



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 2- 2019

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

Reclassification

1	Last update of this record if applicable	ARES(2017)52437 of 05/01/2017
2	Short description of the processing	The reclassification process concerns all externally recruited temporary staff and the contract staff who are eligible for reclassification. The main steps are the consultative process and the comparison of merits of the eligible staff by category, function group and grade at the Agency level. Reclassified Contract and Temporary Staff are appointed to the next higher grade in the function group to which they belong. The annual reclassification exercise is structured as follows: 1. The HR Unit draws up the list of eligible temporary and contract staff

		members and informs the Director and Heads of Department on theoretical reclassification possibilities per grade. 2. The Heads of Department consult the Heads of Unit to receive some indications on the merits of their respective staff members. 3. The Director and the Heads of Department meet on two different occasions to undertake a comparative examination of the merits of the temporary and contract staff eligible for reclassification. A preliminary list of proposed reclassifications is defined. 4. Following the comparative examination of the comparative merits, the Director holds a discussion with a delegation of staff members appointed by the Staff Committee. 5. Following this discussion, the Director draws up a list of temporary and contract staff members proposed for reclassification. 6. The Director communicates to all staff the draft list of temporary and contract staff proposed for reclassification by means of publication in Sysper. The Director sends at the same time his proposals for reclassification to the Joint Reclassification Committee (JRC), which is composed of members representing the administration and members representing the staff. 7. Within five working days from the date of publication of the list mentioned above, the eligible staff but not proposed for reclassification can submit an appeal to the JRC. 8. The JRC analyses the appeals by making a comparative examination of merits per grade of temporary and contract staff eligible for reclassification. It then presents to the Director the list of temporary and contract staff that it recommends for reclassification. 9. On the basis of these recommendations, the Director makes a final comparison of merits and adopts the final list of reclassified staff members. 10. The list is made available to all Agency staff by means of an administrative notice. 11. Upon completion of the exercise, a Joint Committee examines the carrying out of the exercise in the given year and draws up a report which may contain recommendations to the attention of the Director and the Staff Committee.
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Part 1 - Article 31 Record

3	Function and contact details of the controller	Head of Human Resources Unit: (ERCEA.D2) ERC-CDR@ec.europa.eu ERC-CAREER@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)	European Commission Directorate General Human Resources (DG HR) HR-RRH-EEAS-AND-EA-APPRAISAL@ec.europa.eu European Commission Pay Master Office (PMO) PMO-AGENCIES-SALARIES@ec.europa.eu DIGIT DIGIT-SYSPEP2-INTERNAL-SUPPORT@ec.europa.eu
7	Purpose of the processing	The purpose of the reclassification process is to motivate the staff members by offering them a possibility of progression in their classification based on their merits. The Controller or the ERCEA in general may further envisage anonymous statistical analyses with the purpose of improving the quality of the processes and the management of Human Resources.
8	Description of the categories of data subjects	☒ EA staff (Contract and temporary staff in active employment under Article 3a and 2(f) of the Conditions of Employment of Other Servants (CEOS)) ☐ Visitors to the EA ☐ Contractors providing goods or services ☐ Applicants ☐ Relatives of the data subject ☐ Complainants, correspondents and enquirers ☐ Witnesses ☐ Beneficiaries ☐ External experts ☐ Contractors ☐ Other, please specify _____

