



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) 2018/1725<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-2019-14-2**

**Initial approval by Data Controller:** [Ares\(2019\)7815089 - 19/12/2019](#)

**Previous Notification:** DPO-2011-05 of 12/2016

**Update (s):** 28/04/2022

### NAME OF THE PROCESSING ACTIVITY

**Annual Appraisal exercise**

### IDENTIFICATION OF THE DATA CONTROLLER

European Innovation Council and SMEs Executive Agency (EISMEA), Head of Unit C.02 - People, Workplace and Operational Coordination Support of the European Innovation Council and SMEs Executive Agency (EISMEA) - C.02.1 HR sector.

### 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 Annual Appraisal exercise entails that each jobholder receives an individual qualitative report, based on 1) efficiency 2) ability and 3) conduct in the service of the staff member taking into account the context in which the staff member has performed his/her duties.

The reports are managed electronically through Sysper.

The actors involved in the process are: the jobholder, his/her direct hierarchical superior (Reporting Officer (RO)), the superior of the RO (Countersigning Officer), and in cases of appeal, the Appeal Assessor and possibly the Joint Committee. The report contains a final recommendation of satisfactory or unsatisfactory performance.

<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 Annual Appraisal exercise

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:

The Head of Unit C.02 – People, Workplace and Operational Coordination Support of the European Innovation Council and SMEs Executive Agency (EISMEA)<sup>3</sup>, Place Charles Rogier 16, B-1049 Brussels and can be contacted at [EISMEA-HR-Appraisal@ec.europa.eu](mailto:EISMEA-HR-Appraisal@ec.europa.eu).

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

## 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;
- (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 the Steering Committee Decision of 23.03.2015<sup>4</sup> on general provisions for implementing Article 87(1) of the CEOS of the EU and implementing the first paragraph of Article 44 of the Staff Regulations for contract staff and the Steering Committee Decision of 23.03.2015 laying down general provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations for temporary staff<sup>5</sup>;
- (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** of this processing is to assess and manage the individual performance of EISMEA staff members in the course of a given period and allow them to obtain feedback from their managers in view of their career development.

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

Staff members (temporary and contract agents, SNE if applicable) who have successfully completed their probation period, and are engaged for a period of one year or more and have been in active employment for a continuous period of at least one month during the reporting period.

<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 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).

<sup>4</sup> Based on Article 15 (2) (b) of the Commission Implementing Decision (EU) 2021/173 EISMEA is the legal successor of EASME.

<sup>5</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 2018/C 451/07.

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

Data obtained from Sysper: personal identification data (first name, last name, personal ID); Career related data (position, grade, unit, start contract date, type of contract, current or previous reports which contain opinions of managers on the data subject, administrative status, objectives). Opinions of the Jobholder and his/her reporting officer on the performance and training needs of the jobholder.

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: EISMEA Reporting officers, Countersigning officers and Appeal Assessors in charge, authorised EISMEA HR staff and Joint Committee in case of appeal. In addition, Joint Reclassification Committee members during the reclassification process and 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:

The whole process is done online through Sysper with the required confidentiality in the handling of staff matters in the EU institutions, via password protected computers; access rights are provided to authorised EISMEA staff on a need to know basis.

**1.11. The personal data concerned will be kept for a maximum period** of 10 years after the extinction of all rights of the staff member at the end of the career. Data will be automatically deleted at the end of this period.

**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>.

Restrictions in particular for the right to access, modification or cancellation in accordance with Article 25 of Regulation (EU) No 2018/1725 will apply in particular in case of pre/investigations for irregularities or anti-fraud in order not to jeopardize potential investigations as set out in the **applicable [Restriction Decision](#)**.

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

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

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