

[Performance management of staff members \(temporary agents and contract agents\) – probation, objective setting and appraisal](#)

The European Union Agency for Fundamental Rights (FRA or Agency) processes the personal data of a natural person 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.

This data protection notice explains FRA's policies and practices regarding its collection and use of your personal data, and sets forth your privacy rights. We recognise that information privacy is an ongoing responsibility, and we will update this notice where necessary.

1. [Why do we process personal data?](#)
2. [What kind of personal data does the Agency process?](#)
3. [How do we process your personal data?](#)
4. [Who is responsible for processing your personal data?](#)
5. [What is the legal basis for this processing operation?](#)
6. [Who can see your data?](#)
7. [Do we share your data with other organisations?](#)
8. [Do we intend to transfer your personal data to Third Countries/International Organizations](#)
9. [When will we start the processing operation?](#)
10. [How long do we keep your data?](#)
11. [How can you control your data?](#)
 - 11.1. [Do we need your consent?](#)
 - 11.2. [Your data protection rights](#)
12. [What security measure are taken to safeguard your personal data?](#)
13. [What can you do in the event of a problem?](#)
14. [How do we update our data protection notice?](#)

1. Why do we process personal data?

We process your personal data as part of the performance management cycle, in order to define objectives and to evaluate performance of staff. Your data is processed in three main exercises:

- a. Probation: All new temporary and contract staff are required to complete a probationary period assessment in line with the Staff Regulations and CEOS.
- b. Objectives: Objectives are set at the start of each year using the objectives module in SYSPER. These objectives are assessed during the annual performance appraisal.
- c. Appraisal: The annual performance appraisal exercise is a requirement under the Staff Regulations and CEOS to assess your ability, efficiency and conduct in the service during the relevant year. A copy of the finalised appraisal report is retained by HR in your personal file. The performance appraisal provides input to subsequent career development, learning needs, reclassification, renewal of contracts and retention.

2. What kind of personal data does the Agency process?

We will collect only the following personal data necessary for the processing operation described above.

(a) General personal data:

- Personal details (name, surname)
- Contact details (FRA email address)
- Education & Training details (professional training undertaken during the reporting period)
- Employment details (contract category and grade, position, unit, languages used at work)
- Other (information on your performance in the job and further professional development)

For categories of personal data processed by [Sysper](#) and [HAN](#) (HERMES-ARES-NOMCOM), please refer to the respective data protection notices.

(b) Special categories of personal data:

- data concerning health may only be processed only in the event that the probationary period is extended in view of prolonged absence due to sickness/maternity in accordance with Article 14(1) or Article 84 of the CEOS.

3. How do we collect and process your personal data?

3a. Information you provide us

Your probationary period assessment is completed using a dedicated probation assessment form filled in by you and your supervisor (reporting officer) and the probationary period is confirmed via the applicable SYSPER module (STAGE).

Objectives are set using the dedicated objectives module in SYSPER. You propose up to 4 objectives, accompanied by relevant assessment criteria, by entering them directly in SYSPER, after which they are edited, rejected or validated by your reporting officer.

In the appraisal exercise, you will provide written input on your own performance and feedback is given by your Reporting Officer using the appraisal form template. This will be completed, signed and stored in ARES based on a pre-defined ARES workflow which includes appropriate confidentiality markings. If you changed job during the year, your former reporting officer may also give a written contribution. An oral dialogue is held with your reporting officer to discuss performance and share expectations. Your reporting officer may request input from your Head of Sector on the report. The Head of Sector may participate in the dialogue with your agreement.

4. Who is responsible for processing your personal data?

The Agency is the legal entity responsible for the processing of your personal data and determines the objective of this processing activity. The Head of Administration is responsible for this processing operation.

The European Commission (Directorate-General for Human Resources and Security for SYSPER and the Secretarial General, for Ares) also process your personal data on the basis of the respective Service Level Agreements (SLAs) signed between FRA and the European Commission.

