



European Research Council
Executive Agency

Established by the European Commission

RECORD OF PERSONAL DATA PROCESSING

Art. 31 of the 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 (henceforth the "Data protection regulation")

Record n°

DPO 26/2020

In accordance with Article 31 of the data protection regulation, individuals whose personal data are processed by the Executive Agency in any context whatsoever are to be protected with regard to the processing of personal data and the Executive Agency has to keep records of their processing operations.

This record covers two aspects:

1. Mandatory records under Art 31 of the data protection regulation (recommendation: make the header and part 1 publicly available)
2. Compliance check and risk screening (initial; part 2 is internal only to the Agency, not published)

The ground for the record is (tick the relevant one):

- Regularization of a data processing operation already carried out
- Record of a new data processing operation prior to its implementation
- Change of a data processing operation.
- Migration from notification to record

Management of Personal Files

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| 1 | Last update of this record if applicable | Management of Personal Files: DPO 50-2012, Ares(2012)1179544 - 08/10/2012 Administrative and HR Certificates: DPO 40-2012, Ares(2012)1141588 |
| 2 | Short description of the processing | The personal file stores on paper or electronically the documents related to a data subject linked to his/her employment as a Contract (CA) or Temporary Agent (TA) in the ERCEA. The collection of documents starts during the selection phase, but the personal file is only constituted formally with the signature of the contract. During the administrative appointment, the necessary documents for recruitment are collected and a personnel number attributed to the |

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| | | <p>newcomer. Upon recruitment, further documents are added to the personal file during the career of the data subject.</p> <p>The personal file is in principle accessible via SYSPER.</p> <p>The collection of documents to be compiled in the personal file finishes when the work relationship of the data subject with the ERCEA ends.</p> <p>In case of inter-institutional transfer and at the request of the recruiting institution, the ERCEA transmits the personal file of the staff member concerned to the recruiting institution. In case of participation in the Junior Professionals Programme (JPP), access is also needed for assessing the application of the staff member¹.</p> <p>On the basis of the information contained in the personal file, administrative and HR certificates can be generated and downloaded via SYSPER.</p> |
| Part 1 - Article 31 Record | | |
| 3 | Function and contact details of the controller | <p>Head of Unit D.2 - "Human Resources"</p> <p>ERC-RECRUITMENT@ec.europa.eu</p> <p>ERC-NDP@ec.europa.eu</p> <p>ERC-SYSPER2@ec.europa.eu</p> |
| 4 | Contact details of the Data Protection Officer (DPO) | ERC-DATA-PROTECTION@ec.europa.eu |
| 5 | Name and contact details of joint controller (where applicable) | N/A |
| 6 | Name and contact details of processor (where applicable) | <p>Directorate-General for Informatics (DG DIGIT)</p> <p>DIGIT-SYSPER2-INTERNAL-SUPPORT@ec.europa.eu</p> <p>European Commission Pay Master Office (PMO)</p> <p>PMO-AGENCIES-SALARIES@ec.europa.eu</p> <p>PMO-AGENCIES-ENTRY-INTO-SERVICE@ec.europa.eu</p> <p>PMO-01-SALARIES@ec.europa.eu</p> <p>PMO-FICHIER-TIERS-AGENCES@ec.europa.eu</p> |

¹ For the processing on the side of DG HR, please see the JPP Record - reference DPR-EC-01030.5: <https://ec.europa.eu/dpo-register/detail/DPR-EC-01030>

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| 7 | Purpose of the processing | <p>The purpose of the processing is to constitute and maintain a personal file, a unique filing instrument that compiles all personal and professional documents, relevant for the employment contract.</p> <p>The documents contained in the personal file are used to determine the rights of the data subjects, prepare their contracts of employment and represent an overall view of the personal aspects of the data subject that have a financial impact on his/her working relationship with the ERCEA.</p> <p>The purpose of administrative and HR certificates is to provide staff members with evidence for private use.</p> <p>The ERCEA might envisage anonymous statistical analyses with the sole purpose of improving the quality of the processes and the management of Human Resources.</p> |
| 8 | Description of the categories of data subjects | <p>Whose personal data are being processed? In case data categories differ between different categories of persons, please explain as well (e.g. suspects vs. witnesses in administrative inquiries)</p> <p><input checked="" type="checkbox"/> EA staff (Contractual and temporary staff in active position)</p> <p>Contract and Temporary Agents.</p> <p>Personal Files are not composed for the following categories of non-statutory staff: trainees, interim staff and external contractors.</p> <p><input type="checkbox"/> Visitors to the EA</p> <p><input type="checkbox"/> Contractors providing goods or services</p> <p><input type="checkbox"/> Applicants</p> <p><input checked="" type="checkbox"/> Relatives of the data subject</p> <p><input type="checkbox"/> Complainants, correspondents and enquirers</p> <p><input type="checkbox"/> Witnesses</p> <p><input type="checkbox"/> Beneficiaries</p> <p><input type="checkbox"/> External experts</p> <p><input type="checkbox"/> Other, please specify _____</p> |

