



EUROPEAN RESEARCH EXECUTIVE AGENCY

RECORD OF PERSONAL DATA PROCESSING ACTIVITY

In accordance with Article 31 of the Regulation (EU) 2018/1725 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 data¹ ('the Regulation'), individuals whose personal data are processed by the European Research Executive Agency ('REA' or 'the Agency') in any context whatsoever are to be protected with regard to the processing of personal data and the Agency has to keep records of their processing activities.

Record No: 17
 Created on (date): 19 July 2019
 Last update (date): June 2023

NAME OF THE PROCESSING ACTIVITY

Recruitment of Seconded Commission Officials at REA

GROUND FOR THE RECORD (TICK THE RELEVANT ONE):

- Regularization of a data processing activity already carried out
- Record of a new data processing activity prior to its implementation
- Change of a data processing activity.

IDENTIFICATION OF THE DATA CONTROLLER

European Research Executive Agency (REA)

¹ 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 (OJ L 295/39 of 21.11.2018).

1. MANDATORY RECORD UNDER ARTICLE 31 OF THE REGULATION

(PART I - PUBLISHABLE VERSION FOR EXTERNAL PUBLICATION)

1.1. Contact details of controller

The controller is the European Research Executive Agency ('REA' or 'the Agency'), represented by its Director. For organisational reasons, the role of the data controller has been entrusted by the Director to the delegated controller and is exercised by the Head of Unit REA.D.2 "People and Workplace." The data controller may be contacted via the functional mailbox: REA-HR-SELECTION-RECRUITMENT@ec.europa.eu

1.2. Contact details of the Data Protection Officer (DPO)

REA DPO: REA-DATA-PROTECTION-OFFICER@ec.europa.eu

1.3. Name and contact details of joint controller (where applicable)

N/A

1.4. Name and contact details of processor (where applicable)

- DG HR for SYSPER (HR-MAILA3@ec.europa.eu) and RETO;
- DG DIGIT for "ICT services" (ARES/HAN, functional mailboxes, etc.) (DIGIT-MOU@ec.europa.eu);
- PMO under the Service Level Agreement ("SLA") signed with REA.

1.5. Purpose of the processing

The processing operation is necessary for the recruitment of seconded EU officials from the European Commission ("EC") in order to fill appropriate vacant posts in REA.

The processing operation encompasses the engagement and management of career events during the secondment at REA.

1.6. Legal basis for the processing

Article 5(1) (a) and (b) of the Regulation:

(a) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body;

(b) processing is necessary for compliance with a legal obligation to which the controller is subject.

Other legal basis:

- Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for Executive Agencies to be entrusted with certain tasks in the management of Community programmes², in particular Article 11 and 18;
- European Commission Implementing Decision (2021) 173 of 12 February 2021, establishing the European Research Executive Agency and repealing Decision 2013/778/EU³;
- Commission Decision C(2021) 952 of 12 February 2021 delegating powers to the European Research Executive Agency with a view to the performance of tasks linked to the implementation of Union programmes in the field of Research and Innovation, Research of the Fund for Coal and Steel and

² [OJL 11, 16.1.2003, p. 1–8](#)

³ [OJL 50, 15.2.2021, p. 9–28](#)

Information Provision and Promotion Measures concerning Agricultural Products⁴;

- Articles 2, 7, 11, 37, 38, 39, 44 and 46 of the Staff Regulations of officials⁵;
- Articles 6 and 10 of the Conditions of Employment of Other Servants (“CEOS”);
- Articles 3 and 4 of the REA Steering Committee Decision laying down implementing; rules on the temporary occupation of management posts (REA/SC(2018) 1.3.1).

1.7. Categories of data subjects

Nominated officials of the EC to be engaged by REA as Seconded officials (Temporary Agents TA 2a)

1.8. Categories of personal data

The process of secondment commences with the decision taken by the EU services following selection procedure organised by the EC. REA does not process data in relation to the Selection procedure which is the sole decision of the EC.

