Ref. Ares(2024)7755730 - 31/10/2024

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 "the Regulation")

Record nº 1:
Election of REA Staff Committee

In accordance with Article 31 of the 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 the following processes:
1) Mandatory records under Art 31 of the Regulation

2) Compliance check and risk screening

The ground for the record is (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.*

PART 1 **(This part may be public)** **Name of the processing operation**		
1	**Creation and last update of this record (if applicable)**	Creation date: 14/11/2018 - Ares(2018)5824100 Last update: 25/10/2021 - Ares(2021)6571558
2	**Title and one-sentence description of the processing**	"REA Staff Committee election". The purpose of the process is to organise every three years the election of REA Staff Committee.
(This part may be public) **Part 1 - Article 31 Record**		

2a	**Legal basis**	• Article 5.1 (a), (b) 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 body; (b) processing is necessary for compliance with a legal obligation to which the controller is subject; (d) the data subject has given consent to the processing of his or her personal data for one or more specific purposes. • 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 programs: - Article 11, 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. - Article 18 lays down the general conditions regarding the staff to be recruited by the executive agencies. In particular: 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. - 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. • 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

		• Commission Decision C(2021) 952 final of 12.02.2021 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; • Staff Regulations: -Article 9 concerning the obligation to set up a Staff Committee within each Institution -Article 1 of Annex II concerning the composition and procedure of the Staff Committee • Decision of the Steering Committee of 20/10/2009 (REA/SC(2009)15) setting-up a Staff Committee within the Agency.
3	**Function and contact details of the 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-STAFF-COMMITTEE-ELECTIONS@ec.europa.eu
4	**Contact details of the Data Protection Officer (DPO)**	REA-DATA-PROTECTION-OFFICER@ec.europa.eu
5	**Name and contact details of joint controller (where applicable)**	Joint controllership is involved ☐yes ☒no
6	**Name and contact details of processor (where applicable)**	Uni Systems: for the development and implementation of the IT voting tool. Uni Systems Belgium Rue des Deux Eglises 26, Boîte 4, Brussels 1000, Belgium Processors are involved in the processing ☒yes ☐no
7	**Purpose of the processing**	The general purpose of processing data is to organise the election of a new Staff Committee every three years being a legal requirement pursuant to Article 9 and Article 1 of Annex II of the Staff Regulations and to the REA Steering Committee Decision of 20/10/2009 (REA/SC(2009)15) setting-up a Staff Committee in REA.

8	**Description of the categories of data subjects whose personal data are processed**	• REA Staff entitled to stand for the election: Temporary Agents and Contract Agents of the Agency whose contract is for one year or more or for an indefinite period. • REA Staff allowed to vote during the election process: All statutory staff: Temporary Agents and Contract Agents of the Agency in active employment on the date of the publication of the election notice • Members of the Election Committee: Temporary Agents and Contract Agents • Members of the current and/or the newly elected Staff Committee: Temporary Agents and Contract Agents
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):	Categories of personal data: ☒ Identification data: name, surname, personnel number, nationality, photo ☒ Contact data: unit, function, email address ☐ Education related data ☒ Employment related data: type of contract (Temporary Agent, Contract Agent), function group and grade ☐ Financial data ☐ Data necessary for management of procedural/evaluation/performance related aspects ☒ Authentication and access data: to the online voting tool ☒ Special category of data ☒ Other incidental and unsolicited data
10	**Retention time (time limit for keeping the personal data)**	REA applies the principles and retention periods indicated in Common Retention List of the Commission by analogy: Documents in electronic format related to the REA Staff Committee Elections will be retained for ten years. Relevant information will also be available under the REA Intranet for a period of six months after the end of the election. 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? • Candidates • Voters • REA Election Committee • Non-statutory staff (interim, Bluebook trainees and external service providers) • The responsible HR managers in REA have access to the specific data they need to fulfil their management tasks: REA HR HoU, Coordination and Corporate Services Head of Department and the Director Who will have access to the data **outside** the Agency? • Staff from the European Commission, Executive Agencies and other EU Institutions and EU Bodies who have access to "My Intracomm" (and/or SNET). • IT service provider in charge of the voting tool. In addition, data may be disclosed to public authorities, respecting 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* • *The Investigation and Disciplinary Office of the Commission (IDOC)* • *The competent Appointing Authority in case of a request or a complaint lodged under Article 90 of the Staff Regulations* • *The European Anti-Fraud Office (OLAF) in case of an investigation* • *The Internal Audit Service of the Commission (IAS)* • *The European Court of Auditors (CoA)* • *The European Ombudsman* • *The European Data Protection supervisor (EDPS)* • *The European Public Prosecutor's Office (EPPO)* This transmission is restricted to the information necessary for the legitimate performance of their tasks. They are reminded of their obligation not to use the data received for other purposes than the one for which they were transmitted. If the transfer entails a change of purpose, it is expressly provided for in law and the data subject is informed of it.
12	**Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?**	Data is transferred to countries outside the EU or EEA ☐yes ☒no Data is transferred to international organisation(s)

		☐yes ☒no
	General description of the technical and organisational security measures	The datasets are safeguarded in the Data Centre of the Commission, and therefore covered by the numerous defensive measures implemented by DIGIT to protect the integrity and confidentiality of the electronic assets of the Institution. The login and the passwords are managed by the common certification service of the European Commission (EU-login). The responsible human resource managers in REA have access to the specific data they need to fulfil their management tasks. All further access to other persons must be communicated to the staff member concerned. The processor has put into place the relevant technical and organisational security measures to protect the data subjects' rights whose personal data are processed.
14	**Data subject rights/restrictions**	A data subject can submit a request concerning access, rectification, erasure, restriction or objection to processing of their personal data to the Controller (Article 14(3) of Regulation by sending their request to the Functional Mailbox or to the email indicated in the record. They may be restricted only under certain specific conditions as set out in the applicable Restriction Decision in accordance with Article 25 of Regulation. Further to the above, data subjects may contact the REA Data Protection Officer (DPO): REA-DATA-PROTECTION-OFFICER@ec.europa.eu In case of conflict, complaints can be addressed to the European Data Protection Supervisor: EDPS@edps.europa.eu
15	**Information to data subjects/Data protection notice (DPN)**	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.