

Privacy statement regarding the use of SYSPER 2 for 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 the use of SYSPER 2.

The processing of personal data 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 “the Data Protection Regulation of the European institutions”).

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, 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?

The data subjects are individuals who work for the EIT. This includes temporary agents, contract agents, seconded national experts, trainees and former staff members (since certain data need to be retained for a longer period if they relate to subsisting rights and obligations, e.g. pension rights).

Who is the controller of the data collection?

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

What is the purpose of the personal data collection?

As of 9 December 2019, the EIT uses SYSPER 2, owned and managed by the European Commission. SYSPER 2 is an effective and efficient tool to support the management of main HR processes and to ensure that personal data is kept adequate and is traceable and rapidly retrievable.

SYSPER 2 has different basic and optional modules.

As a first step, the EIT starts using the following **basic set of modules**:

- Identity Management module: "Identity Management" (COMREF/RETO),
- Organisation Management modules: "Organisation Chart" and "Job Quota Management",
- Personal Data Management modules: "Employee Personal Data" and "Address Declaration",
- Talent Management modules: "Career Management", "basic Job Description", "Vacancy" and "Managers Vacancy",
- Time Management modules: basic "Time Management", including basic work patterns, leave rights, absences,
- Document management module: "Generation of Certificates".

For the most important modules, which are linked to main HR processes, separate data protection records and privacy statements shall be prepared. Therefore, out of the basic set of modules, for the "Time Management" module – which serves for the processing of all personal data related to requests for work patterns, leave rights and absences (part-time work, annual leave, parental and family leave, other special leaves) – there is a separate data protection record and privacy statement prepared.

According to the currently available information, the EIT will most probably use in the future the following **optional modules**:

- Talent Management: CCP workflow (for leave on personal grounds), Ethics, STAGE (management of probational reports);
- Working conditions: ATS overtime (for overtime, shift-work and stand-by duty), Flexitime, Teleworking, Integrated Calendar;
- Other modules are possible subject to other Service Level Agreements (SLAs) with the Commission: EVA (appraisal module), PROMO (reclassification module), HR reporting (strategical, analytical and operational reports), NDP (management of personal files).

At the time of the migration to these optional modules, the current data protection record should be updated.

Therefore, currently the management of personal files of EIT staff remains on a paper basis, and is subject to another data protection record and privacy statement.

When using SYSPER 2, 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.

What types of personal data are processed?

Within the different SYSPER 2 basic modules, the following types of personal data are processed for the above mentioned purposes and in accordance with the [Data Protection Regulation of the EU institutions¹](#):

- surname, first name, personnel number, gender, nationality, address, telephone number, place of origin;
- date of birth, marital status, officially recognised registered partnership, identity and date of birth of spouse or partner, identity and date of birth of dependent children and date of adoption if relevant;
- EIT Unit to which the jobholder is assigned, category, grade, status, duration of contract, years of service, unique payroll number (NUP), administrative status and career, job description;
- daily presence, data on contribution to pension scheme (part-time working in preparation for retirement), and information on absences: sick leave (with or without a medical certificate), special leave, annual leave, parental and family leave, and the results of calculations, particularly regarding the balance of entitlements (balance of absences, leave, parental and family leave entitlement, time credits purchased).

In case of absences for health reasons (absences with or without medical certificate) and in case of special leave, SYSPER 2 does not process direct medical data of the EIT staff member or his/her family members, just administrative data related to the absence (i.e. the medical diagnosis is only processed by the medical service provider of the EIT or the Medical Service of the European Commission).

In case of a request, each user (the jobholder and his/her superiors) is guided through the process by a workflow up to the decision by the appointing authority to grant / refuse the request (thanks to the inclusion of parameters ensuring that the relevant rules are correctly applied and the insertion of explanatory texts).

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 (Head of Section, Head of Unit), EIT HR, Head of Unit SAF, Director.

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.

¹ 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

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.
- Processors: DG HR and DG DIGIT maintain the system and provide technical support, business support with relation to the system (e.g. if a specific requests that could not be solved within the EIT Local Support Team).

Data concerning the telephone are consulted by DG DIGIT services in view to authenticating staff members when they connect to internal databases from the outside (via external access) or when they request to switch their professional line.

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 GDPR² and third parties not subject to the GDPR:

Exceptionally and if necessary, personal data stored in SYSPER 2 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 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.

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 data processed in the different SYSPER 2 modules are stored for specific periods, as defined with regard to the HR process in question. Please refer to the specific privacy statement available.

² 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”). In more detail, data subjects have access to all their personal data, some of which are provided by the data subject. They can thus check if the information stored is accurate and, if not, correct it themselves or ask the EIT HR to correct it for them (in the case of information about the data subject’s identity). Certain time-related data (generally provided by the data subject) must be validated by a leave administrator (GECO) or the appointing authority, especially if they affect the staff member’s financial rights or the duration of these rights (e.g. in the case of parental leave with an increased allowance and/or single-parent status).

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, 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 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 restrictions³.

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 HR Section in the Services and Finance unit responsible for the processing activities concerned at the following email: EIT-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) and to the European Data Protection Supervisor (EDPS@edps.europa.eu) or contact the site: <http://www.edps.europa.eu/EDPSWEB/>.

³ Currently under adoption. The final version will be published at the following link: <https://eit.europa.eu/who-we-are/legal-framework/data-protection>

Legal basis and lawfulness of the processing operation

General legal basis:

- Staff Regulations and the CEOS: The exact legal basis for the processing of personal data in each module shall be indicated in the separate data protection records and privacy statements.

Specific EIT legal basis:

- Regulation (EC) No 294/2008 of the European Parliament and of the Council of 11 March 2009 establishing the European Institute of Innovation and Technology, Annex (Statutes of the EIT), Section 5.
- 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.