

**RECORD OF PROCESSING ACTIVITY  
ACCORDING TO ARTICLE 31 REGULATION 2018/1725<sup>1</sup>  
NOTIFICATION TO THE DATA PROTECTION OFFICER**

**NAME OF PROCESSING OPERATION<sup>2</sup>: Probationary period and annual performance assessment of the Director**

Reference number: DPR-2024-226 (to be completed by the DPO)
Creation date of this record: 13/10/2024
Last update of this record:
Version: 1

**Part 1 (Publicly available)**

<b>1) Controller(s)<sup>3</sup> of data processing operation (Article 31.1(a))</b>
<p>Controller: European Union Agency for Fundamental Rights (FRA)          Schwarzenbergplatz 11, A-1040 Vienna, Austria          Telephone: +43 1 580 30 – 0          Email: <a href="mailto:contact@fra.europa.eu">contact@fra.europa.eu</a>          Organisational unit <b>responsible<sup>4</sup></b> for the processing activity: Corporate Services Unit          Contact details: <a href="mailto:career@fra.europa.eu">career@fra.europa.eu</a>          Data Protection Officer (DPO): <a href="mailto:dpo@fra.europa.eu">dpo@fra.europa.eu</a></p>

<b>2) Who is actually conducting the processing? (Article 31.1(a))<sup>5</sup></b>
<p>The data is processed by the FRA itself <input checked="" type="checkbox"/></p> <p>The data is processed also by a third party (contractor) [mention the third party] <input type="checkbox"/>          (Specify if they are processors or joint controllers)</p>

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

<sup>2</sup> **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.

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

<sup>4</sup> This is the unit that decides that the processing takes place and why.

<sup>5</sup> Is the FRA itself conducting the processing? Or has a provider been contracted?

Contact point at external third party (e.g. Privacy/Data Protection Officer – use functional mailboxes, not personal ones, as far as possible):

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

*Why are the personal data being processed? Please provide a 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 is to carry out the following exercises, in accordance with the Staff Regulations and CEOS and relevant implementing rules:

- Probationary period and management trial period: to evaluate the Director's efficiency, ability and conduct in the service during the probationary period, and to assess the managerial competencies, to enable the Executive Board to take a decision on whether or not to confirm the Director in function;
- Annual appraisal exercise: to evaluate the Director's efficiency, ability and conduct in the service for the annual appraisal.

The personal data is collected and processed on the probationary plan and assessment forms and the annual appraisal forms, which the Director completes and signs. These forms are submitted to HR by email and will be included in the personal file (on paper or uploaded electronically to the NDP system by HR).

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

*Whose personal data are being processed?*

FRA staff: the Director

Non-FRA staff: the Reporting Officers and Appeal Assessor designated for the process, all members of FRA's Management Board

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

*Please tick all that apply and give details where appropriate*

**(a) General personal data (add or delete as appropriate – the data in the brackets are only examples)**

Personal details (name, surname, grade, personnel number)

Contact details (email address)

Education & Training details: details on professional training undertaken in the reporting period

Employment details (work experience, languages spoken)

Financial details (e.g. financial identification form, bank account information)

Family, lifestyle and social circumstances

Goods or services provided

Other (please give details): objectives set for the reporting period and performance assessment during the reporting period

**(b) Special categories of personal data (Article 10)**

The personal data collected reveal:

Racial or ethnic origin

Political opinions

Religious or philosophical beliefs

Trade union membership

Genetic, biometric or data concerning health (may 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) of the CEOS)

Information regarding an individual's sex life or sexual orientation

N/A

**(c) Personal data relating to criminal convictions and offences (Article 11)**

Criminal record (or similar, e.g. declaration of good conduct)

N/A

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

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

Designated **FRA** staff members  
(please specify which team and Unit-no need to mention specifically the names of colleagues)



The Reporting Officers (members of the EB designated by the MB for the procedures concerning the assessment of the Director) receive the Director's self-assessment, set objectives and discuss the performance during a dialogue with the Director and draft the reports. In the event of a finding of unsatisfactory performance, or if the Director contests the report, the Appeal Assessor receives a copy for review. The Reporting Officers and Appeal Assessor carry out their functions in accordance with the general implementing provisions on the probation and on the appraisal of the Director.