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| <p>9</p> | <p>Description of personal data categories</p> <p>Indicate all the categories of personal data processed and specify which personal data are being processed for each category (between brackets under/next to each category):</p> | <p><i>Categories of personal data:</i></p> <p><input checked="" type="checkbox"/> in the form of personal identification numbers [Personnel number, copy of the passport or ID]</p> <p><input checked="" type="checkbox"/> concerning the physical characteristics of persons as well as the image, voice or fingerprints [E.g. photos on CVs]</p> <p><input checked="" type="checkbox"/> concerning the data subject's private sphere [E.g. date and place of birth, gender, nationality]</p> <p><input checked="" type="checkbox"/> concerning pay, allowances and bank accounts [E.g. bank account details, Legal Entity, payslip, determination of rights (PMO forms) and supporting documents justifying the allowances]</p> <p><input checked="" type="checkbox"/> concerning recruitment and contracts [E.g. contract, offer letter and acceptance]</p> <p><input checked="" type="checkbox"/> concerning the data subject's family [E.g. personal details of the spouse, marriage certificate if applicable, children birth certificate and information about their schooling. Contact details of emergency contact as provided by the data subject]</p> <p><input checked="" type="checkbox"/> concerning the data subject's career [E.g. work experience, knowledge of languages, education and training information, handover report]</p> <p><input checked="" type="checkbox"/> concerning leave and absences [E.g. CCP (<i>Congé de Convenance Personnelle</i>), maternity/parental/family leave]</p> <p><input type="checkbox"/> concerning missions and journeys</p> <p><input type="checkbox"/> concerning social security and pensions</p> <p><input type="checkbox"/> concerning expenses and medical benefits</p> <p><input checked="" type="checkbox"/> concerning telephone numbers and communications [E.g. private and professional phone numbers]</p> <p><input checked="" type="checkbox"/> concerning names and addresses (including email addresses) [E.g. name, surname, email address, personal address]</p> <p><input type="checkbox"/> Other :please specify : _____</p> <p><i>Categories of personal data processing likely to present <u>specific risks</u>:</i></p> <p><input checked="" type="checkbox"/> data relating to suspected offences, offences,</p> |
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| | | <p>criminal convictions or security measures</p> <p>[E.g. Standard form replacing the criminal record, documents related to appeals and disciplinary matters]</p> <p><input checked="" type="checkbox"/> data being used to evaluate personal aspects of the data subject (ability, efficiency, conduct)</p> <p>[E.g. appraisal reports, reclassification decisions, decisions on disciplinary matters]</p> <p><i>Categories of personal data whose processing is <u>prohibited</u>, with exceptions (art. 10 new Regulation):</i></p> <p><input type="checkbox"/> revealing racial or ethnic origin</p> <p><input type="checkbox"/> revealing political opinions</p> <p><input type="checkbox"/> revealing religious or philosophical beliefs</p> <p><input type="checkbox"/> revealing trade-union membership</p> <p><input checked="" type="checkbox"/> concerning health</p> <p>[E.g. medical aptitude / exemption]</p> <p><input checked="" type="checkbox"/> genetic data, biometric data for the purpose of uniquely identifying a natural person</p> <p>[Signatures on financial forms (PMO), contracts, certificates, etc.]</p> <p><input type="checkbox"/> concerning sex life or sexual orientation</p> <p><i>Specify any additional data or explanatory information on the data being processed, if any:</i></p> |
| 10 | <p>Retention time (time limit for keeping the personal data)</p> | <p>The ERCEA applies by analogy the principles and the retention periods indicated of the Common Commission-Level Retention List (SEC(2019)900)/2. Personal files are kept for 8 years after the extinction of all rights of the person concerned and of any dependants, and for at least 100 years after the date of recruitment of the person concerned.</p> <p>Certain categories of data that are included within the personal file (e.g., disciplinary decisions) may have specific time-limited retention periods that are indicated in separate records. Certain documents are returned and only a confirmation of receipt is kept (e.g. extract of the criminal record).</p> <p>Certificates generated by staff members are stored in SYSPER for a period of three months.</p> <p>Is any further processing for archiving purposes in the public interest, historical, statistical or scientific purposes envisaged?</p> <p><input checked="" type="checkbox"/> yes <input type="checkbox"/> no</p> <p>If yes, indicate the further retention time: The ERCEA might envisage anonymous statistical analyses in the future with the sole purpose of improving the quality of the processes and the management of Human Resources. However, retention periods mentioned above will not be</p> |

