

## I. RECORD OF PERSONAL DATA PROCESSING OPERATION (Article 31 of Regulation (EU) No. 2018/1725)

1.	Name of the processing operation	<b>Performance management, probation, contract renewal</b>
2.	Reference number/Issue	ETF-DPR-34/Issue 1
3.	Date	18/12/2018
4.	Business owner	Nadège Perrine Head of HR Unit Nadège.Perrine@etf.europa.eu
5.	Controller	Cesare Onestini Director of the ETF <a href="mailto:Cesare.Onestini@etf.europa.eu">Cesare.Onestini@etf.europa.eu</a>
6.	Joint controller(s)	Not applicable
7.	Processor(s)	Not applicable
8.	Data protection officer	Tiziana Ciccarone / Laurens Rijken <a href="mailto:DataProtectionOfficer@etf.europa.eu">DataProtectionOfficer@etf.europa.eu</a>

9.	Purpose of the processing	<ul style="list-style-type: none"> <li>The purpose of the processing is to carry out individual objectives setting and performance appraisal exercises (including probation). Besides, it contributes to the exercise of contract renewal.</li> </ul> <p>Further processing:</p> <ul style="list-style-type: none"> <li>The resulting performance appraisal reports (since start of service or last reclassification) are used as input for the reclassification exercise (see separate record).</li> </ul>
10.	Legal basis for the processing	<ul style="list-style-type: none"> <li>Staff Regulations, Condition of Employment of Other Servants of the European Union (CEOS) articles 43, 44 and 87;</li> <li>ETF Governing Board Decision ref. GB/15/DEC/008 Implementing articles 43 and 44 of the SR for temporary staff;</li> <li>ETF Governing Board Decision ref. GB/15/DEC/007 Implementing articles 87 of the CEOS and 44 of the SR for contract staff;</li> <li>ETF Governing Board Decision ref. GB/09/DEC/002 concerning the appraisal and probation of ETF Director;</li> <li>ETF decision ETF/12/DEC/006 on Renewal of contracts of employment at the ETF;</li> <li>Framework Regulation for local agents, SEC(2002)1049;</li> <li>ETF Governing Board Decision ref. GB/15/DEC/019 on Rules on Seconded National Experts (SNEs), as regards management of performance.</li> </ul>
11.	Categories of data subjects	All ETF Temporary, Contract, Local Agents and SNEs
12.	Categories of personal data	Name, contract type, function group/grade, date of entry into grade, job position Individual objectives, self-assessments, appraisals and comments Learning & Development activities undertaken
13.	Time limits for keeping of data	Until the end of service

14.	Categories of ETF	HR Officers in charge, Team Leaders, Managers, ETF Director
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RECORD OF PERSONAL DATA PROCESSING OPERATION - Performance management, probation,  
contract renewal

	recipients of data	
15.	Categories of external recipients of data	Concerning the appraisal and probation of ETF Director: the relevant Governing Board member and European Commission representative in the role of reporting officers.
16.	Transfers of data to third country or international organisation	Not applicable
17.	Technical and organisational security measures	Paper documents are stored in a locked safes in individual personal files, in an HR office. Electronic documents are stored in the ETF relevant software with restricted access to the HR Unit, staff members and own manager(s) and ETF Director once appraisal and objectives are concluded including probation.
18.	Information to the data subject	Provided in privacy statement

## II. COMPLIANCE CHECK AND RISK SCREENING OF PERSONAL DATA PROCESSING OPERATION (Article 26 and 39 of Regulation (EU) No. 2018/1725)

Name of the processing operation	<b>Performance management, probation, contract renewal</b>
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### A. Compliance check

19.	<b>Lawfulness</b> (Legal basis and necessity for processing, point 10) <ul style="list-style-type: none"> <li><input type="checkbox"/> Necessary for performance of tasks in the public interest attributed by EU or MS legislation</li> <li><input checked="" type="checkbox"/> Necessary for the management and functioning of the organisation</li> <li><input checked="" type="checkbox"/> Necessary for compliance with legal obligation incumbent on controller</li> <li><input type="checkbox"/> Necessary for performance of a contract to which the data subject is party</li> <li><input type="checkbox"/> The data subject has given consent</li> <li><input type="checkbox"/> Necessary in order to protect the vital interests of the data subject or of another natural person</li> </ul>	
20.	<b>Purpose definition</b> (Point 9) <ul style="list-style-type: none"> <li>• Do you list all purposes?</li> <li>• Are the purposes specified, explicit, legitimate?</li> <li>• Where information is also processed for other purposes, are you sure that these are not incompatible with the initial purpose(s)?</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• Yes</li> <li>• Yes</li> </ul>
21.	<b>Data minimisation</b> (Point 12) <ul style="list-style-type: none"> <li>• Do you really need all data items you plan to collect?</li> <li>• Are there any you could do without?</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>
22.	<b>Accuracy</b> (Point 12) <ul style="list-style-type: none"> <li>• How do you ensure that the information you process about people is accurate?</li> <li>• How do you rectify inaccurate information?</li> </ul>	<ul style="list-style-type: none"> <li>• Information processed is automatically uploaded by HR staff in the performance appraisal and objective forms.</li> <li>• Rectification takes place either: <ul style="list-style-type: none"> <li>○ upon request of data subject should they realise there is wrong/not up-to-date information or</li> <li>○ by ETF staff in charge of Rights &amp; Obligations.</li> </ul> </li> </ul>
23.	<b>Storage limitation</b> (Point 13) <ul style="list-style-type: none"> <li>• Explain why you chose the storage period(s)</li> </ul>	<ul style="list-style-type: none"> <li>• The selected period of end of service is considered appropriate for administrative</li> </ul>

