



PRIVACY STATEMENT REGARDING THE MANAGEMENT OF THE ANNUAL RECLASSIFICATION 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 reclassification exercise of contract and temporary staff at the EIT in SYSPER and outside the system.

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 at the EIT.

What is the purpose of personal data processing?

The purpose of personal data processing is to conduct the annual reclassification exercise within the EIT.

¹ OJ L 295, 21.11.2018, p. 39–98



As of 19 June 2023, the EIT uses the SYSPER 2 “Reclassification” module: the computer tool used by the European Commission to manage the annual reclassification exercise. Besides the SYSPER 2 module, the EIT processes the data using excel tables and ARES.

The annual reclassification exercise shall be launched only once the appraisal exercise organised in the same year has been finalised.

The stages of the annual reclassification exercise are as follows:

- Director’s proposal on the list of the staff members for reclassification (after discussion with the Staff Committee);
- Possibility to lodge a complaint with the Joint Reclassification Committee in case of non-being in the list of staff members proposed for reclassification;
- Delivering to AACC (authority authorised to conclude contracts of employment) the list of staff members recommended for reclassification by the Joint Reclassification Committee, taking into consideration received complaints.
- Adoption of the list of staff members reclassified by AACC.

Each reclassification exercise is launched by means of an administrative notice which indicates the purpose of the procedure, the indicative timeline, the means of redress, as well as the name of the Chair of the Joint Reclassification Committee and the list of staff eligible for reclassification. The staff member can access to the promotion file in SYSPER on the same date that the reclassification exercise is launched via the above-mentioned administrative notice.

Following the launch of the reclassification exercise, the HR Section prepares the table on the five years average seniority in grade, the multiplication rate table, and the comparative table of merits (outside SYSPER). The examination of the comparative merits of the staff eligible for reclassification is conducted at the meeting between the HoUs and the Director, the conclusions of this meeting are uploaded in ARES. In preparation of the meeting to be held with the Staff Committee and the Director, the HR staff sends to the Staff Committee a summary of the conclusions of the comparative table of merits regarding the meeting held between the HoUs and the Director.

In the closure of the reclassification exercise, the list of staff members reclassified is published by means of an administrative notice.

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 SYSPER 2 “Reclassification” module:



- identification data (name, first name, personal ID)
- data relating to function group, grade and 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 appraiser in the appraisal reports
- appraisal report

The promotion file of each staff member shall contain the following information:

- Appraisal report
- The reference period
- Career development reports
- Rank History since Inception
- State of the Exercise
- The DG promotion list
- The "committee" promotion list, which includes for comparison all Commission officials of the same category and grade
- Seniority in the rank
- Seniority in grade for eligibility
- Seniority in the grade on 1st of January of the promotion/reclassification exercise
- Starting working date
- The date of birth
- Career/Contract in place
- Indication of promotion to a higher grade or exclusion from promotion and reasons
- In case of appeal: the committee's recommendation and the commentary
- Information concerning the ability to work in a third language
- File access information

The comparative table of merits contains the following data:

- level of responsibilities
- additional responsibilities
- the use of languages
- seniority in the grade and multiplication rate

The eligibility table of all staff for TA and CA in SYSPER 2 contains the following data:

- name
- personal number
- grade
- date when the staff was reclassified
- seniority
- date of effect if promoted
- seniority as effective date



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 is processed by the EIT authorised staff: line manager of the data subject/reporting officer, Heads of Units at the EIT, EIT HR assigned to the reclassification exercise, Head of Administration Unit, Director, members of the Staff Committee, members of the Joint Reclassification Committee, members of the Joint Committee.

EIT HR staff assigned to the reclassification exercise have access to: the table on the five years average seniority in grade, the multiplication rate table, the comparative table of merits, the conclusions on the examination of the comparative merits of the staff eligible for reclassification uploaded in ARES individual promotion files of each promotion (reclassification) file in SYSPER 2, eligibility table of all staff for TA and CA separately in SYSPER 2, appraisal reports ; appeals lodged by eligible staff.

Heads of Units (HoUs)/Heads of Departments have access to: the table on the five years average seniority in grade, the multiplication rate table, the comparative table of merits, conclusions on the examination of the comparative merits of the staff eligible for reclassification uploaded in ARES and the appraisal reports of the staff members eligible for reclassification reporting to him/her.

Director has access to: the appraisal reports of the staff members eligible for reclassification, the table on the five years average seniority in grade, the multiplication rate table, the comparative table of merits, the conclusions on the examination of the comparative merits of the staff eligible for reclassification uploaded in ARES, a summary of the conclusions of the comparative table of merits, the minutes of the meeting of the Staff Committee and the Director, the recommendation of the Joint Reclassification Committee, the appeals lodged by the eligible staff for reclassification.

The Joint Reclassification Committee has access to: the summary of the conclusions of the comparative table of merits, the table on the five years average seniority in grade, the multiplication rate table, the minutes of the meeting between the Staff Committee and the Director, the appeals submitted by the eligible staff and appraisal reports of all eligible staff through SYSPER.

The legal officer dealing with HR matters may have access granted by HR to: the appeals submitted by the eligible staff, the recommendation issued by the Joint Reclassification Committee and the table of comparative merits².

The Joint Committee when examining the reclassification exercise has access to: conflict of interest declarations, screen shoot of the ARES workflows, minutes of the meeting between the Staff Committee and Director and screen shoot of validation of the minutes in ARES, administrative notice of the proposed staff, email notification of the complaint(s) without the complaint unless the complaint is within the notification or upon request by the Joint Committee on a case by case basis, email from the Chair of the Joint Reclassification Committee to the Director transmitting to the Director the recommendation of the JRC, the ARES screen shoot on the opinion of each complaint and the names of the complainants.

² In those cases where the legal officer is also eligible for reclassification, the part related to her/him in the table of comparative merits will be expunged from the related table.



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).

The appraisal reclassification team in SYSPER has access to the entire promotion module since they are managing the access rights and the roles of the different actors involved in the reclassification exercise.

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 GDPR³ and third parties not subject to the GDPR:

Exceptionally and if necessary, personal data stored in the “Reclassification” 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.

How long do we keep your data?

In accordance with the Commission’s privacy statement files related to the reclassification procedure 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.

³ 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)



Other files related to the reclassification procedure that are not saved in SYSPER shall be kept for 5 years as of the termination of employment or as of the last pension payment.

For the files related to the reclassification procedures conducted before the implementation of the SYSPER module on reclassification in 2023, the retention period applicable would be for 5 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.

The staff member can access to the promotion file in SYSPER on the same date that the reclassification exercise is launched via the administrative notice. Staff members eligible for reclassification but not proposed for reclassification are entitled to lodge an appeal with the Joint Reclassification Committee.

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 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 restrictions⁴.

Who should be contacted in case of queries or complaints?

⁴Ares(2023)4368918



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);

2) Specific EIT legal basis:

Decisions of the EIT Governing Board

- Decision 17/2016 of the Governing Board of the EIT of 24 June 2016 laying down general implementing provisions regarding article 87(3) of the Conditions of Employment of Other Servants of the European Union;
- Decision 18/2016 of the Governing Board of the EIT of 24 June 2016 laying down general implementing provisions regarding article 54 of the Conditions of Employment of Other Servants of the European Union;

Agreements:

- 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.