

## **Privacy statement regarding the renewal of contracts of Temporary and Contract Agents of the European Institute of Innovation and Technology**

This privacy statement provides information relating to the processing of personal data by the European Institute of Innovation and Technology (EIT) while managing the renewal of contracts of Temporary and Contract Agents of the 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/EC (hereinafter “Regulation”).

### **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 ‘data controller’?**

The data controller is the Head of Administration Unit responsible for contract renewal procedures.

### **What is the purpose of processing?**

The purpose of the processing operation is to take a decision on the renewal of staff members' contracts and to manage the contract renewal procedure.

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

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

The data subjects are all the temporary and contract agents at the EIT.

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

The following types of personal data are processed for the above mentioned purposes in accordance with the Regulation: name, contact details (email and/or phone number, mail address), personnel number, post title, operational job title, administrative status, contract type, function group, grade and step, data included in appraisal reports and objectives.

No special categories of data are processed.

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

### **Within the EIT:**

The personal data is processed by the EIT authorised staff: The staff members of the Human Resources Section, Head of Administration Unit, the relevant hierarchical supervisor of the staff members, the Director (Appointing Authority). (Legal officer only in case of a complaint).

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 and bodies:**

For the purpose of ensuring the financial rights of the staff member after the contract renewal and for contract management reasons, access to the personal data is given to the PMO.

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 GDPR<sup>1</sup> and third parties not subject to the GDPR:**

Exceptionally and if necessary, information concerning the contract renewal procedure may be disclosed to third parties subject to the GDPR, such as external lawyers, 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 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.

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

As a general rule, staff members have the right for information and the right to access their personal data; in addition, the staff members have the right for rectification and the right for erasure their inaccurate or incomplete factual personal data.

After the completion of the contract renewal procedure, personal data related to the contract renewal procedure cannot be rectified or erased with the only exception of obvious clerical errors.

The rights of data subjects can be practiced only based on a written request. They cannot result in unequal treatment of the staff members and cannot be exercised in way that is contrary or harmful to the aim of the contract renewal procedure or to its confidentiality.

In case of any queries concerning the processing of personal data, staff members subject to the contract renewal procedure may send their written requests to [HR@eit.europa.eu](mailto:HR@eit.europa.eu). Such requests for access,

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<sup>1</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)

rectification, erasure and blocking etc. are handled by the Human Resources Section within 30 days after receiving the request.

Staff members subject to the contract renewal procedure have the right of recourse at any time to the Data Protection Officer of the Agency ([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.

Restrictions to the rights of data subjects may be applied by the EIT, in accordance with Article 25 of Regulation and the EIT internal rules on restrictions.<sup>2</sup>

### **How long do we keep the personal data?**

The personal data concerning the contract renewal is stored in the personnel file throughout the employment at the Agency: the data will be retained for a period of *10 years* as of the termination of the employment or as of the last pension payment.

### **Legal basis of the processing operation**

#### **General legal basis of the processing operation**

- Conditions of Employment of Other Servants of the European Union (CEOS), in particular Articles 2a, 2f, 3a, 8 and 85
- Section 6.1 of the Statutes of the EIT annexed to the Regulation (EU) No 2021/819 of the European Parliament and of the Council of 20 May 2021 on the European Institute of Innovation and Technology

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

- Decision 60/2022 of the Director of the European Institute of Innovation and Technology of 26 July 2022 on the Duration of Staff Contracts<sup>3</sup>
- Decision 34/2021 of the Governing Board of the European Institute of Innovation and Technology (EIT) laying down implementing provisions on the procedure governing the engagement and the use of Temporary staff under Article 2(F) of the conditions of employment of other servants of the European Union<sup>4</sup>
- Decision 39/2021 of the Governing Board of the European Institute of Innovation and Technology (EIT) General implementing provisions on the general provisions for implementing article 79(2) of the conditions of employment of other servants of the European Union, governing the conditions of employment of contract staff employed under the terms of article 3a thereof<sup>5</sup>

### **Lawfulness of the processing operation**

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.

In particular, the contract renewal procedure is necessary for the management of the functioning of the EIT.

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<sup>2</sup> Currently under adoption. The final version will be published at the following link: <https://eit.europa.eu/who-we-are/legal-framework/data-protection>

<sup>3</sup> Ref. Ares(2022)5397327

<sup>4</sup> Ref. Ares(2021) 4569881

<sup>5</sup> Ref. Ares(2021)7241405