Designated FRA staff members in the HR team responsible for probation and appraisal processes have access to the reports, which form part of the Director's personal file.

In the event of a (pre-) litigation complaint, reports may be shared with the designated lawyer at FRA, if relevant for the complaint.

Recipients **outside** FRA:  
(please provide a generic/functional mailbox)



In the event of a (pre-) litigation complaint, reports may be shared with an external lawyer engaged by FRA, who is bound by confidentiality provisions set in the contract for services, and/or with DG HR if the handling of the complaint is delegated to them under the SLA.

**7) Transfers to third countries or international organisations (Article 31.1 (e))<sup>6</sup>**

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

**Transfer outside of the EU or EEA**

Yes



No



<sup>6</sup> **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 yes, specify to which country:**

***Transfer to international organisation(s)***

Yes

No

If yes specify to which organisation:

***Legal base for the data transfer***

Transfer on the basis of the European Commission's adequacy decision (Article 47)

Transfer subject to appropriate safeguards (Article 48.2 and .3), specify:

a)  A legally binding and enforceable instrument between public authorities or bodies.

Standard data protection clauses, adopted by

b)  the Commission, or

c)  the European Data Protection Supervisor and approved by the Commission, pursuant to the examination procedure referred to in Article 96(2) .

d)  Binding corporate rules,  Codes of conduct ,  Certification mechanism pursuant to points (b), (e) and (f) of Article 46(2) of Regulation (EU) 2016/679, where the processor is not a Union institution or body.

Subject to the authorisation from the European Data Protection Supervisor:

Contractual clauses between the controller or processor and the controller, processor or the recipient of the personal data in the third country or international organisation.

Administrative arrangements between public authorities or bodies which include enforceable and effective data subject rights.

Transfer based on an international agreement (Article 49), specify:

***Derogations for specific situations (Article 50.1 (a) –(g))***

N /A

Yes, derogation(s) for specific situations in accordance with article 50.1 (a) –(g) apply In the absence of an adequacy decision, or of appropriate safeguards, transfer of personal data to a third country or an international organisation is based on the following condition(s):

(a) The data subject has explicitly consented to the proposed transfer, after having been informed of the possible risks of such transfers for the data subject due to the absence of an adequacy decision and appropriate safeguards

(b) The transfer is necessary for the performance of a contract between the data subject and the controller or the implementation of pre-contractual measures taken at the data subject's request

(c) The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the controller and another natural or legal person

(d) The transfer is necessary for important reasons of public interest

- (e) The transfer is necessary for the establishment, exercise or defense of legal claims
- (f) The transfer is necessary in order to protect the vital interests of the data subject or of other persons, where the data subject is physically or legally incapable of giving consent
- (g) The transfer is made from a register which, according to Union law, is intended to provide information to the public and which is open to consultation either by the public in general or by any person who can demonstrate a legitimate interest, but only to the extent that the conditions laid down in Union law for consultation are fulfilled in the particular case

#### 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 final, signed reports form part of the staff Director's personal file and are retained in accordance with the [Commission common retention list](#).

#### 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?**

Document Management System (DMS): restricted access folder, accessible only to designated HR staff, to keep a back up copy of appraisal reports

FRA network shared drive

Outlook Folder(s): the self assessment and reports are exchanged between the staff member and the Reporting Officers by email, and once finalised the signed report is sent to a restricted access functional mailbox of HR

CRM

Hardcopy file

Cloud ([MS 365](#))

Servers of external provider

Other (please specify): The final reports will be uploaded to the staff member's digital personal file using NDP, a module associated with SYSPER (record of processing available [here](#)), which is accessible to the staff member.

#### 10) 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?*

See further details in the Data Protection notice: e-mail to [career@fra.europa.eu](mailto:career@fra.europa.eu)

**Data subject rights**

- Right of access
- Right to rectification
- Right to erasure (right to be forgotten)
- Right to restriction of processing
- Right to data portability
- Right to object
- Notification obligation regarding rectification or erasure of personal data or restriction of processing
- Right to have recourse
- Right to withdraw consent at any time