



RECORD OF PERSONAL DATA PROCESSING ACTIVITY

Based on Article 31 of the Regulation (EU) 2018/1725¹ 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: 2019-07-02

Initial approval by Data Controller: [see data of Ares stamp](#)

Previous Notification (if applicable): n/a

Update (s) (if applicable): October 2023

NAME OF THE PROCESSING ACTIVITY

Transmission of personal data of Agency staff to authorised third parties

IDENTIFICATION OF THE DATA CONTROLLER

European Innovation Council and SMEs Executive Agency (EISMEA), SB34, B-1049 Brussels, Belgium, Head of Unit People, workplace & operational coordination support

GROUND FOR THIS 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 satisfies requests of authorised third parties, i.e. Permanent Representations of member states or other competent national authorities, to transmit certain personal data of Agency staff.

The requests addressed to the Agency are treated by authorized staff in the HR team, which analyses the requests and ensures, if necessary with the help of the DPO, that transmissions are compliant with the Data Protection Regulation and/or the provisions of the Treaty on the Functioning of the European Union, in particular with Article 15 of the Protocol No. 7 on Privileges and Immunities.

The personal data is collected from SYSPER, the HR Information System of the European Commission and transmitted to the authorised third parties with a reminder on the purpose limitation.

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 (OJ L 295/39 of 21.11.2018).

1. INFORMATION ON THE PROCESSING ACTIVITY

of Transmission of personal data of Agency staff to authorised third parties

This processing activity is performed in accordance with **Regulation (EU) No 2018/1725**² 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 unit C.02 People, workplace & operational coordination support, and can be contacted at EISMEA-HR-ADMINISTRATION@ec.europa.eu.

1.2. The following entity(ies) is/are acting as Processor(s): Directorate-General for Informatics (DG DIGIT) for Sysper, the HR Information System of the European Commission.

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 body³ laid down in Union law;
- (a2) the processing is necessary for the **management and functioning** of the Union Institutions, bodies or agencies (Recital (22) of Regulation (EU) 2018/1725) laid down in Union law;
- (b) the processing is necessary for **compliance with a legal obligation** to which the controller is subject, which are laid down in Union law, in particular Article 15 of the Protocol No. 7 on the Privileges and Immunities of the European Union;
- (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.

1.4. The purpose(s) of this processing is/are to:

- enable the Agency to respond to requests from authorised third parties i.e., Permanent Representations of member states or other competent national authorities, concerning personal data of Agency staff;
 - transmit the personal data for the purposes referred to in Article 9 of the Data Protection Regulation or Article 15 of the [Protocol No. 7](#) on the Privileges and Immunities of the European Union
- Requests may also envisage other purposes such as communication and general information but the transmission of personal data of Agency staff will be limited to the legally required data.

1.5. The categories of data subjects concerned by this processing are:

Agency staff (temporary and contract agents; seconded national experts).

1.6. The following personal data are collected:

- . *identification data*: first name, surname, (gender), nationality;
- . *contact data*: professional address (Agency postal address);
- . *data related to their recruitment, contract and career*: statutory link/function (Contract Agent, Temporary Agent, Seconded National Expert), grade (FG or AD).

The above mentioned personal data are **mandatory** for the purpose(s) outline above.

² [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).

³ [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).

1.7. The recipients to whom of the personal data will/ might be disclosed on a need-to-know basis are:

- authorised Agency staff in the HR team handling request for the transmission of personal data;
- if necessary, the EISMEA Data Protection Officer;
- the Director as AHCC (Authority Empowered to Conclude Contracts of Employment);
- depending on the enquiry, the Permanent Representations of the Member States to the EU, Embassies of the Member States in the hosting country, Ministries of Foreign or European Affairs of Member States and bodies charged with monitoring or inspection tasks in application of Union or national law (e.g. internal audits, Court of Auditors, European Anti-fraud Office (OLAF), EPPO, law enforcement bodies).

1.8. Personal data **will not be transferred to third countries** or **international organisations**, except in exceptional and duly justified circumstances, where the Controller with the support of the EISME DPO has to assess the adequacy of the request taking into account all the necessary safeguards measures in place.

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: the HR team is responsible for the management of any documents produced, circulated and/or received, ensuring the appropriate treatment of all documents; e-mails including personal data should be sent via encrypted e-mail (SECEM); access to files and the functional mailbox EISMEA-HR-ADMINISTRATION@ec.europa.eu is limited to authorised HR staff, files are stored on protected drives with access limited to authorised HR staff; SYSPER is the HR Information System of the European Commission, access to personal data is protected by the management of the access rights, which are strictly limited to authorised Agency staff. All personal data are stored on the servers of the Agency/European Commission. All processing operations are carried out pursuant to the Commission Decision (EU) [2017/46](#) of 10 January 2017 on the security of communication and information systems in the European Commission.

1.11. The personal data related to the request **will be kept for a maximum period of 36 months** from the receipt of the request. The personal data for the response is extracted from Sysper for which the respective retention periods apply.

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

- 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 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-ADMINISTRATION@ec.europa.eu.
