

## PRIVACY STATEMENT for the application of HAN (HERMES-ARES-NOMCOM) IT system at 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 the data relating to the HAN (HERMES-ARES-NOMCOM) IT system used at the European Institute of Innovation & Technology (EIT).

The processing of personal data of the data subjects follows the provisions of Regulation (EC) No 45/2001 on the protection of personal data by the European Union's institutions and bodies.

### 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 identification number or to one or more factors specific to his or her physical, physiological, mental, economic, cultural or social identity.

**Personal data processing operations** can be any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organisation, storage, adaptation or alteration, retrieval, consultations, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, 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 implementation of the HAN (HERMES-ARES-NOMCOM) IT system, namely the Head of the Unit Services and Finance.

For the storage of personal data the data controller is the Secretary General in the European Commission (as indicated in the privacy statement of the European Commission).

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

The HAN (HERMES-ARES-NOMCOM) IT system consists of a number of basic modules - storage, digitisation, registration, search, filing, workflow, electronic archiving, appraisal - with the overall aim of managing the registered documents and files of the EIT as part of its mission and activities as an Institute, with due regard to the provisions relating to security, IT security and the protection of personal data.

HAN (HERMES-ARES-NOMCOM) does not deal with all documents that are received or produced and held by the EIT, but only with documents that have to be registered.

In accordance with the applicable rules (Commission Decision 2002/47), a document to be registered means any document, regardless of the medium:

- a) received or formally drawn up by an EIT department in the course of its activities;
- and
- b) i) which is likely to require action, follow-up or a reply from the EIT or one or more of its departments, or  
ii) which involves the responsibility of the EIT or one or more of its departments;
- and
- c) contains important information which is not short-lived.

Documents that are drawn up as effective administrative or legal evidence of decisions, situations, intentions or events linked to the activities of the EIT or its departments must also be registered.

HAN (HERMES-ARES-NOMCOM) provides the means to implement an effective policy for the electronic management and archiving of documents and files based on a body of common rules and procedures applicable to all Commission departments (DGs and Services, Offices, Cabinets, and Commission representations and delegations throughout the world) and to agencies having signed a Memorandum of Understanding with the Commission. This platform is for internal use only and is not accessible to third parties. In this way, the EIT plans to manage, store and find, reliably and at any time, any document relating to the official tasks of the Institute, regardless of its medium (paper or electronic copy) or management system.

HAN (HERMES-ARES-NOMCOM) processes personal data and is therefore subject to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000. This statement explains how the system manages these data and how confidentiality is maintained.

### Who are the data subjects?

**Internal:** all persons (temporary and contract staff, seconded national experts, interim staff, trainees or others) working at the EIT.

**External:** potentially any person who sends to, or receives from the EIT a document which must be registered in ARES.

### What types of personal data are collected?

The personal data collected in the system refer to:

- a) internally, all persons (temporary and contract staff, seconded national experts, interim staff, trainees or others) working at the EIT;
- b) externally, potentially any person who sends to, or receives from the EIT a document which the EIT must register in accordance with the provisions on registration.

The personal data collected can be found in:

- a) the metadata of documents and files:
  - in the case of EIT staff, it concerns their name, surname and section/unit to which they belong;
  - in the case of persons from outside the EIT, the data come from ARES' own external entities database, where the only mandatory information is the name, surname, country, if possible, and e-mail address;
- b) the content of the EIT's documents and files. The full text indexing of documents entered in the system may reveal personal data of all kinds. Furthermore, within the meaning of Article 10, certain files may refer to:
  - matters relating to the health of staff or members of their family, but processing of such data is justified on the basis of Article 10(3) of Regulation 45/2001;
  - infringements or disciplinary procedures, but such files are necessary both for the effective implementation of human resources management and for combating fraud, among other things. Moreover, these files must be retained for as long as necessary to ensure that the objective laid down by the legislator in Article 10(h) and (i) of Annex IX to the Staff Regulations (principle of repeated infringement) is met.

In such cases a triple security is applied: at the level of metadata, access to documents (markings) and of the files (restricted to the persons and/or departments with the right to know).

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

### 1) EU institutions and bodies:

As HAN (HERMES-ARES-NOMCOM) is an internal<sup>1</sup> tool and not a public register or inter-institutional and/or external database, therefore the data recipients are exclusively persons within the EIT who are granted access on a 'need to know' basis depending on the tasks to be carried out. If not specified otherwise, all staff have access to documents registered in the EIT filing plan, however, several files with sensitive documents are restricted to a specific group (e.g. HR files). There are also options to restrict access to an individual document by using markings in the registration profile.

The public and the partners do not have direct access. Documents can be shared with ARES users outside the EIT by assigning a task to them.

