieve; if you do this on a specific legal basis, mention it as well (e.g. staff regulations for selection procedures).



Short description of the process: According to Articles 34.1⁷, 44.2⁸ of the Staff Regulations and 14 of the Conditions of Employment of Other Servants⁹ (CEOS), officials, staff appointed to managerial positions and temporary agents need to serve a nine-month probationary period. The probationary period for contract agents depends on the length of their contract (Article 84(1) of the CEOS¹⁰).

To carry out the assessment of staff at the end of their probation period, the office is using four forms depending on the type of contract or function of the staff members: (i) one form for officials; (ii) one for temporary and contract agents; (iii) one for cabinet members and (iv) one for staff appointed to managerial positions. The forms are circulated and signed in ARES.

8. Description of the categories of data subjects and of the categories of personal data¹¹:

- Categories of data subjects: Statutory staff of the European Ombudsman

- Categories of personal data: see the four forms used for the assessment (enclosed)

- data for identifying the probationer (name, surname, personnel number, grade, unit);
- data for identifying the assessors (name, surname, post);
- the probationer's approval to include the document in their personal file;
- the first assessor's signature, overall appraisal, and appraisal on the various evaluation criteria;
- the final assessor's proposal to the Ombudsman and signature¹²;
- comments on the staff member's performance and signature of the probationer.

9. Time limit for keeping the data and, where possible, for erasure¹³: The forms concerning the assessment of the staff members serving a probationary period are kept for five years after the end of their probationary period in paper version in their personal file and electronic version in the IT EO application used for staff's personal files ("perseoWeb"). After this period, only the first page of the form mentioning the name, surname, period of probation and personnel number of the staff member is kept in both the staff member's personal file and perseoWeb. An

⁷ Article 34 (1) SR: "Officials shall serve a nine-month probationary period before they can be established. The decision to establish an official shall be taken on the basis of the report referred to in paragraph 3 as well as on the basis of elements available to the appointing authority relating to the probationer's conduct with regard to Title II."

⁸ Article 44.2 SR: "If an official is appointed head of unit, director or director-general in the same grade, and provided that his performance has been satisfactory within the meaning of Article 43 during the first nine months following his appointment (...)"

⁹ Article 14 of the CEOS: "A member of the temporary staff shall serve a nine-month probationary period".

¹⁰ see Article 84(1) CEOS: "A contract staff member whose contract is concluded for a duration of at least one year shall serve a probationary period for the first six months of his period of employment if he is in function group I and the first nine months if he is in any other function group."

¹¹ In case data categories differ between different categories of persons, please explain as well (e.g.: suspects vs. witnesses in administrative inquiries)

¹² The final assessor is the Secretary General for all staff members, except for members of the EO's Cabinet, in which case it is the EO.

¹³ Indicate your administrative retention period including its starting point; 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 did not).



excel table mentioning the name of the staff member concerned, his/her status, the end of the probation period, the date foreseen for the destruction of the forms and the date of the effective destruction of the forms is kept in the EO server by the staff members of HR sector in charge of handling appointments or contracts.

10. Recipients of the data¹⁴: The hierarchical superiors of the relevant staff member (Head of Unit; Director; the Secretary General; and the Ombudsman as applicable), the staff members of HR sector in charge of handling appointments or contracts, the Staff Reports Committee when necessary (see Article 34.3. paragraph 2 of the Staff Regulations)¹⁵, the Head of PAB Unit, and the Head of HR sector.

11. Are there any transfers of personal data to third countries and/or to International Organisations?¹⁶: N/A

12. General description of security measures¹⁷:

The forms in paper are stored in the staff members' personal files in a locked safe accessible only to PAB unit-HR sector members responsible for handling appointments or contracts. The forms in electronic version are stored on the Ombudsman's servers (perseoWeb). Access is limited to staff members of the PAB unit-HR sector on a need to know basis (Head of PAB unit, Head of HR sector and the relevant HR staff members). The assessment forms are circulated and signed in Ares where the same restrictions apply. The Ombudsman and the Secretary General also have access to the electronic files in ARES.

13. Information on how data subjects can exercise their rights of access and rectification, and where applicable, of erasure, restriction and data portability¹⁸:

Data subjects have the right of access to their own personal data and to relevant information concerning how the EO uses it. They have also a right to request rectification of any incomplete or inaccurate data concerning them. Any request to access or rectify inaccurate or incomplete data may be made by email to the Head of the PAB Unit. A request to amend personal details can be dealt with at any stage. However, data used as a basis for the decision of the Appointing Authority (for example, the appraisal on the various evaluation criteria) cannot be modified after the decision has been signed.

¹⁴ Who will have access to the data within the European Ombudsman? Anyone outside the office? No need to mention entities that may have access in the course of a particular investigation (e.g. OLAF, EDPS, Court of Auditors).

¹⁵ Article 34.3 paragraph 2 SR: "*Should it recommend dismissal or, in exceptional circumstances, extension of the probationary period in accordance with paragraph 1, the report and the comments shall be transmitted immediately by the probationer's immediate superior to the appointing authority, which shall, within three weeks, consult the Joint Reports Committee on the action to be taken*".

¹⁶ If yes, include the identification of the country or International Organisation and the documentation of suitable safeguards (e.g. processor in a third country using standard contractual clauses, a third-country public authority you cooperate with based on a treaty).

