**Annex 1**

**Privacy Statement**

**relating to the processing of personal data concerning**

**Annual Performance Appraisal Exercise of Agency for the Cooperation of Energy Regulators’ staff (Temporary and Contract staff)**

1. **Context and controller**

When the Agency for the Cooperation of Energy Regulators (ACER or the Agency) processes personal data it is subject to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (hereafter “Regulation (EC) No 45/2001”).

The Agency’s department in charge of processing of the personal data (the ‘Controller’) is Administration Department, more precisely HR team.

The contact person for the processing of the personal data is the Human Resources Officer:

Mr. Goran Vaskrsic

Human Resources Officer

Trg republike 3

1000 – Ljubljana, Slovenia

Phone number: +386 (0)820 04 601

Email: [goran.vaskrsic@acer.europa.eu](mailto:goran.vaskrsic@acer.europa.eu)

1. **What personal information do we collect, for what purpose, and under which legal bases?**

**Types of personal data**

The following personal data are collected:

- Name and surname of the staff member

- Job Title

- Department

- Personnel number

- Contract type

- Category and grade

- Name and Surname of Reporting Officer, Countersigning Officer and Appeal Assessor

- Opinions and comments of staff member and Reporting Officer, Countersigning Officer and Appeal Assessor (if provided) and indication whether the Jobholder’s performance has been satisfactory or unsatisfactory.

**3. Purpose**

The purpose of the Annual Performance Appraisal Exercise (Appraisal Exercise) of the Agency is to provide regular and structured feedback in order to improve performance and contribute to future career development of Temporary and Contract Staff.

The objective of the Appraisal Exercise is to provide the staff member concerned with a Report containing a qualitative appraisal of his/her individual performance for the reporting period from 1 January to 31 December of previous year. The Report shall draw a conclusion on whether the Jobholder’s performance has been satisfactory or unsatisfactory.

1. **Legal basis**

Legal basis of this processing operation is set by Staff Regulations of Officials of the European Union (hereinafter referred to as ‘Staff Regulations’) and the Conditions of Employment of Other Servants of the European Union (hereinafter referred to as ‘CEOS’), as laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68 and:

i) for temporary staff, Decision AB n° 23/2015 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 17 December 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 temporary staff; or

ii) for contract staff, Decision AB n° 22/2015 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 17 December 2015 laying down general provisions for implementing Article 87(1) of the Conditions of Employment of Other Servants of the European Union and implementing the first paragraph of Article 44 of the Staff Regulations.

iii) for contract staff and temporary staff: Director Decision n° 2016-3 laying down internal measures for the implementation of Decisions AB n° 22/2015 and AB n° 23/2015 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 17 December 2015.

1. **Who has access to your personal data, to whom is it disclosed, and for how long is it stored?**

Internally at the Agency: the HR Team, the Reporting Officers, Countersigning Officers, Appeal Assessors and Joint Reclassification Committee members have access to the data collected for this processing purposes.

Externally: access may be granted to the representative of the European Commission in the Administrative Board of the Agency with the highest seniority in grade, who acts as Appeal Assessor in certain cases.

The data may, on a case by case basis, for the performance of the respective supervisory, advisory or judicial tasks be disclosed to internal auditors, IAS of the European Commission, Court of Auditors, Legal Service, Civil Service Tribunal, the European Ombudsman or the EDPS.

The data is kept in electronic form in the appraisal tool for 5 years following the date of its submission, after which it is deleted. However, the data kept in the appraisal tool is transferred to staff members’ personal file. In the personal file the personal data is kept for 8 years following extinction of all rights of the staff member concerned and of any dependents, and archived for at least 120 years after the date of birth of the staff member concerned.

1. **Data subjects’ rights and available recourse measures**

Data subjects have the right of *inter alia* access to and rectification, blocking, and erasure of their personal data. Data subjects’ rights are governed by the provisions of Regulation (EC) No 45/2001.

Data subjects wishing to exercise their rights seeking clarification of their rights or further information on their rights are requested to contact either the contact person for this processing operation ([goran.vaskrsic@acer.europa.eu](mailto:goran.vaskrsic@acer.europa.eu)), or the Agency’s data protection officer ([DPO@acer.europa.eu](mailto:DPO@acer.europa.eu)).

Finally, data subjects may, at any time, have recourse to the European Data Protection Supervisor (<http://www.edps.europa.eu>).