

## RECORD OF PERSONAL DATA PROCESSING ACTIVITY according to Article 31 of Regulation (EU) 2018/1725

### ▶ CONTRACT RENEWAL

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#### General information

<b>Introduction</b>
EIOPA, as a European Authority, is committed to protect individuals with regard to the processing of their personal data in accordance with Regulation (EU) No 2018/1725 (further referred as the Regulation) <sup>1</sup> .
<b>Contact Details of Data Controller(s)</b>
Fausto Parente, Executive Director Westhafenplatz 1, 60327 Frankfurt am Main, Germany <a href="mailto:fausto.parente@eiopa.europa.eu">fausto.parente@eiopa.europa.eu</a>
<b>Contact Details of the Data Protection Officer</b>
Eleni Karatza Westhafenplatz 1, 60327 Frankfurt am Main, Germany <a href="mailto:dpo@eiopa.europa.eu">dpo@eiopa.europa.eu</a>
<b>Contact Details of Processor</b>
EIOPA's Team/Unit/Department responsible for the processing: - HR Unit

<sup>1</sup> 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.

### Description and Purpose of the Processing

Description of Processing
<p>This procedure establishes EIOPA's approach to employment contract management in order to ensure a transparent, consistent and fair treatment of all EIOPA staff members when considering whether or not to offer an eventual renewal of an employment contract. It provides transparency in the management of the procedure and safeguards a consistent decision-making process by the authority authorised to conclude contracts of employment (AACC).</p>
Purpose (s) of the processing
<p><input checked="" type="checkbox"/> Staff administration</p> <p><input type="checkbox"/> Relations with external parties</p> <p><input type="checkbox"/> Procurement and accounting</p> <p><input checked="" type="checkbox"/> Administration of membership records</p> <p><input type="checkbox"/> Auditing</p> <p><input checked="" type="checkbox"/> Information administration</p> <p><input type="checkbox"/> Other (please give details): .....</p>
Lawfulness of Processing
<ul style="list-style-type: none"> <li>Legal Basis justifying the processing:                     <ul style="list-style-type: none"> <li>- In accordance with Article 5(a) of The Regulation, the processing is necessary for the performance of tasks carried out in the public interest on the basis of the Treaties establishing the European Communities and in the legitimate exercise of official authority vested in EIOPA. The selection procedure is necessary for the management and functioning of the Agency.</li> </ul> </li> </ul> <p><b><u>For Temporary agents</u></b></p> <ul style="list-style-type: none"> <li>Temporary agent contract Article 2(f) of the Conditions of Employment of Other Servants of the European Union (CEOS).</li> <li>Decision of the Management Board EIOPA/MB/12/022 on the general implementing provisions on the procedure governing the engagement and the use of Temporary Agents at EIOPA.</li> <li>Decision of the Management Board EIOPA/MB/14/007 on the general implementing provisions on the procedure governing the engagement and the use of Temporary Agents at EIOPA.</li> </ul> <p><b><u>For Contract agents:</u></b></p> <ul style="list-style-type: none"> <li>Article 3(a) and 85 of the CEOS</li> <li>Decision of the Management Board EIOPA/MB/19/086 on the general provisions for implementing article 79(2) of the CEOS, governing the conditions of employment of contract staff employed under the terms of Article 3(a)</li> </ul>

**For Seconded National Experts ('SNEs'):**

- Decision of the Management Board EIOPA/MB/17/013 laying down rules on the Secondment of National Experts

Processing is necessary:

- for the performance of a task carried out in the public interest
  - for compliance with a legal obligation to which the Controller is subject
  - for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract
  - in order to protect the vital interests of the data subject or of another natural person
- Or
- Data subject has given his/her unambiguous, free, specific and informed consent

### Data Subject's Rights

Information on how to exercise data subject's rights

Data subjects may exercise their data privacy rights provided in Articles 17 to 24 of the Regulation (EU) 1725/2018.

Data subjects have the right to:

- access their personal data, receive a copy of them in a structured and machine-readable format or have them directly transmitted to another controller, as well as request their rectification or update in case they are not accurate.
- request the erasure of their personal data, as well as object to or obtain the restriction of their processing.
- withdraw their consent to the processing of their personal data at any time in case such processing is based solely on their consent.

For the protection of the data subjects' privacy and security, every reasonable step shall be taken to ensure that their identity is verified before granting access, or rectification, or deletion.

Should data subjects wish to access/rectify/delete their personal data, or receive a copy of them/have it transmitted to another controller, or object to/restrict their processing, please contact [human.resources@eiopa.europa.eu](mailto:human.resources@eiopa.europa.eu) or [DPO@eiopa.europa.eu](mailto:DPO@eiopa.europa.eu).

Complaint:

Any complaint concerning the processing of the data subjects' personal data can be addressed to EIOPA's Data Protection Officer (DPO@eiopa.europa.eu). Alternatively, data subjects can also have at any time recourse to the European Data Protection Supervisor ([www.edps.europa.eu](http://www.edps.europa.eu)).

Restrictions

Without prejudice to the above, rights might be restricted in accordance with EIOPA's decision on the restriction of data subject's rights (EIOPA-MB-19-056).

