

Privacy statement regarding the management of personal files of the staff of the European Institute of Innovation and Technology

This privacy statement provides information relating to the processing of personal data of EIT staff carried out by the European Institute of Innovation and Technology within the framework of management of personal files of the staff of the EIT.

The processing of personal data of the staff members follows the provisions of 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/EC¹ (hereinafter “the Data Protection Regulation of the European institutions”).

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, and 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?

Data subjects include Temporary and Contract staff, seconded staff, whose data is processed by the Commission, working for the EIT, as well as family members of staff members: parents, grandparents, children, spouses (and assimilates, recognized legal partner, civil partnership) and potentially any other depending from the staff member.

Who is the Data controller?

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

Who is the Data Processor?

DG HR as system owner of NDP-Personal file (HR-MAILA3@ec.europa.eu);

¹ OJ L 295, 21.11.2018, p. 39-98

DG DIGIT as system supplier providing technical support (DIGIT-NDP-TECH-SUPPORT@ec.europa.eu).

What is the purpose of the personal data collection?

The purpose of the processing operation is to collect and process personal data of the EIT staff, as well as data received from other institutions/bodies/agencies in the context of inter-institutional mobility, in the module NDP personal files in order to keep them accurate, to ensure their confidentiality and to facilitate access to these files by the data subjects and by authorized persons for human resources management purposes. The processing is required to ensure proper and efficient management of HR matters for the staff working for the EIT.

In order to facilitate the digital management of personal files in general, EIT is going to use the NDP – Personal Files Module under SYSPER provided by DG HR as System owner and supported by DG DIGIT as system supplier.

NDP-personal files allows to create files, allows for the digitalization and uploading of documents, the printing of a whole file or part of it, the moving of a document within a file following an indexing error or to another file (following a data breach for example), the deletion of documents, the creation and granting of access rights to file managers. However, it does not allow any profiling or statistical analysis in relation to personal data. Therefore, your personal data will not be used for an automated decision-making including profiling.

The files of active EIT staff stored in paper and electronic form will be transferred to the NDP enabling staff in active employment to freely consult their personal file in a secure manner via SYSPER application due to the computerization of the personal file via NDP application (Numérisation des Dossiers Personnels), except for seconded staff, whose data is processed by the Commission. Personal files regarding Temporary and Contract staff are no longer kept in electronic and paper form.

Personal files of former staff² will be kept in paper and electronic form and will not be transferred to the NDP tool.

The data processing operations include collection, recording, organisation, storage, consultation, use, disclosure by transmission, erasure and destruction of personal data.

What types of personal data are processed?

The personal file saved under NDP may contain the following documents:

- a) **Part I – "Document for the Application for posts"**
- Application file, Application form; CV

² Former staff on the moment of launching the NDP tool.

- Study certificates: copies of the diploma(s) attesting a successful completion of the required level of education and of any other diplomas obtained; documents proving third language; courses/languages/training certificate
- Employment certificates: evidence of the candidate's professional experience clearly indicating starting and finishing dates and the nature of the duties carried out (e.g. employment contracts, employers' references, pay slips)
- Recruitment files (correspondence: Offer letter, letter of acceptance; Vacancy notice, Job description)
- Medical fitness (certificate)
- Computing patronymic

b) Part II – "Career: Engagement"

- Determination of professional experience, grading
- Contract: Contract of Employment, Contract decision, visa, routing slip, acknowledgement of receipt
- Appointment: decision, visa (routing slip), acknowledgement of receipt
- Interinstitutional transfer decisions
- Amendments and Extensions of Contract: Contract renewal, decision (incl. mobility inside the agency), visa (routing slip), acknowledgement of receipt, Statement.
- Report on the Probationer/Extensions (Report on the Probationary Period + objectives)
- Establishment Decision: decision, visa (routing slip) acknowledgement of receipt
- Reinstatement following invalidity: decision, acknowledgement of receipt.

c) Part III – "Career: Development"

