

## **RECORD OF PERSONAL DATA PROCESSING ACTIVITY according to Article 31 of Regulation (EU) 2018/1725**

### **► Staff evaluation procedure (annual appraisal exercise, reclassification and probation period assessment)**

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#### General information

<b>Introduction</b>
EIOPA, as a European Authority, is committed to protect individuals with regard to the processing of their personal data in accordance with Regulation (EU) No 2018/1725 (further referred as the Regulation) <sup>1</sup> .
<b>Contact Details of Data Controller(s)</b>
Fausto Parente, Executive Director Westhafenplatz 1, 60327 Frankfurt am Main, Germany <a href="mailto:fausto.parente@eiopa.europa.eu">fausto.parente@eiopa.europa.eu</a>
<b>Contact Details of the Data Protection Officer</b>
Eleni Karatza Westhafenplatz 1, 60327 Frankfurt am Main, Germany <a href="mailto:dpo@eiopa.europa.eu">dpo@eiopa.europa.eu</a>
<b>Contact Details of Processor</b>
EIOPA's Team/Unit/Department responsible for the processing: - HR Unit

<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.

## Description and Purpose of the Processing

Description of Processing
<p>Personal data are collected and processed in order to enable EIOPA to evaluate staff members on:</p> <ul style="list-style-type: none"> <li>- their annual performance;</li> <li>- their performance during their probationary periods;</li> <li>- in the framework of the promotion/reclassification exercise.</li> </ul> <p><b>Annual appraisal exercise:</b> annual evaluation of the staff members' (temporary agents and contract agents) and, if they request so, Seconded National Experts' ("SNEs") efficiency, ability and conduct in service annually on the basis of their individual performance.</p> <p><b>Reclassification:</b> consideration of the comparative merits of the staff members eligible for reclassification, taking into account the appraisal report(s) on them as well as the languages used in the course of their work and the level of responsibility exercised by them.</p> <p><b>Probationary period assessment:</b> evaluation of the staff members' efficiency, ability and conduct in service before being established.</p>
Purpose (s) of the processing
<p><input checked="" type="checkbox"/> Staff administration</p> <p><input type="checkbox"/> Relations with external parties</p> <p><input type="checkbox"/> Procurement and accounting</p> <p><input checked="" type="checkbox"/> Administration of membership records</p> <p><input checked="" type="checkbox"/> Auditing</p> <p><input checked="" type="checkbox"/> Information administration</p> <p><input type="checkbox"/> Other (please give details): .....</p>
Lawfulness of Processing
<ul style="list-style-type: none"> <li>• Legal Basis justifying the processing:</li> </ul> <p><b>Annual appraisal exercise</b></p> <ul style="list-style-type: none"> <li>- Article 43 and 44 of the Staff Regulations, Article 15(2) and 87 CEOS;</li> <li>- MB Decision on Appraisal of Staff contains laying down general provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations</li> </ul>

(EIOPA-MB-14-018), and its amending decision C(2016) 7270 final adopted by decision EIOPA-MB-17-041;

- MB Decision EIOPA-MB-19-087 on Appraisal of Contract Agents (EIOPA-MB-19-087).

**Reclassification**

- Article 45 of the Staff Regulations, Article 16, 54 and 87(3) CEOS
- MB Decision on general implementing provisions regarding Article 54 of the CEOS Reclassification of Temporary Agents (EIOPA-MB-19/124);
- MB Decision on general implementing provisions regarding Article 87(3) of the CEOS- Reclassification of Contract Agents (EIOPA-MB-19/125).

**Probationary period assessment**

- Article 14 and 84 CEOS.

- 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

### Data Subject’s Rights

Information on how to exercise data subject’s rights

Data subjects may exercise their data privacy rights provided in Articles 17 to 24 of the Regulation (EU) 1725/2018.

Data subjects have the right to:

- access their personal data, receive a copy of them in a structured and machine-readable format or have them directly transmitted to another controller, as well as request their rectification or update in case they are not accurate.
- request the erasure of their personal data, as well as object to or obtain the restriction of their processing.
- withdraw their consent to the processing of their personal data at any time in case such processing is based solely on their consent.

For the protection of the data subjects’ privacy and security, every reasonable step shall be taken to ensure that their identity is verified before granting access, or rectification, or deletion.

Should data subjects wish to access/rectify/delete their personal data, or receive a copy of them/have it transmitted to another controller, or object to/restrict their processing, please contact [human.resources@eiopa.europa.eu](mailto:human.resources@eiopa.europa.eu) or [DPO@eiopa.europa.eu](mailto:DPO@eiopa.europa.eu).

