



RECORD OF PERSONAL DATA PROCESSING ACTIVITY

Based on Article 31 (2) 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-2019-19-2

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

Previous Notification (if applicable): n/a

Update (s) (if applicable): n/a

NAME OF THE PROCESSING ACTIVITY

Ensuring Business Continuity in case of crises and operational disruptions

IDENTIFICATION OF THE DATA CONTROLLER

The data controller is the European Innovation Council and SMEs Executive Agency (EISMEA), Head of Department C – Compliance, People and Budget.

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 purpose of this processing is to facilitate communication among the Agency's staff in case of business disruption or to accelerate the exchange of information and distribution of instructions on the actions to be taken, in the interests of staff and the Agency.

This processing can take the form of a phone/communication cascade operated via Private Messenger(s), mobile applications that sends to staff text messages/calls (to the personal/service mobile phone number). All communication shall be highly secured and always end-to-end encrypted so the content can never be shared or viewed by anyone but the sender and the intended recipients. No third party, including the Private Messenger, shall have the ability to decrypt or otherwise access the content of calls or messages.

The Agency processes private data from staff that has agreed to terms and conditions of the Private Messengers applications.

Under this record, personal data shall be processed and used exclusively for business continuity management purposes, i.e. to prepare exercises and respond to crises and operational disruptions.

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 Business continuity management

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:

The European Innovation Council and SMEs Executive Agency (EISMEA), Head of Department C – Compliance, People and Budget; Place Charles Rogier 16, B-1049 Brussels and can be contacted at EISMEA-BCP@ec.europa.eu.

1.2. 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;
- (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/processor is subject⁴;
- (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 e.g. for the use of the Private Messenger, at time of use such as Signal or similar;
- (e) the processing is necessary in order to protect the **vital interests** of the data subject or of another natural person.

By installation of a Private Messenger⁵ into a (private) device, the **express consent** with its specific Terms and Conditions is expressed, over which however the Agency has no control.⁶

1.3. The purpose(s) of this processing is/are to facilitate communication among the staff members of the Agency in order to respond to a business disruption normal functioning of the Agency or to accelerate the exchange of information and distribution of instructions on the actions to be taken, in the interests of staff and the Agency.

The processing of personal data may include a communication/phone cascade for example through the use of Private Messenger(s)⁷. It enables the Agency to safeguard continuity of service and to warn staff about situations that could be prejudicial to their safety or security.

1.5 The categories of data subjects concerned by this processing are all category of staff of the Agency.

1.6 The following personal data are collected by the data controller: name; private/service mobile number. The selected Private Messenger can collect: phone number used for registration into the application; date of account creation and the date of last use. All other information shall be optional and end-to-end encrypted. 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 **by the data controller** are on a need to know basis only authorised staff of the Agency, Agency's management, business continuity desk officers, correspondents and duty officers and bodies charged with monitoring or inspection tasks in

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 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).

⁴ In particular Article 55 of the Staff Regulations and the Business Continuity Management Framework (SEC(2006)899).

⁵ The use of a third party IT tool does not in any way imply that the Agency endorses them or their privacy policies. In the event that one or more third party IT tools are occasionally unavailable, we accept no responsibility for lack of service due to their downtime.

⁶ Please consult the specific Terms and Privacy policy of the selected Private Messenger before installation (e.g. [Signal Private Messenger](#)).

⁷ Private Messenger, (e.g. [Signal Private Messenger](#)), is a mobile application designed to send and receive messages and voice/video calls that are highly secured and always end-to-end encrypted so they can never be shared or viewed by anyone but yourself and the intended recipients. No third party, including the Private Messenger, has the ability to decrypt or otherwise access the content of your calls or messages. Private Messenger does not store your message history. Any storage of additional technical information is limited to the minimum required for its operation. Any sharing of your data by Private Messenger must be legally justified by the special circumstances clearly stated in its official Terms and policies (e.g. protection the national or public security, prevent, investigate, detect and prosecute of criminal offences or otherwise address fraud and to protect from harm to the rights, property, or safety of the Private Messenger and its users).

application of EU or national law (e.g. internal audits, Court of Auditors, European Anti-fraud Office (OLAF)⁸.

The relevant content of the communication in the application will be held by the intended recipients. The intended recipients are responsible for taking appropriate precautions to ensure the physical security of the data support and to prevent any unauthorised disclosure or access.

The recipients to whom the collected personal data will or might be disclosed by the Private Messenger are defined in the specific Terms and Privacy policies of the selected mobile application (e.g. Signal⁹).

1.8 Personal data **will not be transferred to third countries or international organisations** except to the extent and for the purpose law may require it.

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

1.10 Technical and organisational security measures are in place to safeguard the processing of the personal data held by the Agency.

In order to protect staff's personal data, the Agency has put in place technical and organisational measures. These measures include protection by using passwords when personal data is being sent in electronic formats via the e-mail system. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation. The access to personal data is protected by the management of the access rights, which are strictly limited to specific users.

The use of a Private Messengers being a third party IT tool does not in any way imply that the Agency endorses them or their privacy policies. In the event that one or more third party IT tools are occasionally unavailable, we accept no responsibility for lack of service due to their downtime.

1.11 The personal data concerned held by the Agency **will be kept** for the duration of the staff's assignment as a member of the Business Continuity Management Team (CMT) or until the withdrawal of his/her agreement for its use. Data will be automatically deleted at the end of the CMT assignment or upon request.

All the communication made in the Private Messenger, including private phone number, will be kept in the Private Messenger until deletion the application from the (private) device.

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 withdrawal¹⁰;
- to **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>.

Your 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.

Request from a data subject **to exercise a right** will be dealt with without undue delay and within **one month**.

If you have any queries concerning the processing of your personal data, you may address them to the Head of Department C (entity acting as data controller) via EISMEA-BCP@ec.europa.eu.

⁸ For information about the data held by the Private Messenger, consult the specific Terms and Privacy policies of the selected mobile application (e.g. [Signal Private Messenger](#)).

⁹ <https://signal.org/legal/#terms-of-service>.

¹⁰ For information about your rights in relation to the Private Messenger, consult the specific Terms and Privacy policies of the selected mobile application (e.g. [Signal Private Messenger](#)).