Following the decision of the EC to second the official, REA receives the Transfer Act and Nomination Act⁶ (PMO also receives this information via ARES at the same time as REA), it contains:

- First name;
- Surname;
- Personal number;
- Grade;
- Position and unit in Parent DG;
- Position and unit in REA;
- For new Heads of Unit, managerial stage decision (if applicable);
- Professional mail address;
- SYSPER number;
- Name of Director-General of parent DG on Nomination Act;
- Name of Director-General of Human Resources and Security on Transfer Act.

REA will prepare the TA 2a contract and will encode in RETO and SYSPER the seconded official’s career at REA.

The TA 2a contract with REA will be signed by the seconded official and REA Director acting as Authority Empowered to Conclude Contracts (‘AECC’), via ARES.

In the event that REA Director decides to appoint a seconded official in a management position, REA will prepare the Nomination Act (including the official’s name and affectation), encode the data in SYSPER and inform PMO of the change in the career with the impact in the allowances.

⁴ [C\(2021\) 952](#)

⁵ [Regulation No 31 \(EEC\), 11 \(EAEC\)](#)

⁶ The name of the seconded official is communicated by the Parent DG to the REA Director.

1.9. Retention time (time limit for keeping the personal data)

REA applies the principles and retention periods indicated in the Common-Level Retention List for European Commission Files by analogy⁷:

The documents to be filed in the Personal file will be 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 (CRL 12.3.7).

The electronic documents filed in ARES have an administrative retention period of 10 years (CRL 12.3.1).

The personal data will be stored for the same as per retention period above.

No further processing of personal data, which would go beyond the normal retention period for historical, statistical or scientific purpose is envisaged.

There is no automated processing of data or profiling.

1.10. Recipients of the data

The following recipients with a need-to-know will have access to the data:

Within REA,

- Authorised staff of REA Unit D.2 "People and Workplace"
- Head of Unit, Deputy Head of Unit, Head of Sector REA D.2 "People and Workplace";
- REA Director;
- The REA Head of Department "Coordination and Corporate Services";
- The acting Head of Unit/Unit management where the official will be located;
- REA Internal Services (finance, ICS, legal service, building services, LSO).

Outside REA:

In addition, data may be disclosed to public authorities, which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law and shall not be regarded as recipient:

- The European Court of Justice or a national judge as well as the lawyers and the agents of the parties in case of a legal procedure;
- The European Anti-Fraud Office (OLAF) in case of an investigation conducted in application of Regulation (EC) No 1073/1999;
- The Internal Audit Service of the Commission (IAS) within the scope of the tasks entrusted by article 118 of the Financial Regulation and by Article 49 of the Regulation (EC) No 1653/2004;
- The European Court of Auditors (ECA) within the tasks entrusted to it by Article 287 of the Treaty on the Functioning of the European Union of the EC Treaty and Article 20, paragraph 5 of Regulation (EC) No 58/2003;
- The European Ombudsman (EO) within the scope of the tasks entrusted to it by Article 228 of the Treaty on the Functioning of the European Union;

⁷ https://ec.europa.eu/info/sites/info/files/sec-2019-900_en.pdf

- The European Data Protection Supervisor (EDPS) in accordance with Article 58 of Regulation (EC) 2018/1725;
- The European Public Prosecutor's Office (EPPO) within the scope of Article 4 of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office.
- The processing of those data by those public authorities shall comply with the applicable data protection rules according to the purpose of the processing.
- IDOC in line with Commission Decision of 12 June 2019 laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings - C(2019)4231 and Commission Decision (EU) 2019/165 of 1 February 2019 on Internal rules concerning the provision of information to data subjects and the restriction of certain of their data protections rights in the context of administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings;
- The competent Appointing Authority in case of a request or a complaint lodged under Articles 90 of the Staff Regulations;
- OLAF in case of an investigation conducted in application of Regulation (EU, Euratom) No 883/2013;

1.11. Transfers of personal data to third countries or international organisations

N/A

1.12. High-level description of security measures

Access to data is only possible via restricted access on an individual need-to-know basis and through User-ID and password. Personal data is stored on the servers of the European Commission which abide by strict security measures implemented by DG DIGIT to protect the security and integrity of the relevant electronic assets.

1.13. Data Protection Notice

A Data Protection Notice (DPN) relevant to this data processing is available in the [REA public register of records](#) and it is transmitted by the data controller to the data subjects, where applicable.