



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: 19
 Created on (date): 13 August 2019
 Last update (date): June 2023

NAME OF THE PROCESSING ACTIVITY

Handling Staff Declarations of Conflict of Interest and Confidentiality 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**”). The role of the data controller is exercised by the Director of REA. The data controller may be contacted via the functional mailbox: REA-ETHICS-CORRESPONDENT@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);
- DG DIGIT for “ICT services” (ARES/HAN, functional mailboxes, etc.) (DIGIT-MOU@ec.europa.eu).

1.5. Purpose of the processing

Authorised staff from REA process your personal data in the context of authorisation requests and various ethical statements in relation to the rights and obligations of statutory staff (temporary agents, contract agents and officials on secondment) in order to:

- examine authorisation requests / ethics declarations from members and former members of the statutory staff;
- assess whether the requests or declarations present an incompatibility vis-à-vis statutory obligations or an incompatibility with the interests of REA;
- propose to the Director² to authorise the requests, possibly with restrictions;
- propose to the Director to refuse (in particular in the event of a real or potential conflict of interest, of incompatibility with the interests of the Institution, etc.);
- allow the Director to take the final binding decision and any appropriate mitigation measures; and
- ensure proper implementation of the decisions and any associated conditions.

Authorisation requests concern:

- outside activities for staff in active employment;
- conflict of interest;
- professional activity during leave on personal grounds;
- activities of staff having left the Agency (retirement, end of contract);
- permission to receive honours;
- permission to keep a gift;
- employment of spouse;

² The Director acts as the Controller for this processing, but also as Authority Empowered to Conclude Contracts (‘AECC’).

- publishing articles and speeches;
- participating in electoral campaigns; or
- exercising an elective public office

Staff members in active service are prohibited from dealing with any matter in which they have a personal interest that has the potential to directly or indirectly compromise their independence and, by extension, the interests or reputation of REA (Articles 11, 11a, and 16 of the Staff Regulations, and Articles 11, 81 of the Conditions of Employment of Other Servants of the EU ('CEOS')).

This type of situation could arise, for example:

- where there is a link between a staff member's work and their private interests, or those of their family or partner or another interest that impacts upon or potentially impacts upon their impartiality;
- where an allegation is made of bias or partiality, in the light of the staff member's personal interests; and
- within the framework of a budgetary action (Article 61 of the Financial Regulation³).

In this context, REA needs to analyse any actual, potential or perceived conflict of interest before recruitment, during employment and at the end of service of staff (contract agents, temporary agents and officials on secondment⁴) in order to preserve the impartiality of their decision-making power in the performance of their duties and the reputation and independence of REA.

At recruitment:

In accordance with Articles 11 and 11a of the Staff Regulations and Article 11 and 81 of the CEOS, REA shall examine prior to recruitment whether an individual has any personal interest that could impair his/her independence or any other actual or potential conflict of interest. To that end, the future employee shall inform the Director of any actual or potential conflict of interest using two specific forms: "Declaration of conflict of interest upon recruitment"; and the "Commitment on General Conduct, Confidentiality and Conflict of Interest."

During the career of temporary agents and contract agents:

In accordance with Articles 11 and 11a of the Staff Regulations and Articles 11 and 81 of the CEOS a member of the temporary or contract staff shall not, in the performance of their duties deal with a matter in which, directly or indirectly, he/she has a personal interest such as to impair his/her independence. To that end, if at any time in the course of their duties, REA staff members become aware of any actual or

³ [Regulation \(EU, Euratom\) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union](#)

⁴ Any decision concerning a substantial change in the official's situation should be dealt with by the parent institution, whereas the AECC of the host institution should be responsible for day-to-day requests or ethics issues relating to the work undertaken at the Agency. A decision may affect the interests of the other institution, the AECC taking the decision will consult the other AECC in accordance with the principle of sincere cooperation. In the case of REA, the director is the AECC.

In case a Commission official seconded to another institution/agency introduces a request for an outside activity, that request should, in principle, be handled by the Commission, after having consulted the host institution.

potential conflict of interest, they must immediately inform the Director via an ad hoc conflict of interest declaration in the Sysper Ethics module.

The purpose of this processing is to prevent an actual or potential conflict of interest from impacting or causing prejudice to the independence and impartiality of the staff member or of REA. It also ensures the necessary follow-up and the implementation of mitigating measures.

Unpaid leave:

In situations in which a staff member requests unpaid leave and decides to return to REA at the end of the unpaid leave, s/he will have to fill in the form “Declaration of Conflict of Interest upon Reinstatement” from Unpaid Leave.

