



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 data (Regulation), individuals whose personal data are processed by the Research Executive Agency (REA or 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: 04
Created on (date): 29 April 2019
Last update (date):

NAME OF THE PROCESSING ACTIVITY

Management of Personal Files of REA staff

1. MANDATORY RECORD UNDER ARTICLE 31 OF THE REGULATION

1.1. Name and contact details of controller

The controller is the Research Executive Agency (REA). For organisational reasons, the role of the data controller is exercised by Ms Sari VARTIAINEN, head of Unit C1 ("Administration") of the REA. The controller may be contacted via functional mailbox: REA-PERSONAL-FILES@ec.europa.eu.

1.2. Name and contact details of the Data Protection Officer (DPO)

Mr Evangelos Tsavalopoulos (REA-DATA-PROTECTION-OFFICER@ec.europa.eu).

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

Not applicable.

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

- DG HR for SYSPER (HR-MAILA3@ec.europa.eu);
- DG DIGIT for the Numérisation des Dossiers Personnels (NDP) module under SYSPER (DIGIT-NDP-TECH-SUPPORT@ec.europa.eu).

1.5. Purpose of the processing

The Human Resources Sector of the Agency (REA HR) defines, coordinates and ensures the implementation of human resources policies (covering the management of personal files). It does so by following the relevant provisions of the Staff Regulations and the Conditions of Employment of Other Servants of the European Communities (CEOS).

The purpose of the processing activity is to trace the career of the person and to verify the personal information based on the legitimate decisions of the Agency and its Appointing Authority in accordance to Article 26 of the Staff Regulations which defines the rules of personal file content and Article 11 and 81 of the Conditions of employment of other servants (CEOS).

In particular, this processing activity serves the following purposes:

- to manage the rights, obligations and career matters of all staff members;
- to centralise the information;
- to secure the integrity of the personal file ;
- to enable active and retired personnel to exercise their rights (e.g. allowances);
- to facilitate the access to the personal files for each authorised person or service;
- to ensure the confidentiality of information contained in the personal file (such as disciplinary measures and private information).

1.6. Legal basis for the processing

- 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.
- Article 18 lays down the general conditions regarding the staff to be recruited by the executive agencies. In particular:
 - a) Article 18, paragraph 1, the executive agency's staff shall consist of Community officials seconded as temporary staff members by the institutions to positions of responsibility in the executive agency, and of other temporary staff members directly recruited by the executive agency,

as well as of other servants recruited by the executive agency on renewable contracts. The nature of the contract, governed by either private law or public law, its duration and the extent of the servants' obligations vis-à-vis the agency, and the appropriate eligibility criteria shall be determined on the basis of the specific nature of the tasks to be performed, and shall comply with the Staff Regulations as well as with current national legislation.

- b) Article 18, paragraph 3, the Steering Committee, in agreement with the Commission, shall adopt the necessary implementing rules for personnel management within the executive agency, if necessary.
 - c) Article 18, paragraph 6, the director shall be empowered under the arrangements applicable to other servants of the European Communities to conclude employment contracts in respect of staff of the executive agency. The director shall be responsible for all other matters relating to personnel management within the executive agency.
- European Commission Implementing Decision 2013/778/EC of 13 December 2013 establishing the Research Executive Agency and repealing Decision 2008/46/EC.
 - Article 26, concerning the content of the personal file of the Staff Regulations of Officials of the European Communities of 1 January 2014.
 - Article 27 of Annex IX which states the delays from when the data subject may ask the withdrawal of any mention on disciplinary penalty measure contained in his/her personal file.
 - Articles 11 (concerning the rights and obligations of temporary staff) and Article 81 (concerning the rights and obligations of contract staff) of the Conditions of Employment of Other Servants of the European Communities of 1 January 2014.

1.7. Categories of data subjects

All current and retired staff of the Agency (Contract agents and Temporary agents).

1.8. Categories of personal data

The personal file may contain the following documents:

a) Part I – "Application"

- Application form; CV; Invitation to the interview;
- Studies certificates: copies of the diploma(s) attesting a successful completion of the required level of education and of any other diplomas obtained; documents proving third language;
- Employment certificates: evidence of the candidate's professional experience clearly indicating starting and finishing dates and the nature of the duties carried out (e.g. employment contracts, employers' references, pay slips);
- Declaration of Termination of Service (being free from any contractual obligation);
- Recruitment file (offer, shortlist);
- Medical aptitude certificate;
- Different documents such as call for application/expression of interest, etc.

b) Part II – "Career"

- Classification sheet (Determination of professional experience)

