



EUROPEAN COMMISSION

European Climate, Infrastructure and Environment Executive Agency (CINEA)

RECORD OF PERSONAL DATA PROCESSING ACTIVITY

In accordance with Article 31 of the [Data Protection Regulation for EUIs](#)¹ (hereinafter referred to as the Regulation), individuals whose personal data are processed by the European Climate, Infrastructure and Environment Executive Agency (hereinafter referred to as CINEA or Agency) in any context whatsoever are to be protected with regard to the processing of personal data and the Agency has to keep records of their processing activities.

Record No: 2020-003/R4-HR04
Created on (date): 21/08/19
Last update (date): 07/07/2021

NAME OF THE PROCESSING ACTIVITY

Processing of personal data in the framework of the Probation Period Report

GROUND FOR THE RECORD:

*X Regularisation of a data processing activity already carried out
This record replaces notification HR 6 issued under the previous Data Protection Regulation*

Record of a new data processing activity prior to its implementation

X Change of a data processing activity (e.g.: update of a record).

¹ Regulation (EU) 2018/1725 of 23 October 2018

1. MANDATORY RECORD UNDER ARTICLE 31 OF THE REGULATION

1.1. Name and contact details of controller

- a. CINEA.A4 – Human Resources, IT and Logistics
Chaussée de Wavre 910
W910 03/004
BE – 1049 Brussels
- b. Head of Unit CINEA.A4
- c. Email: CINEA-HR-CAREER-DEVELOPMENT@ec.europa.eu

1.2. Name and contact details of the Data Protection Officer (DPO)

CINEA DPO

CINEA-DPO@ec.europa.eu

1.3. Name and contact details of joint controller (where applicable)

[Not applicable]

1.4. Name and contact details of processor (where applicable)

[Not applicable]

1.5. Purpose of the processing

It is to assess the ability, efficiency and conduct of contract agents and temporary agents during their respective probationary period with a view to confirm the agent in his/her posting, to extend the duration of the probationary period, or to dismiss the agent.

1.6. Legal basis for the processing

Lawfulness: Article 5.1 (a) & (c) of the Regulation:

-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;

- processing is necessary for the performance of a contract to which the data subject is party;

The legal basis references which apply to the probation period report are contained in:

Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes²;

Commission Implementing Decision (EU) 2021/173 of 12 February 2021 establishing the European Climate, Infrastructure and Environment Executive Agency, and repealing Implementing Decisions 2013/801/EU³;

Commission Decision C(2021)947 of 12 February 2021 delegating powers to the European Climate, Infrastructure and Environment Executive Agency with a view to the performance of tasks linked to the implementation of Union programmes in the field of transport and energy infrastructure; climate, energy and mobility research and innovation; environment, nature and biodiversity; transition to low-carbon technologies; and maritime and fisheries;

² OJ L11, 16.1.2003, p. 1

³ OJ L 50, 15.2.2021, p. 9–28

Staff Regulations of officials and the Conditions of Employment of other servants of the European Union [Title I, Title III (Chapters 1 and 2)];

Conditions of Employment of Other Servants of the European Union (CEOS) [Title I, Title II (Chapters 1 and 3), Title IV (Chapters 1, 3, 4 and 5)];

Steering Committee Decision SC(2015)004 laying down general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the CEOS as regards executive agencies;

Steering Committee Decision SC(2017)015 - Conditions of Employment of Other Servants of the European Union, governing the conditions of employment of contract staff employed by the Commission under the terms of Articles 3a and 3b thereof.

1.7. Categories of data subjects

Statutory staff members (contract agents and temporary agents as job holders) who have to undergo a probation period after their entry into service as provided for in their contract.

1.8. Categories of personal data

Identification data (name, personal number, contact details etc) and data relating to the evaluation of personal aspects and performance of the data subject (e.g. abilities, efficiency and conduct).

