



## **Data Protection Notice**

### **Handling Staff Declarations of Conflict of Interest and confidentiality at REA**

In accordance with 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<sup>1</sup> ('the Regulation'), the European Research Executive Agency ('the Agency' or 'REA') collects your personal information only to the extent necessary to fulfil a precise purpose related to our tasks.

#### **1. WHY DO WE COLLECT YOUR PERSONAL DATA?**

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')).

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 its statutory staff (contract agents, temporary 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 Director 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;

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<sup>1</sup> 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).

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

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 secondment) in order to preserve the impartiality of their decision-making power in the performance of their duties and the reputation and independence of REA.

The purpose of the processing is also to give proper follow-up to existing cases of actual, potential or perceived conflict of interest.

## 2. WHO IS RESPONSIBLE FOR THIS PROCESS?

The controller is the European Research Executive Agency (REA), represented by its Director. 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 functional mailbox: [REA-ETHICS-CORRESPONDENT@ec.europa.eu](mailto:REA-ETHICS-CORRESPONDENT@ec.europa.eu)

## 3. WHAT IS THE LEGAL BASIS TO COLLECT YOUR DATA?

Article 5(1) (a), (b), (c) of the Regulation:

- 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;
- processing is necessary for compliance with a legal obligation to which the controller is subject;
- 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 programmes<sup>2</sup>;
- European Commission Implementing Decision 2021/173 of 12 February 2021, establishing the European Research Executive Agency and repealing Decision 2013/778/EU<sup>3</sup>;
- 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 Products<sup>4</sup>;

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<sup>2</sup> [OJ L 11, 16.1.2003, p. 1–8](#)

<sup>3</sup> [OJ L 50, 15.2.2021, p. 9–28](#)

<sup>4</sup> [C\(2021\) 952](#)

- Articles 11, 11a, 12, 13, 15, 16, 17, 17a and 40 & Annex VIII (Articles 13 and 40) of the Staff Regulations;<sup>5</sup>
- Conditions of Employment of Other Servants of the European Union: Articles 11 and 81;
- Article 61 of the Regulation (EU, Euratom) 2018/1046 on the financial rules applicable to the general budget of the Union;<sup>6</sup>
- Commission Decision relating to external activities C (2018) 4048 final of 29 June 2018;<sup>7</sup>
- 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.

#### 4. WHICH PERSONAL DATA ARE COLLECTED?

##### **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 related to staff members contained in the request for unpaid leave or returning from unpaid leave (signed in Ares/ submitted in Sysper):**

###### For the staff member returning from unpaid leave:

- First name, surname, signature;
- Personnel Number;
- Administrative status: official/contract agent/temporary agent;
- Function group and grade;
- Position identified for the reinstatement (job description sent with the reinstatement offer);
- Position number;
- Position title;
- Unit, department;

<sup>5</sup> [Regulation No 31 \(EEC\), 11 \(EAEC\)](#)

<sup>6</sup> [Regulation \(EU, Euratom\) 2018/1046](#)

<sup>7</sup> [Commission Decision C\(2018\) 4048](#)

- 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 Sysper<sup>8</sup>:**

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;

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<sup>8</sup> Declarations for conflict of interest, gifts or hospitality, publications, outside activities, outside activities on unpaid leave and gainful employment of spouse/partner.

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.

#### Individual guidance actions:

REA staff may contact the functional mailbox: [REA-ETHICS-CORRESPONDENT@ec.europa.eu](mailto:REA-ETHICS-CORRESPONDENT@ec.europa.eu) to request guidance or support on making declarations or 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.

## **5. WHO WILL HAVE ACCESS TO YOUR PERSONAL DATA?**

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

- Staff of 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

On a need-to-know basis and in compliance with the relevant current legislation, bodies charged with monitoring or inspection tasks in application of EU law: DG HR, IDOC, EC internal audit, European Court of Auditors, European Anti-fraud Office (OLAF), the European Ombudsman, the European Data Protection Supervisor, the European Public Prosecutor's Office.

## **6. HOW LONG DO WE KEEP YOUR PERSONAL DATA?**

REA applies the principles and retention periods indicated in the Common-Level Retention List for European Commission Files by analogy: ([https://ec.europa.eu/info/sites/info/files/sec-2019-900\\_en.pdf](https://ec.europa.eu/info/sites/info/files/sec-2019-900_en.pdf)):

For authorisations outside of Sysper, 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 Director decision is stored in Sysper. The duration of storage follows the retention period in Sysper. For ethics declarations, the opinions of hierarchical superiors and the Director are saved 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.

The electronic documents saved by REA HR Ethics 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).

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

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

## **7. WHAT ARE YOUR RIGHTS?**

Any request from a data subject to exercise a right will be dealt within one month from receipt of the request. This period may be extended pursuant to Article 14(3) of Regulation (EU) 2018/1725.

Your right to information, access, rectification, erasure, restriction or objection to processing, communication of a personal data breach or due to confidentiality of electronic communications may be restricted only under certain specific conditions as set out in the applicable [Restriction Decision](#) in accordance with Article 25 of Regulation (EU) 2018/1725.

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

## 8. CONTACT INFORMATION

In case you have any questions about the collection/processing of your personal data, you may contact the data controller who is responsible for this processing activity by using the following email address: [REA-ETHICS-CORRESPONDENT@ec.europa.eu](mailto:REA-ETHICS-CORRESPONDENT@ec.europa.eu)

Further to the above, the following instances can be addressed:

The REA Data Protection Officer (DPO): [REA-DATA-PROTECTION-OFFICER@ec.europa.eu](mailto: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](mailto:EDPS@edps.europa.eu).