

RECORD OF A PERSONAL DATA PROCESSING ACTIVITY

according to Article 31 of [Regulation \(EU\) 2018/1725](#)



Personal data processing in the context of staff performance management

1) Controller(s)¹ of data processing activity (Article 31.1(a))

EFSA unit in charge of the processing activity: Human Capital Unit (HuCap)

EFSA Data Protection Officer (DPO): DataProtectionOfficer@efsa.europa.eu

Is EFSA a co-controller? No

If yes, indicate who is EFSA's co-controller:

2) Who is actually conducting the processing? (Article 31.1(a))

The data is processed by EFSA itself



Indicate the EFSA units or teams involved in the data processing:

The processing operation is conducted together with an external party



Please provide below details on the external involvement:

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

Implementation of the performance management processes for statutory staff at EFSA as detailed in the relevant Standard Operating Procedure (SOP_045_A Performance Management of Statutory Staff at EFSA) relying on an electronic system configured and used for this purpose (Oracle Fusion HCM).

4) Legal basis and lawfulness of the processing (Article 5(a)–(d)):

Processing necessary for:

(a) a task carried out in the public interest or in the exercise of official authority vested in EFSA



(b) compliance with a legal obligation to which EFSA is subject



¹ The controller decides on the purposes and means of the data processing. In case of joint controllership (e.g. systems of the European Commission applied by EFSA or jointly with another agency), EFSA is a co-controller.

(c) performance of a contract with the data subject or to prepare such contract

☐

(d) The data subject has given consent (ex ante, explicit, informed)

☐

Further details on the legal basis:

- Articles 43, 44 and 45 of the Staff Regulations and Articles 14 & 84 of the Conditions for Employment of Other Servants (CEOS) (probationary period of TAs and CAs);
- Decision of the Management Board of 19 June 2015 laying down general provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations for officials and temporary staff;
- Decision of the Management Board of 19 June 2015 laying down general provisions for Implementing Article 87 (1) of the CEOS and implementing the first paragraph of Article 44 of the Staff Regulations;
- Decision of the Management Board of 1 September 2017 laying down general implementing provisions regarding Article 54 of the CEOS;
- Decision of the Management Board of 1 September 2017 laying down general implementing provisions regarding Article 87(3) of the CEOS;
- Decision of the Management Board of 10 October 2018 on middle management staff.
- For the probationary period, Article 84 (CA) of the CEOS and Article 14 (TA) of the CEOS.

5) Description of the categories of data subjects (Article 31.1(c))

Whose personal data are processed?

EFSA statutory staff

☒

Other individuals working for EFSA (consultants, trainees, interims, experts)

☐

Stakeholders of EFSA, including Member State representatives

☐

Contractors of EFSA providing goods and services

☐

The general public, including visitors, correspondents, enquirers

☐

Relatives of the data subject

☐

Other categories of data subjects (please detail below)

☐

Further details concerning the data subjects whose data are processed:

6) Type of personal data processed (Article 31.1(c))

a) General personal data

The personal data concerns:

Name, contact details and affiliation

☒

Details on education, expertise, profession of the person	<input checked="" type="checkbox"/>
Curriculum vitae	<input checked="" type="checkbox"/>
Financial details	<input type="checkbox"/>
Family, lifestyle and social circumstances	<input type="checkbox"/>
Goods and services the person provides	<input type="checkbox"/>
Other personal data (please detail):	<input type="checkbox"/>
b) Sensitive personal data (Article 10)	
The personal data reveals:	
Racial or ethnic origin of the person	<input type="checkbox"/>
Political opinions or trade union membership	<input type="checkbox"/>
Religious or philosophical beliefs	<input type="checkbox"/>
Health data or genetic or biometric data	<input type="checkbox"/>
Information regarding the person's sex life or sexual orientation	<input type="checkbox"/>
<i>Further details concerning the personal data processed:</i>	
<ul style="list-style-type: none"> • Jobholder's goals: goal setting and definition of learning and development needs of the Jobholder; • Jobholder's appraisal report, comprising the following parts: self-assessment of the jobholder, appraisal by the reporting officer, on a case-by-case basis the opinion of the countersigning officer, further commenting and approval by the jobholder. • The probationary period reports, comprising the following parts: goal setting, midterm review process, final probationary period report with the reporting officer's approval and the countersigning officer for information when positive and the agreement of the jobholder. When the outcome of the final probationary period report is negative, the intervention of the countersigning officer is required. In both cases of a positive and negative evaluation, the Executive Director takes the final decision. • In case of a non-confirmation of the jobholder's engagement (dismissal) based on the final probationary period report, a meeting is held between HuCap, the HoU and the jobholder. On this occasion, the non-confirmation letter signed by the Executive Director together with a copy of the final probationary period report is provided to the jobholder. 	