1.9. Retention time (time limit for keeping the personal data)

CINEA applies the principles and retention periods indicated in Common Retention List of the Commission⁴ by analogy.

[a] Retention period:

The probation period reports are part of the personal files (Temporary and Contract Agents). The personal files are kept 8 years after the extinction of all rights of the person concerned and of any dependents, and for at least 100 years after the recruitment of the person.

b) Storage period:

CINEA applies the principles and retention periods indicated in Common Retention List of the Commission⁵ by analogy. The storage periods are the same as indicated for the retention period in point 1.9 a).

c) Is any further processing for historical, statistical or scientific purposes envisaged, which would go beyond the normal retention period? *No*

1.10. Recipients of the data

Restricted recipients on a need to know basis, as follows:

Reporting Officer – hierarchical supervisor of the Job holder subject to probation

Countersigning Officer - the Director of the Agency

⁴ SEC (2019) 900/2 - ARES(2019)4374520 – 09/07/2019

⁵ SEC (2019) 900/2 - ARES(2019)4374520 – 09/07/2019

Members of the Joint Appraisal and Reclassification Committee⁶

Appeal Assessor – Chairman of the Steering Committee

HR staff in charge of career development

HR Head of Unit and Head of Sector

In case of audits or legal proceedings, CINEA's Internal Controller, Legal Sector, Staff Committee, etc.

In addition, data may be disclosed public authorities, which are not regarded as recipient but may receive personal data in the frame of a particular inquiry in accordance with Union and Member State law, namely:

- The European Court of Justice or a national judge as well as the lawyers and the agents of the parties in case of a legal procedure;
- The competent Appointing Authority in case of a request or a complaint lodged under Articles 90 of the Staff Regulations;
- IDOC in line with Commission Decision of 12 June 2019 laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings - C(2019)4231 and Commission Decision (EU) 2019/165 of 1 February 2019 Internal rules concerning the provision of information to data subjects and the restriction of certain of their data protections rights in the context of administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings
- OLAF in case of an investigation conducted in application of Regulation (EC) No 1073/1999
- The Internal Audit Service of the Commission within the scope of the tasks entrusted by article 118 of the Financial Regulation and by article 49 of the Regulation (EC) No 1653/2004
- The Court of Auditors within the tasks entrusted to it by Article 287 of the Treaty on the Functioning of the European Union of the EC Treaty and Article 20, paragraph 5 of Regulation (EC) No 58/2003
- The European Ombudsman within the scope of the tasks entrusted to it by Article 228 of the Treaty on the Functioning of the European Union
- The European Data Protection supervisor in accordance with Article 58 of the Regulation (EC) 2018/1725
- The European Public Prosecutor's Office within the scope of Article 4 of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office.

The transmission will be restricted to the information necessary for the competent entity to carry out its task.

1.11. Transfers of personal data to third countries or international organisations

[Not applicable]

⁶ A Joint Appraisal and Reclassification Committees (hereinafter 'JARC') shall be set up in accordance with Article 1, paragraph 6 of Annex VIII of the general provisions for implementing Article 79(2) of the Conditions of Employment of Other Servants of the European Union.

1.12. Description of security measures

The personal files for each individual are stored in secured archives that are accessible only to authorised personnel of human resources. An electronic version of the personal data is stored by the Unit A4/HR in a restricted access drive and kept confidential with restricted access rights.

General questions on probation may be answered via the e-ticketing system used by HR. This system is also ensuring restricted access & confidentiality.

Access to data is safeguarded by the internal European Commission IT systems, which protect against external users accessing the data. Access to electronic files is protected via the Commission security measures (use of password & ECAS authentication system, etc).

CINEA is also bound by Commission Decision 2017/46 of 10/1/17 on the security of communications & information systems in the EC.

1.13. Data Protection Notice

A Data Protection Notice (DPN) relevant to this data processing activity is available on [the CINEA Intranet - <https://cineanet.cinea.cec.eu.int/services/human-resources/legal-issues/data-protection>]