



EUROPEAN INNOVATION COUNCIL AND SMES
EXECUTIVE AGENCY (EISMEA)

Compliance, People and Budget
People, Workplace and Operational Coordination Support

RECORD OF PERSONAL DATA PROCESSING ACTIVITY

Based on **Article 31 of the Regulation (EU) 2018/1725¹** on the protection of natural persons with regards to the processing of personal data by the Union Institutions, bodies, offices and agencies and on the free movement of such data, each responsible EISMEA data controller has to maintain a record of the processing activities under his/her responsibility.

Record No: R-2019-13-2

Initial approval by Data Controller: [Ares\(2019\)7815024 - 19/12/2019](#)

Previous Notification: D2011-06

Update(s) (if applicable): September 2022

NAME OF THE PROCESSING ACTIVITY

Probationary Period Report

IDENTIFICATION OF THE DATA CONTROLLER

European Innovation Council and SMEs Executive Agency (EISMEA), Head of Unit C.02 – People, Workplace and Operational Coordination Support – HR Sector C.02.1 HR

GROUND FOR THIS RECORD (*select relevant ground*)

- Record of a new type of processing activity of personal data (before its implementation)
- Record of a processing activity of personal data that is already in place (ex-post)
- Change/Amendment/ Update of an already existing previous record (or previous notification to DPO)

DESCRIPTION OF THE PROCESSING ACTIVITY

Before being confirmed in a position, an agent must serve a probationary period, which varies according to the type of contract: generally 9 months, except for contract staff FGI (6 months).

This process is divided into two parts:

- Mid-Term review which is done after three months and
- End of probation period report, which covers the whole period of 9 (or 6) months.

In cases of extended justified leave of at least 1 month, the probationary period can be extended but cannot in any case exceed 15 months.

The end of probation period report concludes with a satisfactory or unsatisfactory recommendation to the AIPN to confirm the staff in their position.

¹ [Regulation \(EU\) 2018/1725](#) of the European Parliament and of the Council of 23 October 2018 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 (OJ L 295/39 of 21.11.2018).

1. INFORMATION ON THE PROCESSING ACTIVITY of Probationary Period Report

This processing activity is performed in accordance with **Regulation (EU) No 2018/1725**² on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.

1.1. The Data Controller is:

European Innovation Council and SMEs Executive Agency (EISMEA), Head of Unit C.02 –People, Workplace and Operational Coordination Support – HR Sector C.02.1, B-1049 Brussels and can be contacted at: EISMEA-HR-APPRAISAL@ec.europa.eu.

1.2. The following entity(ies) is/are acting as Processor(s): N/A

1.3. The legal basis for the processing based on Article 5(1) of Regulation (EU) 2018/1725:

- (a) 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 body³;
- (a2) the processing is necessary for the **management and functioning** of the Union Institutions or bodies (Recital (22) of Regulation (EU) 2018/1725);
- (b) the processing is necessary for **compliance with a legal obligation** to which the controller is subject, which are
 - the Steering Committee Decision (2017) of 14.12.2017⁴ adopting by analogy the Commission Decision C(2017)6760 of 16.10.2017 on the general provisions for implementing Article 79(2) CEOS⁵, governing the conditions of employment of contract staff employed by the Commission under the terms of Articles 3a and 3b thereof in its Article 11;
 - the Steering Committee Decision (2015) of 23.03.2015⁴ laying down general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of CEOS in its Article 15 are applicable in order to comply with legal obligations.
- (c) the processing is necessary for the **performance of a contract** to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- (d) the data subject has given **consent** to the processing of his or her personal data for one or more specific purposes;
- (e) the processing is necessary in order to protect the **vital interests** of the data subject or of another natural person.

1.4. The purposes of this processing are to collect personal data to manage the probationary periods of staff members, to ensure good integration of newcomers and to help early detection of areas that need more attention or training (Mid-Term Probationary Report) and to assess the overall individual performance during the whole probationary period (Probationary Period Report) in order to confirm or not the staff in the position.