Complaint:  
 Any complaint concerning the processing of the data subjects’ personal data can be addressed to EIOPA’s Data Protection Officer ([DPO@eiopa.europa.eu](mailto:DPO@eiopa.europa.eu)). Alternatively, data subjects can also have at any time recourse to the European Data Protection Supervisor ([www.edps.europa.eu](http://www.edps.europa.eu)).

Restrictions (Note 8):  
 Without prejudice to the above, rights might be restricted in accordance with article 25 of Regulation (EU) 2018/1725 and EIOPA’s decision on the restriction of data subject’s rights (EIOPA-MB-19-056).

Categories of Data Subjects & Personal Data

Categories of Data Subjects

- ☒ EIOPA permanent staff, Temporary or Contract Agents
- ☒ SNEs or trainees
- ☐ Visitors to EIOPA (BOS, MB, WG, Seminars, Events, other)  
 If selected, please specify: .....
- ☐ Providers of good or services
- ☐ Complainants, correspondents and enquirers
- ☐ Relatives and associates of data subjects
- ☐ Other (please specify): .....

Categories of personal data

- (a) **General personal data:**  
 The personal data contains:
- ☒ Personal details (full name, address, staff category, function group, grade and step),
  - ☒ Education & Training details
  - ☒ Employment details
  - ☐ Financial details
  - ☐ Family, lifestyle and social circumstances

☒ Other (please give details): limited health data (medical certificate) where necessary, assessment of their impact to the performance during the year assessed/ the probationary period.

**(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

## Categories of Recipients & Data Transfers

### Recipient(s) of the data

- ☒ Managers of data subjects
- ☒ Designated EIOPA staff members
  - If selected, please specify:
    - Annual appraisal : reporting officer, team leaders or other staff members requested to prepare dialogue, countersigning officer, appeal assessor,
    - Reclassification: Reporting officers, HR Unit, Executive Director, Joint Reclassification Committee members
    - Probation period: reporting officer , team leader or other staff members requested to assist RO, Executive Director.
    - Data will be shared with HR Unit, internal audit services, legal unit and DPO on a need-to-know basis.
- ☐ Relatives or others associated with data subjects
- ☐ Current, past or prospective employers
- ☐ Healthcare practitioners
- ☐ Education/training establishments
- ☐ Financial organisations
- ☐ External contractor
- ☒ Other (please specify): Upon request and if relevant for the handling of files, the data can also be transferred to the European Court of Justice, European Ombudsman, EDPS, OLAF, Internal Audit service of the European Commission, European Court of Auditors and external advisors.

Data transfer(s)
<input type="checkbox"/> To third countries If selected, please specify: ..... Whether suitable safeguards have been adopted: <input type="checkbox"/> Adequacy Decision of the European Commission <sup>2</sup> <input type="checkbox"/> Standard Contractual Clauses (SCC) <input type="checkbox"/> Binding Corporate Rules (BCR) <input type="checkbox"/> Administrative Arrangements between public Authorities (AA) <input type="checkbox"/> To international organisations If selected, please specify the organisation and whether suitable safeguards have been adopted: .....
Data subjects could obtain a copy of SCC, BCR or AA here: .....

### Automated Decision Making

Automated Decision-making, including profiling
A decision is taken in the context of this processing operation solely on the basis of automated means or profiling: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes In case of an automated decision-making or profiling, please explain: .....

### Retention Period & Security Measures

Retention period
How long will the data be retained? 1. Annual appraisal reports, decisions of the Executive Director on reclassification, as well as probationary period reports are retained in the personal file of the person concerned for a period of five years following the termination of his/her employment or secondment with EIOPA.

<sup>2</sup> Third countries for which the European Commission has issued adequacy decisions are the following: Adequacy decisions (europa.eu)

<p>2. The deliberations and recommendations of the JRC on complaints received are retained for a period of two years following the conclusion of the reclassification exercise for a given year.</p> <p>3. In the event of a legal challenge, the above dates shall be extended until two years after completion of all relevant proceedings.</p>
<p>For further processing envisaged beyond the original retention period for historical, statistical or scientific purposes, please specify whether the personal data will be anonymised:</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes</p>
<p>Technical &amp; organisational security measures taken</p>
<p>Several technical and organisational measures have been adopted in order to ensure the optimum security of the documents and personal data collected in the context of the procedures described under section II a).</p>