- Employment contract;
 - Probationary report/Extensions;
 - Amendments and Extensions of Contract;
 - Promotion/reclassification decisions;
 - Decisions on transfer (art. 7 and art. 29 of the Staff Regulations);
 - Leave on Personal Grounds (LPG) request/Agreement/Renewal/Reinstatement;
 - JSIS and Pension coverage during the LPG;
 - Reintegration Act after Invalidation;
 - End of Career (resignation letter, acceptance of resignation letter, decision letter on non-renewal of contract);
 - Invalidation.
- c) Part III – "Evaluation"
- Career Development Report (CDR);
 - Disciplinary matters and acts.
- d) Part IV – "Personal and Family Documents"
- A copy of the data subject's birth certificate;
 - A copy of a document proving the citizenship (e.g. passport, identity card or any other official document specifying the citizenship) of the data subject;
 - A copy of change of name or first name procedure;
 - A copy of Residence Certificate;
 - Criminal Record (acknowledgment of receipt);
 - A document proving that the data subject has fulfilled his obligations concerning either compulsory military service or civilian service (if applicable);
 - A copy of Marriage Certificate;
 - Copy of the birth certificate (or Adoption) of the data subject's child;
 - A copy of Member(s) of the household;
 - A copy of Divorce Decree/Custody;
 - A copy of Registered Partnership;
 - Financial identification form;
 - Legal Entity form.
- e) Part V – "Rights relating to Entry into Service/Transfer"
- Acknowledgment of Receipt; Declaration Rights and Obligations; Declaration of Confidentiality for all newcomers;
 - "Step-by-Step" Form to be (sent to PMO) that is the Settlement of Individual Entitlements;
 - Form 1 "New member of staff";
 - Form 2 "Entry into service";

- Establishment of rights;
 - Travel Expenses Form to request the reimbursement of travel expenses at the entry into service together with the corresponding bills;
 - Installation/Reinstallation and daily subsistence allowances form together with a lease contract or proof of leaving expenses;
 - Form to request the resettlement allowance;
 - Reimbursement of removal expenses;
 - Form to request the change of place of origin form together with the requested annexes (certificate of residence of the parents, recent electricity or gas bill, proof of civil rights, proof of the property owned abroad).
- f) Part VI – "Rights relating to Personal Matters"
- Declaration on entitlement to the dependent child allowance form;
 - Certificate to obtain a birth grant;
 - Form to request the household allowance (for married staff without dependent children);
 - Form to declare family allowances received from other sources together with a proof of the income;
 - Application for the dependent child allowance, child over 18 years of age or attending educational training;
 - Education allowances: Decision by the Authority Empowered to Conclude Contracts (AECC) on school and pre-school allowances;
 - Form to request the allowance in respect to a person treated as dependent child together with a proof of income of the person and individuals required to provide maintenance, proof of property, recent bill of electricity or gas, proof of payments made to the concerned person;
 - Request form on Transfer of pension's rights.
- g) Part VII – "Miscellaneous"
- A copy of the Tax Declaration of the recognized partner or spouse who applies for the medical insurance coverage or other documents proving his/her right, such as: recognized partner or spouse unemployment certificate and/or resignation letter; registration with the Employment Office.
 - A copy of the confidentiality declaration (JSIS coverage).

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

Personal file (both in digital and paper format) 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.

Certain documents (like disciplinary decisions) may be withdrawn earlier from the personal file at the request of the data subject, based on Article 27 of Annex IX to the Staff Regulations. Regarding disciplinary penalty measures other than removal from post inserted in the personal file the retention periods are:

- 3 years in case of AECC written warning or reprimand;
- 6 years in case of any other penalty.

These retention periods regarding disciplinary penalty measures are applicable provided that the AECC has granted the request of the data subject to withdraw any mention on penalty measure from his/her personal file.

Is any further processing for historical, statistical or scientific purposes envisaged? **No**

1.10. Recipients of the data

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

- Director of the Agency in his/her capacity of AECC;
- Authorised staff members of REA Human Resources and Legal Services.

Other potential recipients

- European Ombudsman;
- The Court of Justice of the European Union (Court of Justice, the General Court and the Civil Service Tribunal);
- European Anti-Fraud Office (OLAF);
- European Court of Auditors (ECA);
- Internal Audit Service (IAS);
- Directorate General Human Resources and Security (DG HR);
- Investigations and Disciplinary Office (IDOC);
- European Data Protection Supervisor (EDPS).

The 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 case of the transfer of a REA staff member to other EU Institutions, Bodies or Agencies, his/her personal file (digital format) will be automatically available to the respective services if they also have access to SYSPER. His/her personal file in paper format (where applicable) is retained by the REA.

In case of an inter-Agency mobility and as REA automatically keeps all personal files in the "Numérisation des Dossiers Personnels" (NDP) tool:

- A printed copy, from NDP, of the personal file (with a stamp "*Conforme à la copie électronique*"), is transferred to the other Agency, should it not use the NDP tool, while the paper file is retained by the REA;
- The personal file is transferred to the other Agency, should it use the NDP tool, while the paper file is retained by the REA.

The transfer of the personal file will be done only upon an official request from the new institution or agency after the official recruitment of the agent.

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

Not applicable.

1.12. High-level description of security measures

Personal files in paper format are stored in the REA Archive rooms. Personal files in electronic format (digitised) are stored under NDP which is linked to SYSPER.

1.13. Data Protection Notice

A Data Protection Notice (DPN) relevant to this data processing activity is available under the REA Intranet (Section "Data Protection").