7) Recipients of the data (Article 31.1(d))

Line managers of the data subject	<input checked="" type="checkbox"/>
Designated EFSA staff members	<input checked="" type="checkbox"/>
Other recipients (<i>please specify</i>):	<input checked="" type="checkbox"/>

- *As long as the performance dialogue process is ongoing (i.e., throughout the different stages of the performance dialogue):* the jobholder, the reporting officer, the countersigning officer, the HoU HuCap, the HoD EMPOWER, Service Desk staff for assistance on the use of the electronic system, relevant staff of the HuCap Unit in charge of the performance management process, the Executive Director;
- *Once the performance goals are accepted and the performance appraisal report is completed:* the reporting officer and the Head of Department under whom the jobholder resorts, relevant staff of the HuCap Unit in charge of the performance management process;
- *There may be other recipients upon request, namely:* the Joint Promotion and Reclassification Committee concerning the appraisals of staff members proposed for promotion/reclassification and/or lodging an appeal against non-inclusion on the draft list of proposed people for promotion/reclassification, the disciplinary board, institutions or bodies having a legitimate purpose of audit, of the exercise of supervisory tasks or in charge of judicial proceedings, namely: the Internal Audit Service, the EU Court of Auditors, the EU Ombudsman, OLAF, the EU Court of Justice, the European Data Protection Supervisor;
- *For the probationary period:* the reporting officer, the countersigning officer, ServiceDesk staff for assistance on the use of the electronic system, relevant staff of the HuCap Unit in charge of the probationary period process, the Executive Director.

8) Transfers to recipients outside the EEA (Article 31.1 (e))	
Data are transferred to third country recipients:	
Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>
If yes , specify to which third country:	
If yes , specify under which safeguards:	
Adequacy Decision of the European Commission	<input type="checkbox"/>
Standard Contractual Clauses	<input type="checkbox"/>
Binding Corporate Rules	<input type="checkbox"/>
Memorandum of Understanding between public authorities	<input type="checkbox"/>

The Oracle Fusion tool which supports the performance management process is accommodated with state-of-the-art security measures and data is stored securely in ISO certified data centres located inside the European Union.

9) Technical and organisational security measures (Article 31.1(g))

How is the data stored?

- | | |
|--|-------------------------------------|
| On EFSA's Document Management System (DMS) | <input checked="" type="checkbox"/> |
| On a shared EFSA network drive or in an Outlook folder | <input type="checkbox"/> |
| In a paper file | <input checked="" type="checkbox"/> |
| Using a cloud computing solution (please detail the service provider and main characteristics of the cloud solution, e.g. public, private) | <input checked="" type="checkbox"/> |
| On servers of an external service provider | <input type="checkbox"/> |
| On servers of the European Commission or of another EU Institution | <input type="checkbox"/> |
| In another way (<i>please specify</i>): | <input type="checkbox"/> |

Please provide some general information on the security measures applied:

- EFSA's performance management process is supported by the Oracle Fusion tool;
- Oracle Fusion Human Capital Management (HCM) is based on "Software as a Service SaaS" cloud technology. The system consists of dedicated modules, including a general person profile accessible by each user and a specific module for goals and performance appraisals. EFSA's configuration of Oracle Fusion generally complies with the requirements of Regulation (EU) 2018/1725 and EFSA has negotiated a specific Data Processing Agreement and contractual clauses with Oracle;
- The Fusion tool is accommodated with state-of-the-art security measures and data is stored securely in ISO certified data centres located inside the European Union. In addition, function-based access control and account management has been established.

10) Retention period (Article 4.1 (e))

- *Probationary reports and reports on trial periods of middle managers* are kept for 5 years after the report was made, and in case of employment termination until 2 years after the end of contract. In case of a complaint or a recourse by the jobholder or in case of pending court litigation, the retention period is suspended, and documents are retained until after the settlement.
- *Performance goals and appraisal reports* are kept from the jobholder's last promotion/reclassification or since the start date in grade and, in all cases, for a period of at least 5 years. In case of employment termination, the performance goals and appraisal reports are kept for 2 years after the end of contract. In case

of a complaint or a recourse by the jobholder or in case of pending court litigation, the retention period is suspended, and documents are retained until after the settlement.

- The retention periods shall be adhered to irrespective the format in which the reports are stored, on paper or electronically. For practical file management reasons, the elimination of reports from the system is carried out by HuCap one time per year after the expiry of the retention period.

11) Consultation with the Information Security Officer

Was the ISO consulted on the processing operation ?

Yes ☐ No ☒

If yes, please provide some details on the consultation with the ISO:

12) Information given to data subjects (Articles 15 and 16)

Has information been provided to data subjects on the way their data is processed including how they can exercise their rights (access, rectification, objection, data portability)? Usually this information is provided in a Privacy Statement, specifying the controller's contact details. As possible, please provide a link to the relevant Privacy Statement or a description.

Information on the DS rights of access and rectification is provided in the Data Protection Notice, which is linked within SOP-045 on Performance Management of Statutory Staff at EFSA.

Last update of this record: October 2024

Reference: DPO/HR/2