

Privacy statement regarding the election and functioning of the Staff Committee of the EIT

This privacy statement provides information relating to the processing of personal data by the European Institute of Innovation and Technology (EIT) when managing personal data relating to the election and functioning of the Staff Committee at European Institute of Innovation and Technology (EIT).

The processing of personal data of the data subjects 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 referred to as the “Regulation” or “Data Protection Regulation of EU 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, performing the personal data processing operations is the Head of Unit responsible for the preparation and holding of Staff Committee elections and functioning, namely the Head of the Services and Finance Unit.

What is the purpose of the personal data collection?

The main purpose of processing personal data is to set up a Staff Committee for the EIT and to ensure its functioning according to the relevant framework.

In line with the Staff Regulations² and the EIT Governing Board Decision on setting up a Staff Committee, the Staff Committee represents the interests of the staff vis-à-vis EIT and maintain continuous contact between the EIT and its staff. Therefore, the Staff Committee contributes to the smooth running of the EIT by providing a channel for the expression of opinion by the staff.

¹ OJ L 295, 21.11.2018, p. 39-98

² OJ P 045 14.6.1962, p. 1385

The elections being held regularly at the EIT shall ensure that the Staff Committee is operational and able fulfil its tasks.

The processing includes in particular the following steps: creation of the list of candidates and the list of voters, setting up the Election Committee, managing the election and complaint handling, functioning of the Staff Committee.

Who are the data subjects?

The following types of personal data are processed for the above mentioned purposes in accordance with the Regulation³:

- EIT staff members (i.e. officials, temporary staff, contract staff and other categories of staff referred to in Article 1 of CEOS⁴) eligible to vote and stand for election, in line with the Rules governing the election of the Staff Committee,
- EIT staff members (i.e. officials, temporary staff, contract staff and other categories of staff referred to in Article 1 of CEOS), seconded national officials, interim staff and trainees, whose data is processed during the functioning of the Staff Committee.

What types of personal data are collected?

Within the elections:

Personal data:

- First name and last name;
- Contact details (e-mail address);
- Job title and organisational entity;
- Staff category;
- Length of employment.

The following categories of personal data are processed:

- the list of staff members eligible to vote includes the name, the staff number and the staff category;
- the list of staff members eligible to stand for election indicates the name and the staff category;
- for the Election Committee members the name is processed;
- the list of approved candidacies;
- when the result of the election is announced, the name and staff category of the elected and alternate members are published;
- in case of complaints only the name and staff category of the staff member(s) concerned are processed.

Within the functioning of the Staff Committee:

³ 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

⁴ See the consolidated version of Staff Regulation: OJ P 045 14.6.1962, p. 1385

- Other types of personal data depending on the nature of the issues handled by the Staff Committee, including issues specific only to one/several staff members, personal complaints.

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

Within the EIT:

- Staff members of the HR Section, Head of Services and Finance Unit, Director, Legal Officer (only in case of a complaint);
- Member(s) of the Election Committee;
- Staff members (list of those eligible to vote and stand);
- Members of the Staff Committee: only for issues handled during the functioning of the Staff Committee;
- 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 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 and to the extent necessary for handling the review procedure and litigation.

Third parties subject to the GDPR⁵ and third parties not subject to the GDPR:

Exceptionally and if necessary, information concerning the Staff Committee elections and Staff Committee functioning may be disclosed to third parties subject to the GDPR, such as external lawyers (advocates), for specific and limited purposes only. In this case a written contract (service contract) is signed between the EIT and the third party in order to ensure that 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 European Commission and include a specific article on data protection.

What are the rights of the data subjects?

The following procedures apply for ensuring the data subject's rights:

List of voters: data subjects may **access** their personal data included in the list anytime during the procedure as all staff is informed directly via e-mail. They may ask for the **rectification** of their incomplete or inaccurate data during the whole procedure (until the election day). The rights of **erasure, restriction of processing** and **to object** can be exercised only until the final list of voters has been published on the ground listed in Article 19, 20 and 23 of the Data Protection Regulation of European Institutions.

