



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 ("Data Protection Regulation")

Record n°

DPO 58 – 2020 (update 1, 2021)

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.*

Transmissions of Personal Data of ERCEA Staff to Third Parties

1	Last update of this record if applicable	N/A
2	Short description of the processing	<p>The European Research Council Executive Agency (ERCEA) satisfies requests of third parties (namely, member states' Permanent Representations or other national authorities) for the transmission of certain personal data of ERCEA staff. In exceptional cases, the personal data are processed on the request of the staff member.</p> <p>Requests received by the Agency are treated by authorized staff in the HR Unit.</p> <p>The HR Unit analyses the requests and ensures, if necessary with the help of the DPO, that transmissions are compliant with the Data Protection Regulation and/or the provisions of the Treaty on the Functioning of the European Union (Article 15 of the Protocol No. 7 on</p>

		Privileges and Immunities). The personal data is collected via SYSPER and provided to national authorities.
Part 1 - Article 31 Record		
3	Function and contact details of the controller	Head of Unit D.2 – “Human Resources” ERC-HR-REPORTS@ec.europa.eu
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)	Directorate-General for Informatics (DG DIGIT) DIGIT-SYSPER2@ec.europa.eu
7	Purpose of the processing	<p>This processing operation enables the ERCEA to respond to requests from third parties (namely, member states' Permanent Representations or other national authorities) concerning personal data of the members of the ERCEA staff. ERCEA will transmit the personal data for the purposes referred to in Article 9 of the Data Protection Regulation or Article 15 of the Protocol No. 7 on the Privileges and Immunities of the European Union (to which the Controller is subject as per Article 5(1)(b) of the Data Protection Regulation).</p> <p>In exceptional cases, the request to process personal data may be initiated by the interested staff member who may ask the Agency to transfer some data to specific national authorities also for administrative reason.</p> <p>Requests may also envisage other purposes such as those related to communication and general information. In exceptional circumstances, responding to a request may imply the transfer of personal data to third countries or international organisations. In these cases, the Controller and Data Protection Officer of the ERCEA will assess the adequacy of the request.</p>
8	Description of the categories of data subjects	<p>Whose personal data are being processed?</p> <p><input checked="" type="checkbox"/> EA staff</p> <p>[Contract Agent, Temporary Agent].</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 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>

		<input checked="" type="checkbox"/> External experts [Seconded National Experts]. <input type="checkbox"/> Other
9	<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> <input checked="" type="checkbox"/> in the form of personal identification numbers (national number and ID card only with the consent of the data subject) <input type="checkbox"/> concerning the physical characteristics of persons as well as the image, voice or fingerprints
		<input type="checkbox"/> concerning the data subject's private sphere <input type="checkbox"/> concerning pay, allowances and bank accounts <input checked="" type="checkbox"/> concerning recruitment, contracts and career [Statutory link/function (Contract Agent, Temporary Agent, Seconded National Expert), grade (FG-level or AD-level), professional title, organisational assignment (name of Department or Unit)]. <input type="checkbox"/> concerning the data subject's family <input type="checkbox"/> concerning leave and absences <input type="checkbox"/> concerning missions and journeys <input type="checkbox"/> concerning social security and pensions <input type="checkbox"/> concerning expenses and medical benefits <input type="checkbox"/> concerning telephone numbers and communications <input checked="" type="checkbox"/> concerning names and addresses (including email addresses) [First name, surname, administrative address (ERCEA postal address including office number), place of work (i.e. Brussels) and professional e-mail address]. <input checked="" type="checkbox"/> Other: [Gender, nationality/citizenship]. <i>Categories of personal data processing likely to present specific risks:</i> <input type="checkbox"/> data relating to suspected offences, offences, criminal convictions or security measures <input type="checkbox"/> data being used to evaluate personal aspects of the data subject (ability, efficiency, conduct) <i>Categories of personal data whose processing is prohibited, with exceptions (art. 10 new Regulation):</i>

		<input type="checkbox"/> revealing racial or ethnic origin <input type="checkbox"/> revealing political opinions <input type="checkbox"/> revealing religious or philosophical beliefs <input type="checkbox"/> revealing trade-union membership <input type="checkbox"/> concerning health <input type="checkbox"/> genetic data, biometric data for the purpose of uniquely identifying a natural person <input type="checkbox"/> concerning sex life or sexual orientation
10	Retention time (time limit for keeping the personal data)	<p>Personal data processed related to the request from Member States are kept for up to 1 month for e-mails.</p> <p>The consent provided by the staff members, if applicable, is kept for up to 3 years.</p> <p>Is any further processing for archiving purposes in the public interest, historical, statistical or scientific purposes envisaged?</p> <input type="checkbox"/> yes <input checked="" type="checkbox"/> no
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"> • Authorised personnel in the HR Unit treating the request for the transmission of personal data; • If necessary, the ERCEA's Data Protection Officer; • The AHCC (Authority Empowered to Conclude Contracts of Employment), i.e., the ERCEA's Director; • As the case may be, Permanent Representations of the Member States to the EU, Embassies of the Member States in the hosting country, Ministries of Foreign or European Affairs of Member States and administrative authorities.
12	Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?	<p>No transfer of personal data to third countries or international organisation is considered. In case of transfers of personal data to third countries or international organisations, the Data Controller and the Data Protection Officer of the ERCEA will assess the adequacy of the request taking into account all the necessary safeguards measures in place.</p>
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.</p> <p>E-mails including personal data should be sent via encrypted e-mail (SECEM). Access to files is limited to authorised personnel, regardless of where they are saved: on the ERCEA Shared Drive; the Functional Mailbox (FMB) ERC-HR-REPORTS@ec.europa.eu; or of which a physical copy is kept.</p> <p>The official register of the Agency is ARES/NomCom and</p>

		<p>all files therein are processed using the restricted marking. SYSPER is the HR Information System of the European Commission, access to personal data is protected by the management of the access rights, which are strictly limited to authorised personnel.</p>
14	<p>Information to data subjects/Data Protection Notice (DPN)</p>	<p>The Data Protection Notice is published on the ERCEA intranet "<i>Human Resources - Data Protection & Privacy</i>":</p> <p>http://intranet.ercea.cec.eu.int/services/human-resources/priv/Pages/default.aspx</p> <p>Moreover, the Controller provides the DPN to the data subjects when informing them about the request for the transmission of data.</p>

Part 2 - Compliance Check (Articles 4 and 5)