9	Description of personal data categories 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):	<i>Categories of personal data:</i> ☒ in the form of personal identification numbers [Personal Id, Job Number] ☒ in the form of broader identification data [Last name, First name, Personal ID, Personnel Number, Position both of the reporting and the countersigning officers, Administrative address, Phone and Fax] ☐ concerning the physical characteristics of persons as well as the image, voice or fingerprints ☐ concerning the data subject's private sphere ☐ concerning pay, allowances and bank accounts ☐ concerning recruitment and contracts ☒ concerning the data subject's family [maternity leave either collected or spontaneously received to justify active employment, hence eligibility for reclassification] ☒ concerning the data subject's career [contained mainly in the Appraisal Reports of the three previous years including personal data in relation to - the employment record of the jobholder: Status, Assignment, Function Group, Grade, Seniority in the grade, Description of tasks, - the qualitative information on the merits of the jobholder's performance: Achievement of objectives, Personal development, Contribution to other activities, Efficiency, Competencies, Aspects of conduct, Level of responsibilities, Use of languages, Additional duties (which might include the membership to the Staff Committee, being a Confidential Counsellor, etc.), Overall subjective assessment of the reporting officer and the countersigning officer (satisfactory/unsatisfactory performance and explanations), additional comments of the jobholder, the reporting officer and the countersigning officer] - For Temporary Staff: Third language and Third language certified (Y/N) - For Contract Staff FG IV: Confirmation of ability to work in a third language as an eligibility condition for a contract of indefinite duration ☒ concerning leave and absences [Target date+ Duration of absence (relevant for the deadline to lodge an appeal because jobholders have 5 working days starting from the date of communication of the reclassification proposals to submit an appeal with the Joint Reclassification Committee against non-proposal for reclassification, with supporting arguments)] ☒ concerning missions and journeys
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10	Retention time (time limit for keeping the personal data)	[Target date+ Duration of absence] [relevant for the deadline to lodge an appeal because jobholders have 5 working days starting from the date of communication of the reclassification proposals to submit an appeal with the Joint Reclassification Committee against non-proposal for reclassification, with supporting arguments] ☐ concerning social security and pensions ☐ concerning expenses and medical benefits ☒ concerning telephone numbers and communications [If needed, the phone number from Sysper will be used] ☒ concerning names and addresses [including private email addresses which may be needed as to contact the staff member in case of long leave] ☐ Other :please specify : _____ <i>Categories of personal data processing likely to present <u>specific risks</u>:</i> ☐ data relating to suspected offences, offences, criminal convictions or security measures ☒ data being used to evaluate personal aspects of the data subject (ability, efficiency, conduct) <i>Categories of personal data whose processing is <u>prohibited</u>, with exceptions (art. 10 new Regulation):</i> ☐ revealing racial or ethnic origin ☐ revealing trade-union membership ☐ genetic data, biometric data for the purpose of uniquely identifying a natural person ☐ revealing political opinions ☐ revealing religious or philosophical beliefs ☐ concerning health ☐ concerning sex life or sexual orientation <i>Specify any additional data or explanatory information on the data being processed, if any:</i> Furthermore, for staff having lodged an appeal: ▪ Appeals of staff members (personnel number, surname, first name, date and reason for appeal, appraisal reports of the last three years) ▪ Joint Reclassification Committee's Recommendation on the appeals (if applicable) ▪ the Decision of the Director (in his capacity of Authority Authorised to Conclude Contracts of Employment/AACC). <u>Indicate the period of storage:</u> The evaluation documents are considered integral part of the jobholder personal file (section career), for which the Common Retention Policy of the Commission – SEC(2019)900 is applied by analogy. ERCEA foresees the following retention period: evaluation documents are retained 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 recruitment of the person concerned.
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		Is any further processing for archiving purposes in the public interest, historical, statistical or scientific purposes envisaged? ☐ yes ☒ no
11	Recipients of the data	Who will have access to the data within the Agency or outside? Who will have access to the data outside the Agency? - Staff member eligible for a reclassification - Reporting Officer (Head of Units in their capacity of staff members' direct superior) - Heads of Department for the eligible staff within their Department - The ERCEA Director for all eligible contract and temporary staff of the Agency - Staff members delegated by the Staff Committee ahead of their meeting with the Director on the basis of Art. 5(4) of the GIPs for CAs and TAs respectively. - ERCEA Members of the Joint Reclassification Committee - Authorised personnel of HR Unit (Head of HR unit and HR staff in charge of the appraisal and reclassification process) - authorized personnel from DG HR - authorised financial agents at the ERCEA and Commission Pay Master Office (PMO) have access to the administrative data necessary for the calculation and payment of the new salary to which the reclassified staff member is entitled in their capacity of processors as stipulated in the SLA signed.
12	Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?	No and N/A.
13	<u>General</u> description of the technical and organisational security measures	<i>Include a general description of your technical and organisational security measures that you could also provide to the data subjects and general public.</i> Physical security: All the information systems listed below are hosted in the DIGIT Datacentre. Access to the DIGIT Datacentre is restricted to authorized staff in DIGIT and it is controlled by badge plus pin code. Logical security: ▪ Outlook: The user needs to log onto the Windows Environment or onto the Outlook WebApp (available via https://myremote.ec.europa.eu and protected via a two way authentication methodology) to have access to his/her email account. In addition, HR Unit recommends to all the stakeholders involved in the process to exclusively use encrypted (S/MIME aka SECEM) security system. ▪ Sysper: is protected with the European Commission's EU Login authentication system. The access right system in Sysper is customised in order to restrict the access to the files to the authorised

		people. ▪ ARES: is protected with the European Commission's EU Login authentication system. In Ares, a handling restriction with "Staff Matter" marking is applied to all files in order to restrict the access to the authorised people. ▪ ERCEA HR share drive: Access to restricted data on the ERCEA HR share drive is only given to authorised staff members of the HR Unit in charge of the monitoring of the processes. ▪ Paper file storage: A binder containing hard copies of previous reclassification files of some staff members (the ones that are not available in Sysper and dated before the use of Sysper for the probation period) is stored in a locked cabinet of the HR Offices (Career Team).
14	Information to data subjects/Specific Privacy Statement (SPS)	<i>Please note that the information on the processing of personal data should always be sent or made available to the data subjects (existing SPS may need to be updated).</i> Link to the SPS (if it is accessible by the general public; if not, eg it is published on Intranet, then please attach the final SPS) A Specific Privacy Statement on Reclassification is published on the intranet of the Agency. 1) At the Reclassification Sector of the Career page: http://intranet.ercea.cec.eu.int/services/human-resources/career/Pages/Career-development.aspx#anchor4 2) Career Privacy Statements http://intranet.ercea.cec.eu.int/services/human-resources/priv/Pages/Career.aspx