Data are stored in the Commission's Data Centre in Luxembourg and are therefore protected by a number of measures introduced by DG DIGIT to protect the integrity and confidentiality of the Commission's electronic assets.

Access to the EIT's registered documents and files (including personal data) is protected by means of a login and access rights which are strictly limited in accordance with the 'need to know' principle and are based on the duties entrusted to access holders. Access rights are linked to a person's position (and therefore function) and are thus constantly updated on the basis of the position the person occupies. The usernames (login) and passwords are managed by the European Commission's common authentication service.

Every access right holder may delegate his or her rights to someone they trust - within the organisation - in the interests of the smooth operation of the service. This delegation is transparent and reversible. The person who delegates his or her rights retains responsibility. The delegation is linked to the person's position, and as a result the person loses all his or her access rights when he or she leaves that position. 'Audit trail' methods apply to all access to and manipulation of data in ARES-NOMCOM and can be used if there is an investigation.

### 2) Third parties subject to Regulation (EU) 2016/679:

NA

### 3) Third parties not subject to Regulation (EU) 2016/679:

NA

## What are the rights of the data subjects? Who should be contacted in case of queries or complaints?

As a person concerned, data subjects can ask the Document Management Officer for information. Data subjects also have the right to request access, and ask for the rectification of their inaccurate or incomplete factual personal data. In case the data subject contests the accuracy of the data, it is also entitled to obtain blocking of the data. Data subjects also have the right to obtain erasure or blocking of their unlawfully processed data.

In case of any queries concerning the processing of personal data, data subjects may send their written requests to [ARES-ADMIN@eit.europa.eu](mailto:ARES-ADMIN@eit.europa.eu). As a general rule, requests for access, rectification, erasure and blocking are handled within 15 working days from the date of submission of the request. In case the data subject contests the accuracy of the data, upon request, the data is blocked immediately for the period of verification of the accuracy of the data.

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<sup>1</sup> For the application of ARES, the Commission and the EU agencies are considered 'internal'. Nevertheless, access rights to documents are defined on the level of the EU body (agency) which means that documents processed by the EIT are not accessible for the Commission or other EU agencies.

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.

Exemptions and restrictions as specified in Article 20 of the Regulation apply.

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

The processing operation is necessary for the performance of a task carried out in the public interest on the basis of the EU Treaties or other instruments adopted on the basis thereof and for the legitimate exercise of official authority vested in the EIT. In particular, the application of ARES/NOMCOM is necessary for the management of the functioning of the Institute. According to Article 5 (b) of the Regulation the “processing is necessary for compliance with a legal obligation to which the controller is subject”:

- Regulation (EC) No 294/2008 of the European Parliament and of the Council of 11 March 2008 establishing the European Institute of Innovation and Technology<sup>2</sup>, as amended by Regulation (EU) No 1292/2013 of the European Parliament and of the Council of 11 December 2013<sup>3</sup>
- EIT decision 3/2010 of 7 May 2010 on the Internal Control Standards applicable to the EIT<sup>4</sup>

### **Grounds for lawfulness:**

The personal data processing in case of the HAN (HERMES-ARES-NOMCOM) IT system is considered lawful because it meets the conditions described in point (a) and (b) of Article 5 of Regulation 45/2001, as the processing is necessary for the performance of a task carried out in the public interest, and for compliance with a legal obligation to which the controller is subject.

### **For how long the data is retained?**

The retention policy of EIT documents and files (and the personal data contained in them) is governed by the Specific Retention List (SRL), approved by the EIT Interim Director (EIT Decision 46/2018) and the e-Domec team of the European Commission.

The SRL lays down the retention period for each type of file, taking into account its administrative usefulness for departments, statutory and legal obligations and its potential historical value.

The retention period for each type of file is determined in the SRL by:

- a) its administrative retention period (ARP): period of time during which the service/department is required to keep a file depending on its administrative usefulness and the statutory and legal obligations linked to it;
- b) action to be taken at the end of the ARP (post-ARP action), consisting of one of the following three courses of action: transfer to the historical archives, sampling and/or selection, elimination;
- c) where appropriate, action following transfer to the Historical Archives: permanent preservation or second review (assessment by the Historical Archives Service of the historical value of the files to decide whether they should be permanently preserved or eliminated).

The most sensitive files from the point of view of the protection of personal data, such as personal, medical or disciplinary files, are retained as required by the SRL only for the duration of their ARP, after which they are destroyed. Such files are therefore not retained beyond this ARP, whether for historical, statistical or scientific reasons.

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<sup>2</sup> OJ L97 of 09.04.2008, p. 1.

<sup>3</sup> OJ L347 of 20.12.2013, p. 174.

<sup>4</sup> 00008.EIT.2010.I.CN