¹⁷ Where possible. Include a general description of your security measures that you could also provide to the public. See Article 33 on security of processing of Regulation 2018/1725: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1725>

¹⁸ Consider publishing the relevant part of the privacy statement and providing a link. See Articles 15 and 16 on the information to be provided to the data subject(s) and Article 17 to 22 on the rights of data subjects of Regulation 2018/1725: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1725>



Data subjects have a right to object to the use of their data by the EO on grounds relating to their particular situation, at any time. Under certain conditions, they have the right to ask that the EO delete their personal data or restrict its use.

At any time, data subjects may ask the EO information concerning the processing of their personal data by e-mail (eo@ombudsman.europa.eu). Requests from data subjects shall be dealt within one month. Data subjects may also contact the office's Data Protection Officer at : dpo-eo-ombudsman@ombudsman.europa.eu If they wish to complain about the Ombudsman's handling of their personal data, they may contact the European Data Protection Supervisor (www.edps.europa.eu) at the following address: EDPS@edps.europa.eu



Privacy Statement

relating to the assessment of probationary staff in the European Ombudsman's Office

This privacy statement explains the reason for the processing, the way the European Ombudsman (EO) collects, handles and ensures protection of all personal data provided, how that information is used and what rights the candidates may exercise in relation to their data.

The data controller is the European Ombudsman (EO). The joint controller is the European Commission which manages ARES, the document management tool used to circulate and archive the forms on the assessment of the probationary staff members in the EO Office.

1. What personal data will the European Ombudsman process?

We process the following personal data of the staff members on probation periods in the EO Office:

- the identification of the probationer (name, surname, personnel number, grade, unit);
- the identification of the assessors (name, surname, post);
- the probationer's approval to include the document in the personal file;
- the first assessor's signature, overall appraisal, and appraisal on the various evaluation criteria;
- the final assessor's proposal to the Ombudsman and signature;
- comments on the staff member's performance and signature of the probationer and signature of the probationer.

2. Why does the European Ombudsman process these personal data?

The purpose of the processing is to assess the performance of staff members at the end of their probation period and to confirm or not their appointment (as officials) or their status (as temporary agents).

3. What are the legal bases and necessity for processing this data?

The processing is necessary on the basis of Article 5(1) (a) of the Regulation (necessary for the performance of tasks in the public interest attributed by EU or Member states legislation). It is also necessary on the basis of Article 5(1) (b) of the Regulation (necessary for compliance with legal obligation incumbent on controller).



The legal basis for the processing are Articles 34 and 44(2) of the Staff Regulations, Articles 14 and 84(1) of the Conditions of employment of other servants.

4. Who is responsible for processing the data?

The EO is responsible for processing the data. Data is processed more specifically by the Unit Personnel, Administration and Budget (PAB), sector Human Resources (HR).

5. Who will be recipients of the data?

The hierarchical superiors of the relevant staff member (Head of Unit; Director; the Secretary General; and the EO, as applicable), the staff members of HR sector in charge of handling appointments or contracts, the Staff Reports Committee as applicable, the Head of PAB Unit, and the Head of HR sector.

6. How long will the data be kept?

The forms concerning the assessment of the staff members serving a probationary period are kept for five years after the end of this period, in paper version, in their personal file and electronic version in the IT EO application used for staff's personal files (perseoWeb). After this period, only the first page of the form mentioning the name, surname, period of probation and personal number of the staff member is kept in both the staff member's personal file and perseoWeb.

7. How do we protect your data?

Data is collected for the sole purpose of the assessment of the staff members serving a probationary period.

The forms in paper are stored in the staff members' personal files in a locked safe, accessible only to PAB unit-HR sector members responsible for handling appointments or contracts. The forms in electronic version are stored on the EO servers (perseoWeb). Access is limited to staff members of the PAB unit-HR sector on a need to know basis (Head of PAB unit, Head of HR sector and the relevant HR staff members). The assessment forms are circulated and signed in Ares where the same restrictions apply. The Ombudsman and the Secretary General also have access to the electronic files in ARES.

8. What are your rights and how can you exercise them?

You have the right of access to your own personal data and to relevant information concerning how the EO uses it. You have also a right to request rectification of any incomplete or inaccurate data concerning you. Any request to access or rectify inaccurate or incomplete data may be made in an email to



the Head of the PAB Unit. A request to amend personal details can be dealt with at any stage. However, data used as a basis for the decision of the Appointing Authority cannot be modified after the decision has been signed.

You have a right to object to the use of the data by the EO on grounds relating to your particular situation, at any time. Under certain conditions, you have the right to ask that the EO delete their personal data or restrict its use.

The EO will reply to the requests as soon as possible and within one month at the latest.

9. Who to contact in case of queries or complaints concerning data protection issues?

At any time, data subject may send data protection related questions concerning the relevant procedure, at the following address:

eo@ombudsman.europa.eu

Head of Personnel, Administration and Budget Unit
European Ombudsman
1 avenue du Président Robert Schuman
CS 30403
F-67001 Strasbourg Cedex

They also may contact the Data Protection Officer of the European Ombudsman at the following address: DPO-Euro-Ombudsman@ombudsman.europa.eu

They may lodge a complaint with the European Data Protection Supervisor at any time at the following address: EDPS@edps.europa.eu