

## Privacy statement regarding the management of personal files of the staff of the European Institute of Innovation and Technology

This privacy statement provides information relating to the processing of personal data of EIT staff carried out by the European Institute of Innovation and Technology within the framework of management of personal files of the staff of the EIT.

The processing of personal data of the staff members 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<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 are the data subjects?

Data subjects include Temporary and Contract staff, Seconded National Experts, trainees and interim staff working for the EIT, and former staff members who have already left the EIT (due to resignation, expiry or termination of contract, retirement).

### Who is the controller of the data collection?

The data controller is the Head of Unit Services and Finance of the EIT.

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

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

The purpose of the processing operation is to manage personal files of the EIT staff, to keep them accurate, to ensure their confidentiality and to facilitate access to these files by the data subjects and by authorized persons for human resources management purposes. The processing is required to ensure proper and efficient management of HR matters for the staff working for the EIT.

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

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

**The following types of personal data are processed:**

Personal data related to:

- Recruitment (including the criminal record for Temporary and Contract staff, Seconded National Experts);
- Contractual matters (including transfers);
- Job description, objectives, training maps, language certificates;
- Evaluation data (e.g. probationary report, appraisal reports);
- Administrative career (e.g. documents relating to reclassification);
- Entitlements and individual rights;
- Social security and pension;
- Diplomatic matters;
- Termination of service;
- Other relevant data (e.g. employment certificates, disciplinary matters, harassment procedures etc.).

### **Special categories data (Article 10 of the Data Protection Regulation of the European institutions)**

In accordance with Article 26 of the Staff Regulations, the personal file shall contain no references to the staff member's political, trade union, philosophical or religious activities and views, or to his racial or ethnic origin or sexual orientation.

No medical data is inserted in the personal file, except

- the medical aptitude certificate which is required during the recruitment phase,
- and the medical aptitude certificates of the annual medical check-ups.

### **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 candidates is processed by the EIT authorised staff: HR staff, Head of Unit Services and Finance and the Director of the EIT.

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:**

The authorized staff that may have access to relevant personal data for audit control or investigation purposes: Court of Auditors, Internal Audit Service of the European Commission, the Directorate-General for Human Resources and Security (DG HR), European Anti-Fraud Office (OLAF).

For the purpose of providing the recruited EIT staff with the financial entitlements, part of the personal data provided by the data subjects is disclosed to the Payment Master's Office (internal service of the European Commission responsible for the financial entitlements of staff of the Commission and certain other EU institutions/agencies/bodies).

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.

#### **Third parties subject to the GDPR<sup>2</sup> and third parties not subject to the GDPR:**

Exceptionally and if necessary, information concerning the management of personal files may be disclosed to external lawyers (advocates) 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 in order to ensure 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 Commission and include a specific article on data protection.

The same applies to external IT contractors with whom the EIT has a framework contract in order to provide IT services for the EIT.

#### **How long do we keep your data?**

The personal data stored in the personal files will be retained for a period of 10 years as of the termination of employment or as of the last pension payment.

The criminal record is handed back to the staff member immediately upon recruitment or within maximum 6 months.

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<sup>2</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)



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

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”).

Candidates and selected experts 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 [HR@eit.europa.eu](mailto: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 on 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>3</sup>.

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

If you have any queries concerning the processing of your personal data, you may address them to the internal EIT department responsible for managing the staff recruitment processing operation at the following email: [HR@eit.europa.eu](mailto:HR@eit.europa.eu).

You have the right of recourse at any time to the EIT’s Data Protection Officer ([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)) or contact the site: <http://www.edps.europa.eu/EDPSWEB/>.

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

#### **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<sup>4</sup>, in particular Article 26

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<sup>3</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>4</sup> OJ P 045 14.6.1962, p. 1385

**Specific EIT legal basis:**

- Decision No 46/2018 of the Interim Director of the European institute of Innovation and Technology (EIT) of 25 October 2018 on implementing rules of the document management process and procedure at the European Institute of Innovation and Technology

**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.