- Promotions: decision, visa, routing slip, acknowledgement of receipt, miscellaneous
- Advancement to the next step in grade (Change in admin career, decision, routing slip, acknowledgement of receipt, miscellaneous)
- Decisions on Taking Up Appointment, Transfers (art.29)
- Change of Category and Regrading Decisions / Attestation / Certification (Reclassification e-mail, reclassification decision, routing slip, acknowledgment of receipt; attestation/certification decision, routing slip, acknowledgment of receipt)
- Secondment
- Change of Place of Employment (art.7) (Reassignment, Letter of assignment; decision, routing slip, acknowledgement of receipt)
- Leave on Personal Grounds (LPG) (LPG: Agreement/Renewal/Reinstatement (incl. Leave without remuneration), JSIS Cover (LPG), Pension Cover (LPG))
- Special leaves (maternity or foster leave, breastfeeding leave)
- Work patterns: Part Time Activity, Parental and Family Leave, teleworking
- Termination Career/Employment/Resignation/Invalidity
- Acknowledgement of Receipt miscellaneous
- Additional work, external work and gifts: Outside activities, Conflict of Interest declaration

- Allowances position: Allowances(i.e.: allowances for shiftwork/stand by duty allowances), overtime flat fee
- Complaints (on Administrative Matters): Administrative Complaints³, Decision by the Authority, Acknowledgement of receipt.
- Miscellaneous (Administration File): Training application, Certificate of employment, On-boarding checklist, letter of appreciation

d) Part IV: Staff report file

- Incompetence
- Staff reports and CDR(career development report): appraisal report, objectives, training map
- Disciplinary matters (incl non-disciplinary warning)
- Restriction on recruitment
- Miscellaneous (Staff Reports)

e) Part V: Private file

- Personal and family documents: Birth certificates, Nationality/Identity card/Passport; Change of name/first name, residence certificates (MFA card), Criminal record, Military Service Certificate/Civil Service, Marriage certificate, Birth certificate of the children, adoption/recognition of a child/child under guardianship; members of the household, death certificate, divorce/separation/custody, life community certificate/Partnership, civil status certificate, driving license
- Bank information/Legal entity (LEF, BAF)
- Entry into service: Note for the File (Checklist Ex Ante), acknowledgement of receipt/Declaration Rights and Obligations, Establishment of rights (financial), Settlement of individual entitlements, PMO declaration forms, JSIS confidential declaration form, declaration of arrival

f) Decisions not related to Career

- Rights relating to personal matters: (CDCE+CONS) allowances/Household/Dependent child/Education/ABI/APP, Household Allowance (Employment certificate of spouse), Pay slip from spouse, Dependent Child Allowance, Education Allowance (contribution request form, attendance certificate), Allowance for person treated as dependent child, Allowance perceived from other sources, Tax deduction, foreigners buying a car have VAT exemption, Recognised partnership (Sickness Insurance)
- Determination of Place of origin: Fixing of Place of Origin, Request to change the place of origin, Revision/Change of Place of Recruitment, Annual travel expenses
- Rights relating to Entry into Service/Transfer/Interinstitutional Transfer: Determination of the financial entitlements (salary transfer); travel expenses; removal; installation allowance; daily allowance (DSA = Daily Subsistence Allowance)

³ Only in cases where there is a decision in favour of the staff member regarding rights and entitlements.

- Rights relating to Termination of Service: Change of the place of recruitment, travel expenses; removal, Resettlement Allowance, Liquidation of financial effect.

g) Other

- Personal information sheet;
- Address and Person to inform;
- Pension rights;
- Control Documents on End of service/Transfer (Leaving form - transfer/Termination/CCP);
- Miscellaneous - Private File.

Special categories data (Article 10 of the Data Protection Regulation of the European institutions)

In accordance with Article 26 of the Staff Regulations, the personal file shall contain no references to the staff member's political, trade union, philosophical or religious activities and views, or to his racial or ethnic origin or sexual orientation.

However, the personal file of the staff member contains the following documents which may contain some personal data falling under the special categories of personal data (Article 10 (1) of the Regulation):

- Medical fitness (which might indirectly reveal data concerning the health of the staff member),
- Marriage or legal cohabitant certificate (which may indirectly reveal data concerning natural person's sexual orientation),
- Birth certificate and children certificate (which may indirectly reveal data concerning racial or ethnic origin),
- Request and decision taken upon Art. 15 SR (which may indirectly reveal data concerning political opinion or orientation),
- Request and decision taken upon Art. 12b - 16 SR on activities may contain information related to personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership
- Decision on invalidity (which by nature reveals data concerning health of the staff member)
- Copy of passport or ID containing some biometrical data or information regarding religious beliefs of the staff member (which may indirectly reveal racial or ethnic origin and, biometric data).

