

## Privacy statement regarding the functioning of the EIT Staff Committee

This privacy statement provides information related to the processing of personal data of staff by the European Institute of Innovation and Technology (EIT) Staff Committee members while fulfilling their mandate.

The processing of personal data of the data subjects 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<sup>1</sup> (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 is the controller of the data collection?**

The data controller is the EIT Staff Committee.

### **What is the purpose of personal data collection?**

The main purpose of processing personal data is to ensure Staff Committee is operational and able fulfil its tasks during its mandate, as laid down in the Staff Regulations.

In line with the Staff Regulations and the Decision of the Governing Board on setting up a Staff Committee, the latter represents the interests of the staff vis-à-vis EIT and maintain continuous contact between the EIT and their staff. Therefore, the Staff Committee contributes to the smooth running of the agency by providing a channel for the expression of opinion by the staff.

To fulfil its mandate, the Staff Committee engages in a range of activities, including but not limited to issuing opinions during requested consultations on matters such as public holidays, reclassifications, and working conditions, as well as on its own initiative. Additionally, the committee handles requests and complaints from staff related to their professional tasks.

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<sup>1</sup> OJ L 295, 21.11.2018, p. 39-98

In carrying out these activities, the Staff Committee receives and processes personal information concerning members of the staff directly from the data subject or by other staff members. Based on this information, the Staff Committee acts on a case-by-case basis, decides on issues to be flagged to the EIT and prepares the draft agenda for the meeting with the management. This meeting is reported in the minutes.

### **Who are the data subjects?**

EIT staff members (i.e. temporary staff, contract staff and other categories of staff referred to in Article 1 of CEOS, if any).

### **What types of personal data are collected?**

- First name and last name
- Contact details (e-mail address)
- Job title & organisational entity
- Staff number and category
- Length of employment
- Personal data of the staff concerned from the e-mails sent to or from the Staff Committee or between Staff Committee Members, such as for example the views of the staff members on issues or the difficulties he or she is experiencing while performing their tasks or work; information from appraisal reports<sup>2</sup>
- In some cases, personal data from internal reports or documents
- It cannot be excluded that special categories of personal data may be collected and processed in exceptional circumstances, for example where a staff member reports on particular issues or the difficulties he or she is experiencing (e.g. harassment).

### **Who has access to the personal data (data recipients)?**

#### **Within the EIT:**

The personal data can be accessed only by Staff Committee members and alternates, if any and in the case of replacing the full members of the Staff Committee.

Access to the personal data may be given to the Internal Auditor of the EIT by request if necessary for the performance of the duties of the Internal Auditor.

#### **Within the Commission and EU institutions and bodies:**

The access to personal data may be granted to the Internal Audit Service of the Commission, Legal Service, OLAF upon request and only, if necessary, in the context of official investigations or for audit purposes.

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.

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<sup>2</sup> Addressed by Privacy Statement regarding the management of the annual staff appraisal exercise at the European Institute of Innovation and Technology (Ares(2023)4557894 – 30/06/2023)

### Third parties subject to the GDPR<sup>3</sup> and third parties not subject to the GDPR:

We commit not to disclose or share any data with third parties, in accordance with the principles outlined in the Regulation (EU) 2018/1725.<sup>4</sup>

### What are the rights of the data subjects?

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”).

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, 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 **[StaffCommittee@eit.europa.eu](mailto:StaffCommittee@eit.europa.eu)** (the Data Controller representative). 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 restrictions<sup>5</sup>.

### Who should be contacted in case of queries or complaints?

The data subjects have the right of recourse at any time to the Data Protection Officer of the EIT (**[EIT-DPO@eit.europa.eu](mailto:EIT-DPO@eit.europa.eu)**) and to the European Data Protection Supervisor (**[EDPS@edps.europa.eu](mailto:EDPS@edps.europa.eu)**) for matters relating to the processing of their personal data.

### For how long is the data retained?

Personal data processed within the functioning of the Staff Committee, including issues specific only to one/several staff members shall be kept for the duration of the appointed Staff Committee plus one

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<sup>3</sup> 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)

<sup>4</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, 21.11.2018, p. 39–98)

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

year. If transmitted by e-mail, the personal information is stored in the functional mailbox of the Staff Committee, the e-file and/or the paper file is accessible for 3 months directly, after 3 months it will be moved to the mailbox archive.

### **What is the legal basis of the process?**

#### **General legal basis:**

- Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the European Communities laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council, and in particular Articles 9, 10a and 110(2) thereof, Article 1 of Annex II to the Staff Regulations and Article 7 of the CEOS<sup>6</sup>, hereafter referred to as the “Staff Regulations” and “CEOS”;
- Regulation (EU) 2021/819 of the European Parliament and of the Council of 20 May 2021 on the European Institute of Innovation and Technology (recast) (“EIT Regulation”)<sup>7</sup>

#### **Specific EIT legal basis:**

- Decision 10/2020 of the Governing Board of the European Institute of Innovation and Technology on setting up a Staff Committee<sup>8</sup>, hereafter referred to as the “Decision on setting up a Staff Committee”
- Rules of Procedure – EIT Staff Committee

#### **Grounds for lawfulness:**

In line with Article 5(b) of the Data Protection Regulation of the European institutions, the processing is necessary for compliance with a legal obligation to which the controller is subject. The EIT as European Union body shall set up a Staff Committee in accordance with Article 9, 110 (2) of Staff Regulations.

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<sup>6</sup> OJ L 56, 4.3.1968, p. 1, last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013, OJ L 287, 29.10.2013, p.15.

<sup>7</sup> OJ L 170, 12.5.2021, p. 1.

<sup>8</sup> Ares(2020)3063180 – 12/06/2020