



EUROPEAN INNOVATION COUNCIL AND SMES  
EXECUTIVE AGENCY (EISMEA)

## RECORD OF PERSONAL DATA PROCESSING ACTIVITY

*Based on Article 31 of the Regulation (EU) 2018/1725<sup>1</sup> on the protection of natural persons with regards to the processing of personal data by the Union Institutions, bodies, offices and agencies and on the free movement of such data, each responsible EISMEA data controller has to maintain a record of the processing activities under his/her responsibility.*

**Record No: R-2019-20-2**

**Initial approval by Data Controller:** *see date of Ares date*

**Previous Notification** (if applicable): DPO-2011-1(a) **Update(s)** (if applicable): July 2022; February 2024

### NAME OF THE PROCESSING ACTIVITY

**Selection of Confidential Counsellors in EISMEA**

### IDENTIFICATION OF THE DATA CONTROLLER

**European Innovation Council and SMEs Executive Agency (EISMEA), Head of Department C– Compliance, People & Budget , C-HR Sector**

### GROUND FOR THE RECORD (*select relevant ground*)

- Record of a new type of processing activity of personal data (before its implementation)
- Record of a processing activity of personal data that is already in place (ex-post)
- Change/Amendment/ Update of an already existing previous record (or previous notification to DPO)

### DESCRIPTION OF THE PROCESSING ACTIVITY

The Agency selects and appoints candidates to assume the role of confidential counsellors of the Agency. During the pre-selection, candidates send their application to the HR Sector of the Agency, including the application form, motivation letter, CV and solemn declaration. The HR Sector assesses the applications against the eligibility criteria.

The list of eligible candidates and their applications are sent to the Selection Panel and pre-selected candidates are invited to an interview. The shortlist of candidates will be submitted to the Director who shall nominate the Confidential Counsellors. A reserve list may also be elaborated.

The selected candidates then have to participate in specific and compulsory trainings. An assessment is done by the trainer after completion of the trainings.

The final list of appointed Confidential Counsellors of the Agency is published on the Intranet. Confidential Counsellors are appointed for a mandate of 2 years. Renewals of mandate are possible. Candidates and Confidential Counsellors can withdraw from their mandate at any time.

<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 (OJ L 295/39 of 21.11.2018).

# 1. INFORMATION ON THE PROCESSING ACTIVITY

## of the Selection of Confidential Counsellors in EISMEA

This processing activity is performed in accordance with **Regulation (EU) No 2018/1725<sup>2</sup>** on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.

### 1.1. The Data Controller is:

European Innovation Council and SMEs Executive Agency (EISMEA), Head of Department C – Compliance, People & Budget – C-HR Sector, B-1049 Brussels and can be contacted at: [EISMEA-HR-HARASSMENT@ec.europa.eu](mailto:EISMEA-HR-HARASSMENT@ec.europa.eu).

**1.2. The following entity(ies) is/are acting as Processor(s):** Directorate-General for Informatics (DG DIGIT) for the support of IT tools.

**1.3. The legal basis** for the processing based on **Article 5(1)** of Regulation (EU) 2018/1725:

- (a) 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 Union Institution or body<sup>3</sup>;
- (a2) the processing is necessary for the **management and functioning** of the Union Institutions or bodies (Recital (22) of Regulation (EU) 2018/1725);
- (b) the processing is necessary for **compliance with a legal obligation** to which the controller is subject, which are:
  - Articles 1 and 31(1) EU Charter of Fundamental Rights;
  - Staff Regulations of officials (SR) and the Conditions of Employment of other servants of the European Union (CEOS)<sup>4</sup>: Articles 1(d), 12, 12 (a), 24 SR and Articles 11, 81 CEOS;
  - Commission Decision C(2006)1624 on the European Commission policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment;
  - Memorandum of Understanding for the setting up of a network of Confidential Counsellors;
  - Implementing rules of the Agency: Steering Committee Decision SC/EACI/023/3 of 13 July 2010 on the policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment;
  - Executive Agencies' Manual of Procedures.
- (c) the processing is necessary 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;
- (d) the data subject has given **consent** to the processing of his or her personal data for one or more specific purposes;
- (e) the processing is necessary in order to protect the **vital interests** of the data subject or of another natural person.

<sup>2</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 (OJ L 295/39 of 21.11.2018).

<sup>3</sup> *EISMEA Establishment Act*: Commission Implementing Decision (EU) 2021/173 of 12 February 2021 establishing the European Innovation Council and SMEs Executive Agency (OJ L 50/9 of 15.2.2021).

*EISMEA Delegation Act*: Commission Decision C(2021)949 delegating powers to the European Innovation Council and SMEs Executive Agency with a view to the performance of tasks linked to the implementation of Union programmes in the field of Innovative Europe, Single Market and Interregional Innovation Investments comprising, in particular, implementation of appropriations entered in the general budget of the Union.

<sup>4</sup> [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 as last amended by Commission Decision 2019/C 1/08 (OJ 45, 14.6.1962, p. 1385).