List of candidates and list of approved candidacies: data subjects may **access** their personal data included in the list anytime during the procedure as all staff is informed directly via e-mail. They may ask for the rectification of their incomplete or inaccurate data during the whole procedure (until the

⁵ 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)

election day). The rights of **erasure, restriction of processing** and **to object** can be exercised only until the election day on the ground listed in Article 19, 20 and 23 of the Data Protection Regulation of European Institutions.

Election Committee members: data subjects may **access** their personal data included in the list of Election Committee members anytime during the procedure by a request to the HR. They may ask for the **rectification** of their incomplete or inaccurate data before the Election Committee fulfils and finishes its tasks. The rights of **erasure, restriction of processing** and **to object** can be exercised only before the official appointment of the Election Committee (in specific cases, such as sickness, the Election Committee members may withdraw and ask for the erasure of their personal data) on the ground listed in Article 19, 20 and 23 of the Data Protection Regulation of European Institutions.

When the result of the election is published: data subjects may **access** the list of elected Staff Committee members and of the alternate members as all staff is informed directly via e-mail. They may ask for the **rectification** of their incomplete or inaccurate data at any time until the elected Staff Committee's term expires. The rights of **erasure, restriction of processing** and **to object** cannot be exercised once the final result of the elections have been published and the 5 working days for complaints have expired (or when the 5 working days for replying to the complaint have expired).

In case of a complaint regarding the election: data subjects may **access** their personal data included in the complaint file and they may ask for the rectification of their data. The rights of **erasure, restriction of processing** and **to object** can be exercised only before the final decision of the Director on the complaint.

In case of **issues specific only to one/several staff members, personal complaints:** data subjects may **access** their personal data anytime during the procedure as all staff is informed directly via e-mail. They may ask for the **rectification** of their incomplete or inaccurate data during the whole procedure (until the election day). The rights of **erasure, restriction of processing** and **to object** can be exercised only until the final list of voters has been published on the ground listed in Article 19, 20 and 23 of the Regulation.

For the functioning of the Staff Committee: data subjects may **access** their personal data and may ask for the rectification of their data. The rights of **erasure, restriction of processing** and **to object** can be exercised during their personal data is processed.

The requests concerning the elections should be sent to HR@eit.europa.eu, Eithr2@eit.europa.eu and requests concerning the Staff Committee functioning should be sent to StaffCommittee@eit.europa.eu. **These requests** shall be handled within 15 working days; 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 Regulation and the EIT internal rules on restrictions⁶.

⁶ Currently under adoption. The final version will be published at the following link: <https://eit.europa.eu/who-we-are/legal-framework/data-protection>

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) and to the European Data Protection Supervisor (EDPS@edps.europa.eu) for matters relating to the processing of their personal data.

For how long the data is retained?

Personal data processed within the Staff Committee election and the functioning of the Staff Committee, including issues specific only to one/several staff members shall be kept for 7 years after the end of the Staff Committee term.

What is the legal basis of the processing?

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 Article 9, 10 and 10a of Staff Regulations, and Article 1 of Annex II, concerning the Staff Committee
- Regulation (EC) No 294/2008 of 11 March 2008 establishing the European Institute of Innovation and Technology, as amended by Regulation of the European Parliament and of the Council No 1292/2013 of 11 December 2013 (the “EIT Regulation”) and in particular Section 4 point 3 (i) of the Statutes of the EIT annexed to the EIT Regulation

Specific EIT legal basis:

- Decision 10/2020 of the Governing Board of the European Institute of Innovation and Technology on setting up a Common Staff Committee⁷ („Decision on setting up a Common Staff Committee”);
- Decision of the General Assembly on the rules governing the election of a Common Staff Committee⁸ („Rules governing the election of the Common 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 a European Union body shall set up a Staff Committee in accordance with Article 9 (1) of Staff Regulations.

⁷ Ares(2020)3063180

⁸ General Assembly Decision of 26 June 2017 (09749.EIT.2017.I.RP) - currently under revision in order to ensure compliance with Decision 10/2020 of the EIT Governing Board and to introduce the rules on online voting.