



EUROPEAN INNOVATION COUNCIL AND SMES
EXECUTIVE AGENCY (EISMEA)

Compliance, People and Budget
People, Workplace and Operational Coordination Support

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: R-2020-02-2

Initial approval by Data Controller: [Ares \(2020\)2132698 -20/04/2020](#)

Previous Notification (if applicable): DPO-2013-1 **Update (s)** (if applicable): **April 2022**

NAME OF THE PROCESSING ACTIVITY

Management of leaves including annual leaves, sick leaves and any special leaves.

IDENTIFICATION OF THE DATA CONTROLLER

European Innovation Council and SMEs Executive Agency (EISMEA), Head of Unit C.02 –People, Workplace and Operational Coordination Support –HR Sector C.02.

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 processing operation covers the management of all type of leaves including annual leaves, sick leaves and special leaves.

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 managing leaves (annual leaves, sick leaves & special leaves)

This processing activity is performed in accordance with **Regulation (EU) No 2018/1725²** 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 and Operational Coordination Support – HR Sector C.02.1, B-1049 Brussels and can be contacted at: EISMEA-HR-ADMINISTRATION@ec.europa.eu.

1.2. The following entity(ies) is/are acting as Processor(s):

The Head of Unit of the Medical Service of the Commission is identified as processor & for assessing the medical file (HR-BXL-RENDEZ-VOUS-SERVICE-MEDICAL@ec.europa.eu, HR-BXL-CERTIFICATS-MEDICAUX@ec.europa.eu)

1.3. The legal basis for the processing based on Article 5(1) of Regulation (EU) No 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;
- (a2) the processing is necessary for the **management and functioning** of the Union Institutions or bodies (Recital (22) of Regulation (EU) No 2018/1725) ;
- (b) the processing is necessary for **compliance with a legal obligation** to which the controller is subject, which are article 57, 59, Annex V of Staff regulation⁴;
- (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 manage the following processes:

- Annual leave: to grant rest and to respect entitlements given to staff by the Staff Regulations.
- Sick leave: to grant rest when a person is not able to work for health related issues
- Special leave: to grant some days off in case of special circumstances.

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

EISMEA Staff (CA, TA, Seconded officials, SNE if any), trainees, interim staff, dependents.

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 Act of Establishment*: Commission Implementing Decision (EU) 2021/173 of 12 February 2021 establishing the European Climate, Infrastructure and Environment Executive Agency, the European Health and Digital Executive Agency, the European Research Executive Agency, the European Innovation Council and SMEs Executive Agency, the European Research Council Executive Agency, and the European Education and Culture Executive Agency and repealing Implementing Decisions 2013/801/EU, 2013/771/EU, 2013/778/EU, 2013/779/EU, 2013/776/EU and 2013/770/EU (OJ L 50/9 of 15.2.2021).

EISMEA Act of Delegation: 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.

⁴ [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 2018/C 451/07 (OJ 45/1385 of 14.6.1962).

1.6. The following personal data are collected:

Name of the staff member, personal number, category, duration of the absence concerning the three kinds of leave;

In case of sick leave of a staff member, the Agency does not have access to the medical certificate (which is sent directly to the medical services of the Commission by virtue of Annex 2.1 of the Service Level Agreement concluded with the medical service on date 19/12/2017.

Nevertheless, in case of sick leave of a child the medical certificate is handed to the leave manager of the Agency (the "GECO").

However, no medical data is contained in the medical certificate that is sent to EISMEA human resources or to the Medical Service of the Commission as the case may be. It only contains the information that the concerned staff or child is ill and relevant administrative data.

In case of special leave, the data processed are the corresponding certificate and proofs of travelling if applicable. As much as possible this is only administrative data. For instance in case of illness of a child only the corresponding medical certificate is needed without data on the illness of the child; in case of participation in a competition only the corresponding proof of presence that day without details about the type of competition; in case of adoption of a child the corresponding administrative certificate etc. It cannot be excluded that sometimes (excepting medical certificates) some substantive personal data may be included in the administrative certificate.

The needed administrative documents (corresponding certificates) follows the specific requirements spelled out in the Commission Decision of 16.12.2013 on implementing provisions on leave.

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

1.7. The recipients to whom of the personal data will or might be disclosed are: The competent Agency staff in the HR administration team, Head of Department C, Head of Unit C02, Head of Sector C.02.1, DG HR Medical Services, PMO, EISMEA legal team if needed and EISMEA Director as Appointing Authority as well as the bodies charged with monitoring or inspection tasks in application of EU law (e.g. internal audits, Court of Auditors, European Anti-fraud Office (OLAF)).

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 the exchange of information between the staff member and the services involved in the procedure will be performed using SECEM (encrypted e-mails). The documents referred in paragraph 1.6 will be stored on a dedicated server folder with contingency measures based on "need to know" criteria. The ARES file will also be restricted with handling restrictions stamp.

The Agency is subject to the European Commission's security decision 2017/46 of 10 January 2017, replacing the former Commission Decision (C (2006)36023602) of 16 August 2006 on the security of information systems used by the European Commission

1.11. The personal data concerned will be kept for a maximum period of ten years (seven years for special leaves). Exception: in case of dispute or appeal in which case they can be retained longer on a case-by-case basis. Nevertheless for special leave relating to family matters (maternity leave, parental leave, adoption of a child etc.) the retention period follows that of the personal files (this is, at least the entire career of the data subject or after the last pension payment).

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 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.