**1.4 The purpose** of this processing is to select and identify candidates best qualified to assume the role of confidential counsellors, to manage administratively the applications and the relevant selection procedure.

The processing activity is necessary in order to implement the anti-harassment policy as defined by Commission Decision C(2006)1624, also foreseen by the Staff Regulations and the Conditions of Employment of Other Servants and the EU Charter of Fundamental Rights and therefore protect the dignity of the person.

The Controller may envisage anonymous statistical analyses with the purpose of improving the quality of the processes.

**1.5 Categories of data subjects** concerned by this processing are:

Agency statutory staff members (temporary or contract agent, seconded officials)<sup>5</sup>, who apply for the position of Confidential Counsellor as well as Selection Panel members, who may include an external expert in the field.

**1.6 The following personal data** are collected:

- Information provided by candidates, like name and surname, personal number, professional address, phone number, email address, grade status, curriculum vitae and motivation letter;
- Any relevant evidence of previous activities in the relevant field, knowledge of languages & other data related to the suitability of a candidate for the position of a Confidential Counsellor,
- Assessment by the Selection Panel of the suitability and performance of the candidates;
- The candidates shall provide a declaration on honour (solemn declaration) about their disciplinary situation (including also whether they are subject to an administrative inquiry) during their career within the EU institutions and bodies.
- Identification data of members of Selection Panel.
- Candidates may spontaneously reveal further types of data.

**1.7 The recipients** to whom of the personal data contained in the selection files are or may be disclosed on a need-to-know and need-to-do basis are:

- Members of the Selection Panel;
- Agency Director (or Directors in case of joint calls);
- Authorised staff of HR Service in charge of the selection of Confidential counsellors and their support staff;
- The list of appointed Confidential Counsellors will be published on the Intranet of the Executive Agencies;
- For joint calls between several EAs: all authorised staff of EAs involved in the joint call have access to the personal data of the applicants.
- In case of audits or proceedings, etc., the Agency's Internal Controller team, DPO, Legal Team, Staff Committee, etc. may access the relevant data, if needed.

In addition, certain details may be disclosed, in compliance with the relevant applicable EU and national legislation and established case law, and on a temporary basis to legislative or supervisory bodies of the Agency or national authorities, as well as auditing bodies or courts (such as Anti-Fraud Office (OLAF), internal audit, European Public Prosecutor's Office (EPPO), IDOC, Ombudsman). The transmission will be restricted to the information necessary for the competent entity to carry out its task.

---

<sup>5</sup> They must have concluded their probationary period.

**1.8** Personal data **will not be transferred to third countries or international organisations.**

**1.9** The processing of this personal data **will not include** automated decision-making (such as profiling).

**1.10** **The following technical and organisational security measures** are in place to safeguard the processing of this personal data:

All data in electronic format (emails, documents, etc.) that are processed during this processing activity are stored either on the servers of the European Commission or of the Agency, the operations of which abide by the European Commission's security decisions and provisions established by the Directorate of Security for this kind of servers and services. Access to data is granted only to authorised members of the Agency staff on a need-to-know basis.

If considered necessary by the processing entity, they may also be printed (for example for the Selection Panel members in case of a selection for a specific function) and stored physically in the Confidential Coordinators safe, in a locked cupboards or in a cupboard in a locked room.

The Agency is subject to the Commission Decision 2017/46 of 10 January 2017 on the security of communications and information systems in the European Commission.

**1.11** The personal data concerned **will be kept for the following maximum periods:**

Documents that have been provided by all the candidates will be retained for *two years* after the last actions in relation to the call for expression of interest of the Confidential Counsellor (in line with the common Commission Retention list (CRL 12.3.4) and will be deleted at the end of this period.

No further processing for historical, statistical or scientific purposes is envisaged.

**1.12** **Data Subjects are informed** on the processing of their personal data via a **data protection notice on their rights:**

- to access their personal data held by a controller;
- to request their personal data held by a controller to be corrected;
- to obtain in some situations erasure of their personal data held by a controller, e.g. when data are held unlawfully (right to be forgotten);
- to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal;
- **of recourse** at any time to the **EISMEA Data Protection Officer** at [EISMEA-DPO@ec.europa.eu](mailto:EISMEA-DPO@ec.europa.eu) and to the **European Data Protection Supervisor** at <https://edps.europa.eu>.

**Request from a data subject to exercise a right** will be dealt within **one month.**

The right to information, access, rectification, erasure, restriction or objection to processing, communication of a personal data breach or confidentiality of electronic communications may be restricted only under certain specific conditions as set out in the **applicable [Restriction Decision](#)** in accordance with Article 25 of Regulation (EU) 2018/1725.

Any queries concerning the processing of personal data, have to be addressed to the Data Controller indicated above in 1.1. at. [EISMEA-HR-HARASSMENT@ec.europa.eu](mailto:EISMEA-HR-HARASSMENT@ec.europa.eu).

\*\*\*