Categories of Data Subjects & Personal Data

Categories of Data Subjects
<input checked="" type="checkbox"/> EIOPA permanent staff, Temporary or Contract Agents <input checked="" type="checkbox"/> SNEs or trainees <input type="checkbox"/> Visitors to EIOPA (BOS, MB, WG, Seminars, Events, other) If selected, please specify: ..... <input type="checkbox"/> Providers of good or services <input type="checkbox"/> Complainants, correspondents and enquirers <input type="checkbox"/> Relatives and associates of data subjects <input type="checkbox"/> Other (please specify):
Categories of personal data
<p><b>(a) General personal data:</b></p> <p>The personal data contains:</p> <input checked="" type="checkbox"/> Personal details (name, personnel number) <input type="checkbox"/> Education & Training details <input checked="" type="checkbox"/> Employment details <input type="checkbox"/> Financial details <input type="checkbox"/> Family, lifestyle and social circumstances <input checked="" type="checkbox"/> Other (please give details): <ul style="list-style-type: none"> <li>• Type of contract, duration, job title, Unit/Department function group, grade, statutory link, job assignments (current and past, including in other Institutions/Agencies);</li> <li>• Performance of the jobholder (appraisal reports by the jobholder's reporting officer (or delegated)</li> <li>• The talent and competency profile of the jobholder, which could be compared with the needs identified in the Office;</li> </ul>

- For the assessment of the first renewal of contract: the recommendation of the jobholder's Reporting Officer or delegated person with the reasons for renewal or non-renewal of the contract and its supporting documents (e.g.: appraisal reports, emails, letters and notes);
- The specific situation and interests of the jobholder; for the renewal procedure, it is put forward on his/her expression of interest

**(b) Special categories of personal data**

The personal data reveals:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Genetic or Biometric data
- Data concerning health, sex life or sexual orientation

**Categories of Recipients & Data Transfers**

Recipient(s) of the data
<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Managers of data subjects</li> <li><input checked="" type="checkbox"/> Designated EIOPA staff members</li> <li style="margin-left: 20px;">If selected, please specify:                         <ul style="list-style-type: none"> <li>- Executive Director, HR Unit staff working on the file</li> <li>- On a need-to-know basis: Legal and Finance Units</li> </ul> </li> <li><input type="checkbox"/> Relatives or others associated with data subjects</li> <li><input type="checkbox"/> Current, past or prospective employers</li> <li><input type="checkbox"/> Healthcare practitioners</li> <li><input type="checkbox"/> Education/training establishments</li> <li><input type="checkbox"/> Financial organisations</li> <li><input checked="" type="checkbox"/> External contractor:                         <ul style="list-style-type: none"> <li>- PMO (only to the extent necessary to process remunerations/or sickness insurance).</li> </ul> </li> <li><input checked="" type="checkbox"/> Other (please specify):                         <ul style="list-style-type: none"> <li>- relevant NCAs, if applicable</li> <li>- the European Court of Justice, European Ombudsman, EDPS, OLAF, Internal Audit service of the European Commission, European Court of Auditors and external advisors.</li> </ul> </li> </ul>
Data transfer(s)

<input type="checkbox"/> To third countries If selected, please specify: ..... Whether suitable safeguards have been adopted: <input type="checkbox"/> Adequacy Decision of the European Commission <sup>2</sup> <input type="checkbox"/> Standard Contractual Clauses (SCC) <input type="checkbox"/> Binding Corporate Rules (BCR) <input type="checkbox"/> Administrative Arrangements between public Authorities (AA) <input type="checkbox"/> To international organisations If selected, please specify the organisation and whether suitable safeguards have been adopted: .....
Data subjects could obtain a copy of SCC, BCR or AA here: .....

Automated Decision Making

<b>Automated Decision-making, including profiling</b>
A decision is taken in the context of this processing operation solely on the basis of automated means or profiling: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes In case of an automated decision-making or profiling, please explain: .....

Retention Period & Security Measures

<b>Retention period</b>
How long will the data be retained? - The contract renewal working documents (such as emails, letters, notes) used for the assessment of each individual case, as well as all letters/notes exchanged between the AACC and the staff member concerned by a renewal of contract are kept up to a maximum of 5 years after decision of the AACC about the renewal or non-renewal of the contract.

<sup>2</sup> Third countries for which the European Commission has issued adequacy decisions are the following: Adequacy decisions (europa.eu)

- Working documents may be kept beyond 5 years in case of complaint and further judicial procedure. In that case, all documents are kept until the end of the judicial procedure.
- The report, decision and renewed contract are kept in the staff member's individual file for the same duration as these files (8 years after the expiry of all rights of the person concerned and of any dependents and for at least 120 years after the date of the birth of the person concerned).
- In the event of a formal appeal, all data held at the time of appeal will be retained until the completion of the appeal process.

For further processing envisaged beyond the original retention period for historical, statistical or scientific purposes, please specify whether the personal data will be anonymised:

No

Yes

Technical & organisational security measures taken

Several technical and organisational measures have been adopted in order to ensure the optimum security of the documents and personal data collected in the context of the procedures described under section II a).