

Probationary period and annual performance assessment of the Director

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 data in order to effectively carry out two procedures prescribed by the EU Staff Regulations and CEOS: the probationary period and the annual performance appraisal exercise. These aim to assess your ability, efficiency and conduct in the service, to confirm your suitability for the function (probation) and to identify any development needs or performance issues.

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, grade, personnel number)
- Contact details (email address)
- Education & Training details (details of professional training undertaken in the reporting period)
- Employment details (work experience, languages used at work)
- Other: Information on objectives set for the reporting period and performance during the reporting period

(b) Special categories of personal data:

- data concerning health will only be processed if the duration of the probationary period is extended in accordance with Article 14(1) CEOS.

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

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

The final reports will be uploaded to your digital personal file using NDP, a module associated with SYSPER (data protection notice available here), which is accessible to you.

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 Corporate Services Unit is responsible for this processing operation.

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 the Director of the Agency.

Therefore, the processing is lawful under Article 5.1.)a) of Regulation 2018/1725.

The processing of the data is also necessary for compliance with a legal obligation of EU law to which the Agency is subject. Article 14(1) of the CEOS requires temporary staff, including the Director, 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, 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 the Regulation (EU) No 2018/1725.

The processing of special categories of personal data (health data) in the cases mentioned in section 2.b 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?

Your designated Reporting Officers (members of the FRA Management Board designated by the Management Board), Appeal Assessor (Chair of the Management Board) and certain members of HR responsible for the probation and appraisal exercises can access your data. In the event of a legal challenge related to your reports or the procedure, the relevant lawyer of the Agency, external legal counsel engaged by the Agency or DR HR's legal team may have access to the reports to the extent necessary to handle the complaint.

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 Organizations

No

9. When will we start the processing operation?

We will start the processing operation when we invite you to submit your self assessment for the relevant process (probation or annual appraisal).

10. How long do we keep your data?

The data is kept for 8 years after the extinction of all rights associated with your employment at the Agency, in line with the [Common Retention List of the European Commission](#).

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 probationary period and annual performance exercise is mandatory in accordance with Articles 14 and 15 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?

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. 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: I) 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.

Reports forming part of personal files are stored in specific safes or secure electronic spaces with restricted access, granted only to a limited number of designated HR staff for the purpose of carrying out their duties.

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) At any time you can lodge a complaint with the EDPS 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.

END OF DOCUMENT