



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/ 08
Created on (date): 19 July 2019
Last update (date): **June 2023**

NAME OF THE PROCESSING ACTIVITY

Management of training needs and development of training activities by 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 of 21.11.2018, p.39).

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), 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 REA Head of Unit D.2 – People and Workplace. The data controller may be contacted via functional mailbox: REA-TRAINING@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)

In the case of **joint procedures** for learning and development activities with other Executive Agencies, the joint controllers are specifically identified in the relevant data protection notice of the individual Learning and Development activity. In general terms they can be potentially all Executive Agencies (CINEA, EACEA, EISMEA, ERCEA, HADEA), depending on the specific nature of the joint procedure.

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

- DG HR for EU Learn² (HR-EU-LEARN@ec.europa.eu);
- European School of Administration for EU Learn (EPSO-EUSA-CONTRACTS-MGMT@ec.europa.eu);
- DG HR for SYSPER (HR-MAILA3@ec.europa.eu);
- DG DIGIT for “ICT services” (ARES/HAN, functional mailboxes, Skype for Business, Teams, etc.) (DIGIT-MOU@ec.europa.eu).
- Any external contractors that REA has contracted for services, the contact details will be indicated in the relevant contract.

1.5. Purpose of the processing

Training is a key part of Internal Control Standard (ICS) 4 – Staff Evaluation and Development. Every year, training priorities are developed in the REA Learning and Development Strategy (LDS). These priorities depend on the core tasks of the Agency, the needs expressed by management and staff in bilateral meetings and, if applicable, by recommendations of the central services. The LDS is approved after consultation of the management and then communicated to the REA staff. It serves as a tool for both management and staff to ensure that the staff development is in line with the needs for fulfilment of the overall mission of the Agency and individual career development.

Therefore, the processing operation is necessary in order to:

- Leverage Competencies for Project Management;
- Enhance Capabilities for Efficient and Effective Working Procedures;
- Develop a Corporate Culture based on Confidence and Support;
- Ensure Effective Communication with Internal and External Stakeholders;
- Create Learning Opportunities with Digital Media and Informal Settings;

² EU Learn is covered by record DPR-EC-00967 and privacy statement at [EU Learn - Privacy Policy](#).

- Plan, organise, manage and reimburse training actions;
- Organise the certification of staff and their associate memberships in national and international organisations;
- Conclude contracts with external providers of training services, as required.

This processing covers external, internal and teambuilding activities.

Internal Training

EU Learn is used by REA HR to process and manage personal data in training activities. EU Learn portal is an interface through which data subjects can access, modify and/or cancel their participation in training activities.

External Training

For external training, at the request of REA (SIT – Service interest training) or at a personal initiative (OIT – Own interest training), participation is not recorded in EU learn. Information concerning participation is recorded only in the payment or reimbursement files.

Team building

The organisation of team building is done centrally in unit REA.D.2. The data of all staff who will participate in a team building event will be encoded in EU Learn by REA HR authorised staff.

1.6. Legal basis for the processing

Article 5(1) (a), (b), (c) and (d) 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 body³;
- (b) processing is necessary for compliance with a legal obligation to which the controller is subject;
- (c) processing is necessary for the performance of a contract to which data subject is party;
- (d) the data subject has given consent to the processing of his or her personal data for one or more specific purposes.

Other legal bases:

³ The legal basis under Article 5(1): **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 programmes, OJ L 11, 16.1.2003; **REA Establishment act: COMMISSION IMPLEMENTING DECISION (EU) 2021/173** of 12 February 2021 establishing the European Climate, Infrastructure and Environment Executive Agency, the European Health and Digital Executive Agency, the European Research Executive Agency, the European Innovation Council and SMEs Executive Agency, the European Research Council Executive Agency, and the European Education and Culture Executive Agency and repealing Implementing Decisions 2013/801/EU, 2013/771/EU, 2013/778/EU, 2013/779/EU, 2013/776/EU and 2013/770/EU, OJ L 50, 15.2.2021; **REA Delegation Act: 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 Information Provision and Promotion Measures concerning Agricultural Products comprising, in particular, implementation of appropriations entered in the general budget of the Union.

