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.

**NAME OF THE PROCESSING ACTIVITY**

Management of training needs and development of training activities by REA

**GROUND FOR THE RECORD (TICK THE RELEVANT ONE):**

- [x] Regularization of a data processing activity already carried out
- [ ] Record of a new data processing activity prior to its implementation
- [x] Change of a data processing activity

**IDENTIFICATION OF THE DATA CONTROLLER**

European Research Executive Agency (REA)

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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 D2 – People and Workplace. The data controller may be contacted via functional mailbox: REA-TRAINING@ec.europa.eu.

In the case of joint procedures for the learning and developing 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 specificities of the given joint procedure.

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)
Not applicable

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, WebEx, etc.) (DIGIT-MOU@ec.europa.eu).
- Any external contractors that REA has contracted its services, the contact details will be indicated in the relevant contract.

1.5. Purpose of the processing
Training is a key concept according to Internal Control Standards (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 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, but also 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

² The EU Learn is covered by record DPR-EC-00967; please consult its privacy policy statement at EU Learn - Privacy Policy.
• Ensure Effective Communication with Internal and External Stakeholders
• Create Learning Opportunities with Digital Media and Informal Settings
• 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, including services offered by certified entities.

1.6. Legal basis for the processing

The legal basis references which apply to the processing operation are the following:

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 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 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:

• 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 Corrigenda
• 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

• All REA staff members [contract agents, temporary agents and temporary agents seconded to REA by the Commission, interim staff (only in case of team building, if they are insured by their company or by themselves and in case of internal training), IT service providers (only in case of team building, if they are insured by their company or by themselves and in case of internal training)] (“trainees”)

• Staff members of other Executive Agencies or other EU institutions, who enrol to learning and development activities and events organized by REA

• Internal trainers (REA colleagues)

• Staff from other EU institutions, bodies or agencies providing training courses

• External trainers

• Any person, whose details are referenced in contracts, purchase orders and any related documents.

1.8. Categories of personal data

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

In that respect, the following data may be collected and/or processed for a person attending training:

• First name
• Last name
• Administrative status
• Grade
• Unit
• Office number
• Professional phone number
• Personnel number
• Gender
• Professional experience, if any
• Languages
• Evaluation of the course
• Date of expiration of contract
• Details of course enrolment
- Status of participation (present, absent, withdrawn, etc. – where applicable)
- Bank account number, bank name and address
- Invoice date and registration fees (external training)
- Proof of payment
- Proof of attendance
- Information on attended courses
- Voice and image for recording of online trainings delivered via a third platform or video conferencing tools like Skype for Business, WebEx, Microsoft Teams or similar.

**External/ Internal trainers/external contractors/service providers/supply providers**
- First name
- Last name
- Email address
- Telephone number
- Postal address
- Dates on which the courses are planned/given
- Outcome of the evaluation
- Bank account number, bank name and address
- Name of organisation, country, city, address, email address, phone number
- Associate membership: title, name, surname, affiliation number, the contact details of the association: name of organisation, country, city, address, email address, phone number, bank details, password.
- Voice and image for recording of online trainings delivered via a third platform or video conferencing tools like or similar Skype for Business, WebEx and , Microsoft Teams or similar.

The above-mentioned personal data are **mandatory** for the purpose(s) outline above, unless indicated differently in the application or subscription.

A limited set of personal data of the participants and trainers depending on the IT tools or videoconferencing tools used for the Learning & Development activities eg IP address, geolocalisation, pseudonym.

In addition, **non-mandatory** personal data may be collected during the learning and development activities based on the consent of the data subjects eg for photos, videos, recordings and their dissemination.

**Access to REA premises/ the office building (Commission Physical Access Control System (PACS) DPR-EC-00655.3)**

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, last name, identity card or passport number.
Health-related categories of data:

For the preparation of catering of on-site events like team building events, the REA L&D team may ask the concerned unit to provide information on food allergies and other dietary restrictions (vegetarian, vegan, etc.) or other health related conditions related to the staff or other participants is such activities. The purpose is to provide only numbers – no names - of each condition to the catering contractor and other competent service providers or internal services.

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

REA applies by 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 10 years after the staff member leaves the employment, as per the EU Learn - Privacy Policy (europa.eu). 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. For associate membership 10 years following the last payment under the relevant signed agreement.

This is particularly important for training activities that have an impact on the career path of the staff member, i.e. for language training connected to Article 45(2) (proficiency in a third language before promotion) and for training of a compulsory or pre-requisite nature.

2) Presence lists of the training actions that are completed are kept in paper form or electronically for the periods determined under the Financial Regulations as a justification document for the payment of the external contractor's invoices, which is the maximum until the end of the year after the training takes place. After that period the paper presence lists are destroyed.

3) Evaluations of the training actions and the trainers are kept according to the duration of the framework contract with the external contractors (maximum 5 years).

4) 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.

1.10. Recipients of the data

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

- Staff members concerned
- REA HR authorised staff (local training managers)
- 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 (Framework contracts)
• Suppliers of externally hosted online learning-related platforms, third party tool or video-conferencing tools like Webex, Skype for Business, Microsoft Teams and similar (as specified in the data protection notice of the individual Learning and Development activity)
• International organisations and/or Institutes and/or Associations in case they provide certificates of international, standardised value, like 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 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 Webex, Skype for Business, Microsoft Teams and similar, personal data of the participants may be transferred outside the EU/EEA; they act as data controllers, thus the data protection notices of these tools have to be provided and participants must be informed accordingly.

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 of the REA, the operations of which abide by the European Commission’s security decisions and provisions established by the Directorate of Security for this kind of servers and services. The Agency is subject to European Commission’s security Decision 2017/46 of 10 January 2017, replacing the former Commission Decision(C(2006)3602) of 16 August 2006 on the security of information systems used by the European Commission.

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.