5. What is the legal basis for this processing operation?

The processing is necessary for the management and functioning of the Agency. According to Article 24 of FRA's Founding Regulation (Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights, as amended by Council Regulation (EU) 2022/555), the Staff Regulations and the CEOS shall apply to FRA staff. Therefore, the processing is lawful under Article 5.1(a) of Regulation 2018/1725.

Article 14(1) of the CEOS requires temporary staff and Article 84 CEOS requires contract staff to undergo a probationary period and requires FRA to take a decision on confirmation in function at the end of that period, on the basis of a probationary report. Article 43 of the SR, applicable to temporary staff by virtue of Article 15 CEOS and to contract staff by virtue of Article 87 CEOS, requires an annual performance appraisal report to be drawn up. The applicable general implementing provisions set out further details on

the conduct of these two processes. Therefore, the processing is lawful under Article 5.1.(b) of Regulation 2018/1725.

The processing of special categories of personal data (health data) is in accordance with Article 14 of the CEOS and is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security. Therefore the processing is lawful under Article 10.2(b) of Regulation 2018/1725.

6. Who can see your data?

Data on the probation assessment are shared with your reporting officer, the HR staff responsible for managing probation and the Director, who confirms the probationary period outcome in SYSPER.

Data on the objectives are shared with your reporting officer and the HR staff responsible for managing career, learning and development in SYSPER.

Reporting officers have access to your appraisal as your hierarchical supervisor. In the event of an unsatisfactory assessment of performance, the countersigning officer (as defined in the general implementing provisions, generally the Reporting Officer's hierarchical supervisor) has access to the individual appraisal report with a view to reviewing and confirming the report). In the event of an appeal, the appeal assessor (as defined in the general implementing provisions, generally the Reporting Officer's hierarchical supervisor) has access to the individual appraisal report with a view to reviewing the report and any comments submitted by you and finalising the appraisal. Where the Director is the reporting officer, the appeal assessor is the Commission representative on the Management Board.

HR staff in charge of the performance appraisal process have access to all appraisal reports in ARES and in the personal files.

For the purpose of the reclassification procedure, finalised appraisal reports (and if there is no appraisal report for that year, the probation report) are made available to members of the reclassification committee, to the Director for the purpose of deciding on the list of reclassified staff, and to the Joint Reclassification Committee in case staff lodge an appeal. Such access is granted by means of a restricted access DMS site and access rights are revoked upon completion of the reclassification exercise.

In the event of any (pre-) litigation action, the data may be made available to the FRA lawyer(s) assigned to the case.

IT staff responsible for administrating SYSPER probation (STAGE) and objectives (OBJ) modules have access insofar as needed to develop and maintain the system and solve bugs, in accordance with the [SYSPER notice](#). Designated IT staff in charge of managing the HAN system (the Commission's document record and archiving system) have access in accordance with the [HAN notice](#).

In accordance with the general implementing provisions on the engagement and use of temporary staff and of contract staff, finalised probation and appraisal reports may be transferred as part of the personal file to another EU Agency/institution in case of inter-agency mobility.

In the event of any (pre-) litigation action, the data may be made available to the lawyer(s) assisting FRA with the case and/or to DG HR if engaged to handle the complaint under the respective SLA. These persons are covered by relevant confidentiality and data protection clauses in the contract for services/SLA.

Data can also be transferred for specific purposes of control to auditing or investigative bodies such as the Internal Audit Service of the European Commission, OLAF or the Court of Auditors, the Court of Justice or the EDPS in respect of the provisions of the Regulation (EU) 2018/1725

7. Do we share your data with other organisations?

Personal data is processed by the Agency only. In case that we need to share your data with third parties, you will be notified to whom your personal data has been shared with.

8. Do we intend to transfer your personal data to Third Countries/International Organisations?

We will not transfer your data to Third Countries or international organisations.