- EU Charter of Fundamental Rights: Articles 1 and 31(1);
- Staff Regulations: Article 24a of the Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and Articles 11 and 81 of the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community, as amended by later Regulations and Corrigenda⁴;
- REA/SC(2017)1.5.2: Steering Committee decision adopting implementing rules to the Staff Regulations on Learning and Development;
- C(2016) 3828 final: Commission decision on implementation of the Learning and Development strategy of the European Commission;
- C(2016) 3855 final: Annex to the Commission decision on training on the own initiative of the member of staff;
- C(2016) 3827 final: Commission decision repealing existing rules on learning and development.

1.7. Categories of data subjects

Within REA:

- All REA staff members (contract agents, temporary agents, blue book trainees and interim staff/IT external service providers, if they are insured by their Agency or by themselves;
- Internal trainers at REA.

Outside REA

- Staff members of other Executive Agencies or other EU institutions, who enrol for learning and development activities and events organised by REA;
- Staff from other EU institutions, bodies or agencies providing training courses;
- External trainers (external contractors, or trainers from other institutions, bodies or agencies);
- Any person, whose details are referenced in contracts, purchase orders and any related documents;
- Staff of International organisations and/or Institutes and/or Associations in case they provide certificates of international, standardised value, such as a membership

1.8. Categories of personal data

The internal and external training courses, at the request of REA (Service-interest training), are managed through EU Learn platform that is overseen by the European Commission and to which REA has access in line with the SLA signed with DG HR. In case of external training or external language training, at the request of the staff member (Own-initiative training), the data are submitted via an online form hosted on the REA Intranet.

⁴ [Regulation No 31 \(EEC\), 11 \(EAEC\), laying down the Staff Regulations of Officials and the Conditions of Service of Other Servants](#)

Depending on the data required for the organisation of an internal or external training session, the following data may be processed:

- First name and surname;
- Last name;
- Administrative status;
- Grade;
- Unit;
- Office number;
- Professional phone number;
- Personal number;
- Gender;
- Professional experience and languages(if applicable);
- Date of expiration of contract;
- Status of participation (present, absent, withdrawn, etc. – where applicable);
- Course enrolment and personal evaluation of course;
- Bank account number, bank name and address (only in exceptional circumstances for external training when staff need to be reimbursed – not stored under EU learn);
- Invoice date and registration fees (external training) and proof of payment;
- Proof of attendance (for external training, where applicable for the financial file⁵).

In addition to the data required for the activities detailed above, additional personal data may be processed for which the data subject may be required to consent. For example, voice and image for recording of online training delivered via a third platform such as Skype for Business or Microsoft Teams.

External/ Internal trainers/external contractors/service providers/supply providers

- First name and surname;
- Name of organisation, country, city, address, email address, phone number;
- Email address and/or postal address;
- Telephone number;
- Evaluations of training by REA staff;
- Bank account number, bank name and address (where trainers need to be reimbursed for their services);

There is not automated processing of personal data (no profiling).

In addition to the data required for the activities detailed above, additional personal data may be processed for which the data subject may be required to consent. For example, voice and

⁵ External contractors do not retain presence lists or evaluation forms. Presence lists are encoded in EU Learn by REA HR staff and evaluation forms are generated exclusively within EU Learn.

image for recording of online trainings delivered via a third platform such as Skype for Business or Microsoft Teams.

Access to REA premises:

For external trainers to access the REA premises and in order to comply with the HR Security record, the following data are collected: first name and surname, identity card or passport number, nationality and ID number.