Such data are processed according to Article 10 (2) b) of the Regulation (the processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment).

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

Within the EIT:

The access to the personal data is determined by strict rules according to the role and responsibilities of the different actors and is based on the needs of the procedure. Access rights to the NDP application are therefore governed by the principle of the need to know.

Access is granted to the staff member who consults his/her personal file in accordance with Article 26 of the Staff Regulations.

The personal data of data subjects is processed by the EIT HR Section staff (with permanent or restricted access depending on the role).

Exceptionally, if necessary and following a case by case assessment, the following actors may receive access to personal data of data subjects: EIT Director, EIT Legal Officer (s), in the context of complaints submitted under Article 90 (2) of the Staff Regulations, administrative inquiries and disciplinary proceedings, OLAF cases and/or litigation.

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

The authorized staff that may have ad hoc and time-limited access to one or more relevant personal data on the basis of a justified request from the superior of the file manager to the personal file sector (e.g. audit control or investigation purposes): Court of Auditors, Internal Audit Service of the European Commission, the Directorate-General for Human Resources and Security (DG HR), European Anti-Fraud Office (OLAF).

DG HR (in the context of the creation of the personal file) and DG DIGIT (when providing technical support) act as data processors and process the personal data only on behalf and upon instructions of the EIT.

For the purpose of providing the recruited EIT staff with the financial entitlements, part of the personal data provided by the data subjects is disclosed to the Payment Master's Office (internal service of the European Commission responsible for the financial entitlements of staff of the Commission and certain other EU institutions/agencies/bodies

In case of transfer to another EU institution/agency/body, staff member in charge of personal files in this EU institution/agency will receive access to the personal data of data subjects in the event that the personal file has been transferred.

For the purpose of handling review procedures and litigation, access to the personal data may be granted 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 GDPR⁴ and third parties not subject to the GDPR:

⁴ 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)

Exceptionally and if necessary, information concerning the management of personal files may be disclosed to external lawyers (advocates) 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 in order to ensure that Article 29 of the Data Protection Regulation of the EU 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 in order to provide IT services for the EIT.

How long do we keep your data?

The personal data stored in the personal files (in paper and electronic form) will be retained for a period of 10 years as of the termination of employment or as of the last pension payment. The EIT will lose access to the NDP file in case of transfer of the staff member to another EU institution. In case the staff decides not to continue her/his career within the EU institutions/EU agencies, his/her personal file will be stored in the NDP tool in 'transfer status', e.g., that the EIT and any EU institution/EU agency will not be able to consult the personal file.

The criminal record is handed back to the staff member immediately upon recruitment or within maximum 6 months.

The personal files are stored in NDP tool for the time necessary to fulfil the purpose of collection or further processing, namely for at least 100 years after the recruitment of the person concerned and 8 years after the termination of the rights of the beneficiaries concerned.

What are the rights of the data subject?

In accordance with Articles 15, 17, 18, 19 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 and the **right to erasure** ("right to be forgotten").

Candidates and selected experts 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, if the data subject withdraws its consent, or in case of unlawful processing.

Data subjects have also the **right to restriction** of processing of personal data in accordance with Article 20 of the Regulation, and the **right to object** on grounds listed in Article 23 of the Regulation.

The rights can be only exercised by sending a request in a written form to the 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 on 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 restrictions⁵.

Who should be contacted in case of queries or complaints?

If you have any queries concerning the processing of your personal data, you may address them to the internal EIT department responsible for managing the staff recruitment processing operation at the following email: EITHR2@eit.europa.eu.

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 of the processing operation

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 Community⁶, in particular Article 26 of the Staff Regulations, Articles 11 and 81 of the CEOS

Specific EIT legal basis:

- Decision No 46/2018 of the Interim Director of the European institute of Innovation and Technology (EIT) of 25 October 2018 on implementing rules of the document management process and procedure at the European Institute of Innovation and Technology
- Service Level Agreement between the Services of the European Commission (DG HR) and the EIT as of 22.01.2018 (Amendment 5 effective as of 1 September 2022)

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.

⁵ <https://eit.europa.eu/who-we-are/legal-framework/data-protection>

⁶ OJ P 045 14.6.1962, p. 1385