	<p>mentioned</p> <ul style="list-style-type: none"> <li>Are they limited according to the maximum or minimum “as long as necessary, as short as possible”?</li> <li>In case you only need some information for longer, can you split storage periods?</li> </ul>	<p>reasons and particularly in view of following up adequately staff career evolution (including reclassifications and contract renewals), manage possible appeals and complaints. To be noted that reclassification rules refer to considering all past performance reports since start of service (thus including performance report linked to probation) or last reclassification, if any.</p> <ul style="list-style-type: none"> <li>As short as possible</li> <li>Not applicable</li> </ul>
24.	<p><b>Transparency</b> (Point 18)</p> <ul style="list-style-type: none"> <li>How do you tell people about your processing?</li> <li>If you do not want to inform people (or only inform them after the fact), consult your DPO</li> </ul>	<ul style="list-style-type: none"> <li>Privacy statement is available in the electronic module of performance management, as well as republished at each new objectives setting/appraisal exercise.</li> <li>Not applicable</li> </ul>
25.	<p><b>Data subjects rights</b> (Point 18)</p> <ul style="list-style-type: none"> <li>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?</li> <li>Could there be situations where you would want to refuse e.g. granting access? In case so please describe them</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> <li>Not applicable</li> </ul>

## B. Risk screening

26.	<p><b>Does the processing involve any of the following?</b></p> <ul style="list-style-type: none"> <li>Data relating to health, (suspected) criminal offences or otherwise considered sensitive <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>Evaluation, automated decision- making or profiling <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>Monitoring data subjects <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>New technologies that may be considered intrusive <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>Exclusion databases <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>Large-scale processing of special categories of personal data (disease surveillance, pharmacovigilance, central databases for law-enforcement cooperation) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>Internet traffic analysis breaking encryption <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>Management of personal files <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>Staff evaluation procedures <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>Staff selection procedures <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>Establishment of rights upon entry into service <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>Access control systems <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> <li>Video surveillance <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</li> </ul>
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## C. Conclusions

	Actor	Date	Signature
27.	<p><b>Business owner</b></p> <p>Nadège Perrine Head of HR Unit</p> <p><b>Conclusion</b></p>		

COMPLIANCE CHECK AND RISK SCREENING - Performance management, probation, contract renewal

	Threshold assessment required according to Risk screening		
	<b>Data Protection Officer:</b> Tiziana Ciccarone / Laurens Rijken  <b>Conclusion</b> I confirm that a threshold assessment is required		

### III. THRESHOLD ASSESSMENT OF PERSONAL DATA PROCESSING OPERATION (Article 26 and 39 of Regulation (EU) No. 2018/1725)

Name of the processing operation	<b>Performance management, probation, contract renewal</b>
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#### A. Criteria for high risks identification

28.	Systematic and extensive <b>evaluation</b> of personal aspects or scoring, including profiling and predicting	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
29.	Automated- <b>decision making</b> with legal or similar significant effect: processing that aims at taking decisions on data subjects	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
....		
30.	Systematic <b>monitoring</b> : processing used to observe, monitor or control data subjects, especially in publicly accessible spaces. This may cover video-surveillance but also other monitoring, e.g. of staff internet use.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
....		
31.	<b>Sensitive data</b> : data revealing ethnic or racial origin, political opinions, religious or philosophical beliefs, trade-union membership, genetic data, biometric data for identification purposes, data concerning health or sex life or sexual orientation, criminal convictions or offences and related security measures or otherwise considered sensitive.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Although this process requires the management of sensitive and vulnerable data, the risk is low because the management of these data is restricted to the HR Officers in charge bound by strict confidentiality rules and these data are safely stored.		
32.	Data processed on a <b>large scale</b> , whether based on number of people concerned and/or amount of data processed about each of them and/or permanence and/or geographical coverage	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
....		
33.	Datasets <b>matched or combined</b> from different data processing operations performed for different purposes and/or by different data controllers in a way that would exceed the reasonable expectations of the data subject.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
....		
34.	Data concerning <b>vulnerable data subjects</b> : situations where an imbalance in the relationship between the position of the data subject and the controller can be identified.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
....		
35.	<b>Innovative</b> use or applying technological or organisational solutions that can involve novel forms of data collection and usage. Indeed, the personal and social	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

	consequences of the deployment of a new technology may be unknown	
	....	
36.	<b>Preventing</b> data subjects from <b>exercising a right</b> or using a service or a contract.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	....	

## B. Conclusion

	Actor	Date	Signature
37.	<b>Business owner</b> Nadège Perrine Head of HR Unit  <b>Conclusion</b> No further action required despite the matching criteria for high risk identification. See justification below  See comment under point 31.		
	<b>Data Protection Officer:</b> Tiziana Ciccarone / Laurens Rijken  <b>Conclusion</b> I confirm that no further action is required		
	<b>Data Controller</b> Cesare Onestini, Director of the ETF		