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

REA applies the principles and retention period indicated in the [Common Commission-Level Retention List for European Commission Files - CRL](#):

- 1) All training records are kept for the duration of the staff member's career and for 5 years after the staff member leaves the employment, as per the privacy policy of EU Learn. Certain data need to be conserved for a longer period if they are related to ongoing rights and obligations, i.e. certification of participation in a training course/associate membership that will be retained for 10 years after the last payment under the relevant signed agreement.
- 2) Recordings of trainings are kept for as long as the training is maintained as part of the curriculum, up to a maximum of 10 years from the date of training.
- 3) For internal trainings, presence lists of the participants may be taken. Once the data confirming attendance has been encoded in EU Learn, the paper lists are destroyed. If a financial file is associated with the training, a scanned copy will be retained with the financial file for a period of 10 years following the payment of the balance.
- 4) Evaluations of the training actions and the trainers are kept according to the duration of the framework contract with the external contractors (external trainers). The Common-Level Retention List (point 12.3.1) provides that training data can be retained for a period of 10 years. However, REA will only retain your personal data for a maximum period of 5 years. For external trainings that are reimbursed partially or wholly by REA, data will be retained with the financial file for a period of 10 years following the payment of the balance.
- 5) For files related to contracts and payments for external training, these are kept for a period of 10 years. All other files will be deleted when no longer needed for the purpose of the processing (e.g. after the closure of the service contract with the external providers, etc.).

1.10. Recipients of the data

Within the Agency, the following recipients will have access to the data:

- REA HR authorised staff (local training managers);
- Head of Unit REA D.2 – People and Workplace;
- REA Director;
- Competent REA Heads of Unit/Head of Sectors;
- Legal Affairs, Internal Control & Reporting authorised staff and REA Finance authorised staff.

Other potential recipients outside the Agency are:

- The Central Learning and Development unit in HR;
- Other Executive Agencies and other EU institutions, with which REA organizes joint learning and development activities and events;
- External contractors and their staff that have been hired by REA to conduct a training;
- Suppliers of externally hosted online learning-related platforms, third party tool or video-conferencing tools like Skype for Business, Microsoft Teams or similar;
- International organisations and/or Institutes and/or Associations in case they provide certificates of an international, standardised value or membership;
- Staff of International organisations and/or Institutes and/or Associations in case they provide certificates of international, standardised value, such as a membership.

This transmission is restricted to the information necessary for the legitimate performance of tasks within the competence of the recipient. The recipients of the data are reminded of their obligation not to use the data received for other purposes than the one for which they were transmitted.

In addition, data may be disclosed to public authorities, which are not regarded as recipient in accordance with Union and Member State law. The processing of those data by those public authorities shall comply with the applicable data protection rules according to the purpose of the processing:

- 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;
- 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 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;
- The Internal Audit Service of the Commission 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 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 within the scope of the tasks entrusted to it by Article 228 of the Treaty on the Functioning of the European Union;
- The European Data Protection supervisor in accordance with Article 58 of the Regulation (EC) 2018/1725;

- The European Public Prosecutor's Office 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.

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

In principle, personal data will not be transferred to third countries or international organisations, unless a transfer is duly justified by the provisions of the call for tender or related procurement procedure and clearly specified in the contract in exceptional cases and subject to adequacy decision, adequate organisational and technical safeguards, or in the public interest, in compliance with Chapter V of the Regulation (EU) 2018/1725. Further due to the use of externally hosted online learning-related platforms, third party tool or video-conferencing tools like Skype for Business and Microsoft Teams or similar, personal data of the participants may be transferred outside the EU/EEA; they act as data controllers⁶.

1.12. High-level description of security measures

All data in electronic format (emails, documents, etc.) that are processed during this processing activity are stored either on the servers of the European Commission or REA. Access to electronic files is protected via the Commission security measures (use of password & ECAS authentication system, etc.). Access to data is granted only to authorised members of the REA staff on a need-to-know basis, with limited access rights to files stored on secured servers.

Electronic communication and files are secured. Paper files are stored in locked cupboards.

Service providers are subject to data protection and confidentiality obligations set out in the respective service contracts.

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.

⁶ Please see [Microsoft Privacy Statement](#) and [Microsoft-365-privacy-statement](#)