End of service:

When a staff member leaves REA, they have to comply with Article 16 of the Staff Regulations as well as the Commission Decision on Outside Activities (C(2018)4048 final) by filling in the form “Declaration on Obligations Related to Outside Activities and Assignments upon Leaving the Service.”

1.6. Legal basis for the processing

Article 5(1) (a), (b), (c) 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;
- (c) processing is necessary for the performance of a contract to which the data subject is party;

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 programmes⁵;
- European Commission Implementing Decision 2021/173 of 12 February 2021, establishing the European Research Executive Agency and repealing Decision 2013/778/EU⁶;
- Commission Decision C(2021) 952 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 Products⁷;
- Articles 11, 11a, 12, 13, 15, 16, 17, 17a and 40 & Annex VIII (Articles 13 and 40) of the Staff Regulations;⁸
- Conditions of Employment of Other Servants of the European Union: Articles 11 and 81;

⁵ [OJ L 11, 16.1.2003, p. 1–8](#)

⁶ [OJ L 50, 15.2.2021, p. 9–28](#)

⁷ [C\(2021\) 952](#)

⁸ [Regulation No 31 \(EEC\), 11 \(EAEC\)](#)

- Article 61 of the Regulation (EU, Euratom) 2018/1046 on the financial rules applicable to the general budget of the Union;⁹
- Commission Decision relating to external activities C(2018) 4048 final of 29 June 2018;¹⁰
- REA/SC(2018)3.3.2: Steering Committee Decision applying by analogy the Commission Decision C(2018) 4048 final on outside activities and assignments and on occupational activities after leaving the service.

1.7. Categories of data subjects

REA staff members (contract agents and temporary agents under Article 2(f) of the CEOS and seconded officials¹¹).

Spouses and partners of staff or other family members/friends may also be data subjects where their data are provided in the declaration by the staff member.

1.8. Categories of personal data

In the context of this processing activity, the following categories of personal data are processed:

Personal data contained in the Declaration of Conflict of interest upon recruitment (signed in Ares):

For the candidate:

- First name, surname, signature;
- Personal data identified by the candidate as being necessary to explain the conflict of interest. This may include names of other persons and other information identifying the conflict.

For REA staff:

- First name, surname and function of staff involved in Ares signatory;
- Personal data in the opinions, proposed mitigating measures, approvals/refusals of the different hierarchical levels and the final decision of the Director as being necessary to take such opinions/measures/decisions. They may include names of other persons and other information identifying the conflict.

Personal data of staff members contained in the request for unpaid leave or returning from unpaid leave (signed in Ares/ submitted in Sysper):

For the staff member:

- First name, surname, signature;
- Personnel Number;
- Administrative status: official/contract agent/temporary agent;
- Function group and grade;

⁹ [Regulation \(EU, Euratom\) 2018/1046](#)

¹⁰ [Commission Decision C\(2018\) 4048](#)

¹¹ See footnote 2.

- Position identified for the reinstatement (job description sent with the reinstatement offer);
- Position number;
- Position title;
- Unit, department;
- Personal data identified by the candidate as being necessary to explain the conflict of interest. This may include names of other persons and other information identifying the conflict.

For REA staff:

- First name, surname, function of staff involved in signatory;
- Personal data in the opinions, proposed mitigating measures, approvals/refusals of the different hierarchical levels and the final decision of the Director as being necessary to take such opinions/measures/decisions. They may include names of other persons and other information identifying the conflict.

Personal data contained in the declaration after leaving the service (signed in Ares):

For the departing staff member:

- First name, surname, signature;
- Telephone number and email address;
- Personnel number;
- Administrative status: official/contract agent/temporary agent;
- Function group and grade;
- Position number;
- Position title;
- Unit, department;
- Personal data identified by the candidate as being necessary to explain the conflict of interest. This may include names of other persons and other information identifying the conflict;
- Name, address, telephone, website, email of new employer in case of new activity;
- Tasks to be completed for new activity and identification of any conflict;
- Status at new entity (employee, self-employed etc.);
- Any personal data contained in the document attached by staff member to demonstrate that the new activities or duties are not in conflict with the tasks undertaken at REA.

For REA Staff:

- First name, surname, function of staff involved in Ares signatory;
- Personal data in the opinions, proposed mitigating measures, approvals/refusals of the different hierarchical levels and the final decision of the Director as being necessary to take such opinions/measures/decisions. They may include names of other persons and other information identifying the conflict.

