



PRIVACY STATEMENT REGARDING THE MANAGEMENT OF THE ANNUAL STAFF APPRAISAL EXERCISE AT THE EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY

This privacy statement provides information on the processing of personal data of EIT staff carried out by the European Institute of Innovation and Technology when managing the data relating to the annual appraisal exercise of contract and temporary staff at the EIT in SYSPER.

The processing of personal data follows the provisions of Regulation (EU) 2018/1725¹ 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 (hereinafter “Regulation”).

The SYSPER 2 tool is owned and maintained by the European Commission: the Commission’s privacy statement is included in the tool.

What is personal data and what is a personal data processing operation?

Personal data shall mean any information relating to an identified or identifiable natural person (‘data subject’). An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Processing means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automatic means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Who are the data subjects?

The data subjects are all temporary and contract staff members working for the EIT.

Who is the controller of the data processing?

The data controller is the Head of Administration Unit of the EIT.

What is the purpose of personal data processing?

As of 12 January 2023, the EIT uses the SYSPER 2 “Appraisal” module which serves for the management of the annual staff appraisal exercise and the production of annual appraisal reports.

¹ OJ L 295, 21.11.2018, p. 39–98



For staff members in long term absence, the appraisal exercise may be conducted in ARES. In those cases where ARES is not available, the staff members concerned may complete the self-assessment via email addressed to the reporting officer. Any correspondence to HR shall be addressed to the relevant focal point in HR via email for registration in Ares as sensitive.

Every year, a report covering the period from 1 January to 31 December of the preceding year shall be drawn up for:

- each contract staff engaged for a period of one year,
- and each temporary staff member who was in active employment or seconded in the interests of the service for a continuous period or at least one month during the reporting period.

The preparation of this report follows several steps:

- preparation of a self-assessment by the staff member, following the request of the staff member’s director superior (reporting officer);
- organisation of a dialogue between the staff member and the reporting officer. In course of this dialogue, the reporting officer shall, jointly with the staff member:
 - a) Assess the staff member’s performance during the reporting period, consider the latter’s efficiency, the ability he or she has demonstrated and his or her conduct in the service during the reporting period;
 - b) Identify the staff member’s training needs.
- drawing up an individual qualitative appraisal of the staff member’s efficiency, ability and conduct in the service;
- if the staff member’s performance is deemed insufficient by the reporting officer, the report shall be transmitted to the countersigning officer who shall confirm, complete or modify the report;
- sending the qualitative report to the staff member who may accept or refuse to accept the report;
- in the event of the refusal to accept the report, the appeal assessor shall confirm or amend the report, giving reasons.

The report (including the self-assessment) shall be completed by each actor from his/her PC. At each stage, the actor involved is informed by means of a message in SYSPER2 and a message generated by Outlook reminding him of the deadlines he/she has to intervene. The module manages passing from one stage to another, saves the modifications made, agreements, refusals or observations of each actor.

Before the launch of each appraisal exercise, administrative information is published/or updated by the EIT HR Section on the HR’s sharepoint, which indicates the purpose of the procedure, its implementation procedures by SYSPER 2, its timing, and how the information will be handled. Each appraisal exercise is launched by means of an administrative notice which indicates the steps in the procedure, the actors involved in the appraisal exercise and an indicated timeline.

The data processing operations include the collection, recording, organisation, storage, consultation, use, disclosure by transmission, erasure and destruction of personal data. In particular, the personal information of the data subjects are accessed, evaluated, stored and eventually destroyed.

The legal basis for the processing operations is indicated in a separate point below.



What types of personal data are processed?

The following types of personal data are processed for the above-mentioned purposes by the “Appraisal” module:

- identification data (name, first name, personal ID)
- data relating to function group/grade/step)
- data relating to the job description
- data relating to languages knowledge, skills acquired, performance, competence, conduct, responsibilities, training and development
- appraisal and comments by the line manager
- evaluations written by the reporting officer in the appraisal reports

Who has access to the personal data of data subjects and to whom can they be disclosed?

Within the EIT:

The personal data of the data subjects are processed by the EIT authorised staff: line manager of the data subject (Head of Department/Unit), EIT HR, Head of Administration Unit, Director.

Access will be given to the Internal Auditor of the EIT by request and if necessary for the performance of the duties of the Internal Auditor: depending on the nature and the scope of the specific audit, the Internal Auditor will be given access to personal data which is relevant for and serves the purpose of the specific audit exercise.

Within the Commission and other EU institutions/bodies/agencies:

Since SYSPER 2 is a tool managed by the European Commission (i.e. DG HR is the system owner and parts of the tasks as subcontracted to DG DIGIT under a separate agreement, such as technical support related to the implementation and operation of SYSPER 2 modules, hosting of SYSPER 2 and other components, analysis of technical nature in relation to providing additional modules and services), there is a controller and processor relationship between the EIT and the European Commission:

- Controller: the EIT enters data in the system, processes the data and ensures its accuracy.
- Processor: DG HR and DG DIGIT maintain the system and provide technical support, business support with relation to the system (e.g. if a specific request that could not be solved within the EIT Local Support Team).