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| | | increased for this further purpose. |
| 11 | Recipients of the data | <p>The persons with access to your personal data, on a need-to-know basis, are:</p> <ul style="list-style-type: none"> - The members of the ERCEA HR Unit and authorised personnel dealing with staff recruitment, staff career development processes, individual rights, time management and HR legal aspects; - Members of the ERCEA Management can ask for access to specific data stored in the personal file (e.g. curriculum vitae) of their subordinates only for legitimate purposes; - Authorised staff in the PMO service in charge of the establishment of individual rights and financial entitlements have access to electronic personal files for implementing certain tasks identified via SLA; - For technical reasons and in order to manage the files: authorised personnel in DG HR; - In case of inter-institutional transfer, the recruiting EU institution or body. - DG HR for the JPP. <p>In addition, certain administrative details may be disclosed, in compliance with the relevant current legislation and established case law, and on a temporary basis to legislative or supervisory bodies of the ERCEA, as well as auditing bodies and courts.</p> |
| 12 | Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards? | N/A |
| 13 | <u>General</u> description of the technical and organisational security measures | <p>The HR Unit is responsible for the management of any documents produced, circulated and/or received, ensuring the appropriate treatment of all documents. Only the authorised personnel of Unit D.2 - "Human Resources" can access and process the personal files.</p> <p>Paper personal files are kept in locked archives and consultation of the personal files has to be registered (date, time and name of the authorised agent).</p> <p>The official register of the Agency is ARES/NomCom and all files therein are processed using the restricted marking. Access in ARES (including the virtual entity ercea.recruit) is strictly restricted to authorised personnel. SYSPER is the HR Information System of the European Commission; the management of the access rights, which are strictly limited to authorised personnel, equally protects access to personal data in SYSPER.</p> <p>Access to the ERCEA server room is restricted to selected staff members of the Head of the IT Unit (D.1) and the LSA team.</p> <p>For documents stored on the shared drive, only the</p> |

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| | | <p>authorised personnel of Unit D.2 - "Human Resources" can access and process these folders. Access rights are granted only with the authorisation of the Controller by the Local System Administrator.</p> |
| 14 | <p>Information to data subjects/Data Protection Notice (DPN)</p> | <p>The relevant Data Protection Notices are available on the ERCEA Intranet "Human Resources - Data Protection & Privacy".</p> <p>Also, the Internet site of the ERC "About ERC – Careers" contains some of the DPNs.</p> <p>These DPNs include, but are not limited to, the following processing operations of relevance for personal files:</p> <p>On the internet and the intranet:</p> <ul style="list-style-type: none"> - Staff Selection and Spontaneous Applications - Staff Recruitment <p>On the intranet, some of the DPNs of relevance are:</p> <ul style="list-style-type: none"> - Probationary period - Appraisal - Reclassification - Flexitime, Leave and Absence Management (including leave on personal grounds) - Management of External activities - Administrative Inquiries and Disciplinary Proceedings - Termination of the service of ERCEA statutory staff <p>The privacy statement of SYSPER may be found at:</p> <p>https://myintracomm.ec.europa.eu/staff/EN/technical-assistance/Pages/sysper-privacy-statements.aspx</p> |
| Part 2 - Compliance Check (Articles 4 and 5) | | |
| 1 | Legal basis of the processing | The applicable legal basis for this processing operation are |