



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-2019-22-02**

**Initial approval by Data Controller:** [Ares \(2020\)963699 – 14/02/2020](#)

**Previous Notification (if applicable): DPO-2011-04** **Update (s) (if applicable): August 2022**

### NAME OF THE PROCESSING ACTIVITY

**Ability to work in a third language**

### IDENTIFICATION OF THE DATA CONTROLLER

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

Two groups of jobholders are required to prove the ability to work in a third language:

- (1) Contract Agents FGIV, to obtain a contract of indefinite duration, need to provide this proof within the first two years after recruitment;
- (2) Temporary Agents, to be eligible for the promotion, without limitation in time.

The required level is the level equivalent to B2 in the Common European Framework of Reference for Languages, or a Commission course at level 6. The jobholder needs to provide proof in the form of either a diploma or a language course certificate (from the Commission or another recognised institution). Diplomas will be sent to EPSO for validation. If the jobholder does not have any proof, s/he will need to take an EPSO test, or a language course, in order to reach the appropriate level and obtain such a proof.

The EISMEA HR sector monitors the requirement via a report from Sysper to verify who needs to comply and follows up on this requirement with the jobholder until validation. The proof is then notified in Sysper with the date of validity (date of certification).

<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 ability to work in a third language

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 European Innovation Council and SMEs Executive Agency (EISMEA)<sup>3</sup>, Head of Unit C.02– People, Workplace and Operational Coordination Support – C.02.1 HR Sector, B-1049 - Brussels and can be contacted at: [EISMEA-HR-TRAINING@ec.europa.eu](mailto:EISMEA-HR-TRAINING@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<sup>4</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 the Steering Committee Decision of 14.12.2017 on general implementing provisions regarding Article 85(3) of the CEOS for contract staff and the Steering Committee Decision of 31.08.2015 laying down general implementing provisions regarding Article 45(2) of the CEOS for temporary staff;
- (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 the jobholder's ability to work in a third language as required by the Articles 45(2) and 85(3) of the CEOS.

### 1.5. The categories of data subjects concerned by this processing are EISMEA Contract Agents FGI and all Temporary Agents.

**1.6. The following personal data** are collected entirely electronically via Sysper<sup>5</sup>: personal identification data (first name, last name, personnel ID number); career-related data (grade, start date, type of contract, administrative status). Diplomas or certificates provided as proof may also be processed. In the absence of proof, a test result from EPSO or a certificate of success of a Commission language course are **mandatory** for the purpose(s) outline above.

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

<sup>4</sup> *Act of Establishment*: 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).

<sup>5</sup> Record of the European Commission for the Sysper IT tool ([DPR-EC-01230.2](#)).

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

**1.7. The recipients** to whom the personal data will or might be disclosed are the jobholder, managers (EISMEA Heads of unit, Heads of Department and Director), EISMEA HR staff and EPSO (in case of test or diploma validation) 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 process is done mostly online through Sysper application with the required confidentiality in the handling of staff matters in the EU Institutions. Transfer of information to EPSO is done via email. Access is granted according to the functions/roles in the process and provided to authorised persons only 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 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>.

**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-TRAINING@ec.europa.eu](mailto:EISMEA-HR-TRAINING@ec.europa.eu).

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