Authorised staff of the following EU institutions may have access to relevant personal data for audit control or investigation purposes: Court of Auditors, Internal Audit Service of the European Commission, European Anti-Fraud Office (OLAF).

For the purpose of handling review procedures and litigation, access to the personal data may be granted also to the European Ombudsman, the European Data Protection Supervisor, the General Court and the European Court of Justice upon request and to the extent necessary for handling the review procedure and litigation.



Third parties subject to the GDPR² and third parties not subject to the GDPR:

Exceptionally and if necessary, personal data stored in the “Appraisal” module may be disclosed to third parties, e.g. external lawyers subject to the GDPR, for specific and limited purposes only. In this case, a written contract (service contract) is signed between the EIT and the external lawyer to ensure that Article 29 of the Data Protection Regulation of the European institutions is respected by the data processor. These written contracts follow the model of the Commission and include a specific article on data protection.

The same applies to external IT contractors with whom the EIT has a framework contract to provide IT services for the EIT.

How long do we keep your data?

In accordance with the Commission’s privacy statement, files related to the appraisal exercise shall be kept in SYSPER until the person or his or her entitled persons have exhausted the remedies, after the termination of their duties, within the meaning of Article 47 of the Staff Regulations and Articles 119 and 47 to 50 of the CEOS.

For the files related to the appraisal procedures conducted before the implementation of the SYSPER module on appraisal in 2023, the retention period applicable would be for 10 years as of the termination of employment or as of the last pension payment.

What are the rights of the data subject?

In accordance with Articles 15, 17, 18 of the Data Protection Regulation of European Institutions the data subjects have the **right for information**, the **right of access**, the **right of rectification** in case their personal data is not complete or not accurate.

In particular, data subjects have the right to access and verify their own appraisal reports. They can ask to correct data. In the event of a dispute, after having read the content of their files, data subjects may refuse to accept the report, stating the reasons for refusal. The report shall become final by the decision of the appeal assessor.

The data subjects have the right to obtain the **erasure** of their personal data in accordance with Article 19 of the Regulation and in particular in the cases when the personal data are no longer necessary in relation to the purposes for which they were collected.

Data subjects have also the **right to restriction** of processing of personal data in accordance with Article 20 of the Regulation.

The data subjects the right to **object** to the processing of their personal data, carried out in a lawful manner, in accordance with Article 5, paragraph 1, point a) of Regulation 2018/1725 on grounds listed in Article 23 of the

² Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)



Regulation.

The rights can be only exercised by sending a request in written form to EIT-HR@eit.europa.eu. As a general rule, the requests for information, access, rectification, erasure, restriction are handled without undue delay and in any event within one month of receipt of the request; this period may be extended by further two months where necessary, taking into account the complexity and number of requests. In case the data subject contests the accuracy of the data, upon request, the data is restricted immediately for the period of verification of the accuracy of the data, not exceeding one month.

Restrictions to the rights of data subjects may be applied by the EIT, in accordance with Article 25 of the Data Protection Regulation of the European institutions and the EIT internal rules on restrictions³.

Who should be contacted in case of queries or complaints?

You have the right of recourse at any time to the EIT's Data Protection Officer (EIT-DPO@eit.europa.eu) and to the European Data Protection Supervisor (EDPS@edps.europa.eu) or contact the site: <http://www.edps.europa.eu/EDPSWEB/>.

Legal basis and lawfulness of the processing operation

1) General legal basis

- Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community, in particular Articles 54 and 87(3) of the Conditions of Employment of Other Servants (CEOS), Article 43, the first paragraph of article 44 of the Staff Regulations and Article 87 (1) of the Conditions of Employment of Other Servants

2) Specific EIT legal basis:

Decisions of the EIT Governing Board

- Decision 18/2015 of the Governing Board of the EIT of 3 June 2015 on laying down general provisions for implementing article 43 of the Staff Regulations and implementing the first paragraph of article 44 of the Staff Regulations for temporary staff;
- Decision 19/2015 of the Governing Board of the EIT of 3 June 2015 on laying down general provisions for implementing article 87(1) of the conditions of employment of other servants of the European Union and implementing the first paragraph of article 44 of the Staff Regulations;

Agreements:

³ Ares(2023)4368918



- Service Level Agreement (SLA) signed between the EIT and DG HR: Appendix, SYSPER and related services

Grounds for lawfulness

In line with Article 5(a) of Regulation No. (EU) 2018/1725, the 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 EIT.