² [Regulation \(EU\) 2018/1725](#) of the European Parliament and of the Council of 23 October 2018 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 (OJ L 295/39 of 21.11.2018).

³ *EISMEA Act of Establishment*: Commission Implementing Decision (EU) 2021/173 of 12 February 2021 establishing the European Climate, Infrastructure and Environment Executive Agency, the European Health and Digital Executive Agency, the European Research Executive Agency, the European Innovation Council and SMEs Executive Agency, the European Research Council Executive Agency, and the European Education and Culture Executive Agency and repealing Implementing Decisions 2013/801/EU, 2013/771/EU, 2013/778/EU, 2013/779/EU, 2013/776/EU and 2013/770/EU (OJ L 50/9 of 15.2.2021).

EISMEA Act of Delegation: Commission Decision C(2021)949 delegating powers to the European Innovation Council and SMEs Executive Agency with a view to the performance of tasks linked to the implementation of Union programmes in the field of Innovative Europe, Single Market and Interregional Innovation Investments comprising, in particular, implementation of appropriations entered in the general budget of the Union.

⁴ Based on Article 15 (2) (b) of the Commission Implementing Decision (EU) 2021/173 EISMEA is the legal successor of EASME.

⁵ Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community as last amended by Commission Decision 2018/C 451/07 (OJ 45/1385 of 14.6.1962).

1.5. The categories of data subjects concerned by this processing are:

All categories of EISMEA staff members (CA, TA, SNE if applicable) joining the Agency or changing positions.

1.6. The following personal data are collected:

-Data extracted from Sysper⁶: identification data (first name, last name, personal ID); career-related data (position, grade, unit, start date, type of contract).

-Opinion of the staff member and his/her reporting officer on the performance and training needs.

The above-mentioned personal data are **mandatory** for the purposes outline above.

1.7. The recipients to whom the personal data will or might be disclosed are: EISMEA Reporting officers in charge, competent EISMEA HR staff, and in case of appeal, the Appeal Assessor and Joint Committee members, the EISMEA legal team if needed and bodies charged with monitoring or inspection tasks in application of EU law (e.g. internal audits, Court of Auditors, European Anti-fraud Office – OLAF).

1.8. Personal data will not be transferred to third countries or international organisations.

1.9. The processing of this personal data will not include automated decision-making (such as profiling).

1.10. The following technical and organisational security measures are in place to safeguard the processing of this personal data:

Data are stored in the personal file of the staff member both in hard and electronic copies. Hard copies are stored in a secured locked room. Electronic files are accessible only by authorised EISMEA HR staff on a need to know basis. A limited set of data can also be accessed through an internal IT tool (Hero) accessible only to authorised EISMEA HR staff.

1.11. The personal data concerned will be kept for a maximum period of 10 years after the extinction of all rights of the staff member at the end of the career, in line with the Commission Retention List. Data will be deleted at the end of this period.

1.12. Data Subjects are informed on the processing of their personal data via a **data protection notice on their rights** :

- to access their personal data held by a controller;

- to request their personal data held by a controller to be corrected;

- to obtain in some situations erasure of their personal data held by a controller, e.g. when data are held unlawfully (right to be forgotten);

- to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal;

- **of recourse** at any time to the **EISMEA Data Protection Officer** at EISMEA-DPO@ec.europa.eu and to the **European Data Protection Supervisor** at <https://edps.europa.eu>.

Requests of data subjects to exercise a right will be dealt with without undue delay and within **one month**.

The right to information, access, rectification, erasure, restriction or objection to processing, communication of a personal data breach or confidentiality of electronic communications may be restricted only under certain specific conditions as set out in the **applicable Restriction Decision** in accordance with Article 25 of Regulation (EU) 2018/1725.

Any queries concerning the processing of personal data have to be addressed to the Data Controller indicated above in 1.1. at EISMEA-HR-APPRAISAL@ec.europa.eu.

⁶ Record of Sysper IT tool of the European Commission ([DPR-EC-01230.2](#)).