9. When will we start the processing operation?

We will start the processing operation when HR launches the respective exercise (initiates your probation assessment, generates your appraisal report template) and when you enter the draft objectives in SYSPER.

10. How long do we keep your data?

The data will be kept by the Agency as part of your personal file in accordance with the retention period indicated in the [Commission common retention list](#).

11. How can you control your data?

Under Regulation 2018/1725, you have rights we need to make you aware of. The rights available to you depend on our reason for processing your information. You are not required to pay any charges for exercising your rights except in cases where the requests are manifestly unfounded or excessive, in particular because of their repetitive character.

We will reply to your request without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests.

You can exercise your rights described below by sending an email request to career@fra.europa.eu.

11.1. Do we need your consent?

Since the participation in the performance management processes is mandatory in accordance with the EU Staff Regulations and Articles 14, 15, 84 and 87 CEOS, you are not required to provide your consent.

11.2. Your data protection rights

a. Can you access your data?

You have the right to receive information on whether we process your personal data or not, the purposes of the processing, the categories of personal data concerned, any recipients to whom the personal data have been disclosed and their storage period. Furthermore, you can have access to such data, as well as obtain copies of your data undergoing processing.

b. Can you modify your data?

You have the right to ask us to rectify your data you think is inaccurate or incomplete at any time.

c. Can you restrict us from processing your data?

You have the right to restrict the processing of your personal data. If you do, we can no longer process them, but we can still store them. In some exceptional cases, we will still be able to use them (e.g. with your consent or for legal claims). You have this right in a few different situations: when you contest the accuracy of your personal data, when the Agency no longer needs the data for completing its tasks, when the processing activity is unlawful, and finally, when you have exercised your right to object.

d. Can you request to have your data deleted?

Under Regulation 2018/1725, you have the right to ask us to delete your data when the personal data are no longer necessary for the purposes for which they were collected, when you have withdrawn your consent or when the processing activity is unlawful. However, as your personal data is processed by the Agency to comply with a legal obligation to which the controller is subject, you are not entitled to have your data erased when the controller has a specific legal obligation to keep them, as it is the case with your probationary and appraisal reports.

In certain occasions we will have to erase your data in order to comply with a legal obligation to which we are subject.

We will notify to each recipient to whom your personal data have been disclosed of any rectification or erasure of personal data or restriction of processing carried out in accordance with the above rights unless this proves impossible or involves disproportionate effort from our side.

e. Are you entitled to data portability?

Data portability is a right guaranteed under Regulation 1725/2018 and consists in the right to have your personal data transmitted to you or directly to another controller of your choice.

In this case, this does not apply for two reasons: 1) in order for this right to be guaranteed, the processing should be based on automated means, however we do not base our processing on any automated means;

II) this processing operation is carried out in the public interest, which is an exception to the right to data portability in the Regulation.

f. Do you have the right to object?

When the legal base of the processing is “*necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body*” which is the case in most of our processing operations, you have the right to object to the processing. In case you object, we have to stop the processing of your personal data, unless we demonstrate a compelling reason that can override your objection.

g. Do we do automated decision making, including profiling?

Your personal data will not be used for an automated decision-making including profiling.

12. What security measures are taken to safeguard your personal data?

The Agency has several security controls in place to protect your personal data from unauthorised access, use or disclosure. We keep your data stored on our internal servers with limited access to a specified audience only. For details, please refer to the notices for [HAN](#) and [SYSPER](#).

13. What can you do in the event of a problem?

a) The first step is to notify the Agency by sending an email to career@fra.europa.eu and ask us to take action.

b) The second step, if you obtain no reply from us or if you are not satisfied with it, contact our Data Protection Officer (DPO) at dpo@fra.europa.eu.

c) You can lodge a complaint with the EDPS at any time at <http://www.edps.europa.eu>, who will examine your request and adopt the necessary measures.

14. How do we update our data protection notice?

We keep our data protection notice under regular review to make sure it is up to date and accurate.

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