Personal data contained in the declarations submitted via the ethics module in Sysper¹²:

The data collected in Sysper concerning staff members are as follows:

1. Identification data from Sysper: surname, first name, administrative status, personnel number, sex, personal number, grade and functions, telephone number, address, assignment, job description;
2. Data enabling the appointing authority to take a decision contained in the requests and declarations:
 - Request for authorisation for an outside activity during active service: detailed description of the proposed outside activity, nature of the position, calendar, duration, any financial link of the employer with the Agency, links with the functions exercised at the Agency, type of leave used to cover absence, financial arrangements;
 - Request for authorisation for an outside activity during leave on personal grounds / after leaving office: detailed description of the proposed outside activity, nature of the post, calendar, duration, financial link of the employer with the Agency, links with the functions exercised by the staff member within the Agency;
 - Declaration of employment of the spouse: detailed description of the employment of the spouse, nature of the position, calendar, duration, financial link of the employer with the Agency, links with the functions exercised of the staff member at the Agency;
 - Declaration of conflict of interest: description of the nature of the conflict of interest and details of the situation indicating a potential conflict of interest;
 - Declaration of election to public office: nature of the post, duration, timetable, remuneration, compatibility with the person's professional responsibilities at the Agency;
 - Declaration of publication: title, subject, name and address of the publisher, date of publication, content of the article whose publication is envisaged;
 - Declaration of Gifts and hospitality offers: description and origin of the gift, estimate of its value, justification; nature and amount of hospitality, context, possible direct or indirect link with the duties of the staff member;
3. Opinions and approvals of the different hierarchical levels and decision of the Director.

Remunerated external activities

In order to verify the adherence of external activities to the maximum net remuneration of EUR 10,000 per annum, as specified in Article 7 of Commission Decision C(2018) 4048, the Director, may request supporting documents (e.g. tax declaration) or a sworn statement for the period in question.

Conflicts of Interest

In cases of severe conflict of interest or where there is a reputational risk arising from the conflict of interest declared, the Director may verify whether the conditions imposed within the ethics declaration are being complied with.

¹² Declarations for conflict of interest, gifts or hospitality, publications, outside activities, outside activities on unpaid leave and gainful employment of spouse/partner.

Individual guidance actions:

REA staff may contact the functional mailbox: REA-ETHICS-CORRESPONDENT@ec.europa.eu to request guidance or support on making declarations or to address ethics issues. The data processed will involve the name of the staff member as well as their email address. Additional data processed will depend on the nature of the query of the staff member and the information that person chooses to divulge.

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

REA applies the principles and retention periods indicated in the Common-Level

Retention List¹³ for European Commission Files by analogy:

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

For authorisations signed in Ares, the documents are filed in the Personal file and will be retained for 8 years after the extinction of all rights of the person concerned and for at least 100 years after the recruitment of the person (CRL 12.3.7).

For authorisations/declarations introduced in the Ethics module in Sysper, the decision of the Director is recorded in Sysper. The duration of storage follows the retention period in Sysper. For ethics declarations, the opinions of hierarchical superiors¹⁴ and the Director are retained for 8 years after the extinction of all rights of the person concerned and for at least 100 years after the recruitment of the person.¹⁵

The electronic documents saved by REA HR Ethics on the limited access sharedrive (LIMACC) or filed in Ares have an administrative retention period of 10 years (CRL 12.3.1).

For guidance actions and queries raised by email, the standard administrative retention period of 10 years will apply (CRL 12.3.1).

1.10. Recipients of the data

Within REA and strictly on a need-to-know basis:

- Staff of the REA Selection & Recruitment Sector;
- Staff of REA Time Management and REA Career;
- REA Head of Department "Coordination and Corporate Services";
- REA Heads of Unit, Deputy Heads of Unit and Heads of Sectors in his/her capacity of giving a formal written opinion on the presence of a conflict of interest of the staff member concerned (only for the staff members declaring possible conflict of interest);
- Staff of REA Internal Services (finance, ICS, legal service);
- REA HR authorised staff (HR Ethics Desk).

Outside REA:

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

¹³ [SEC \(2019\) 900/2](#)

¹⁴ Information on roles, access rights, organisational entity and activities according to Commission priorities are kept for each assignment during the active career. Logs are kept for 10 years.

¹⁵ [PS_Declarations ethiques.pdf \(europa.eu\)](#)

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 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 Article 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

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.

Access to files in Ares are granted strictly on a need-to-know basis and are protected by EU login.

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 is transmitted by the data controller to the data subjects, where applicable.