



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-2019-08-2

Initial approval by Data Controller: [Ares\(2019\)6018871 - 27/09/2019](#)

Previous Notification: DPO-2013-06

Update (s) (if applicable): *June 2022*

NAME OF THE PROCESSING ACTIVITY

Flexible working arrangements - ‘flexitime’

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.02.3

GROUND FOR THIS RECORD (*select relevant around*)

- 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

EISMEA staff must encode their daily hours and place of work as part of the flexible time arrangements. At the beginning of M+1, the line manager validates the timesheet or asks for corrections to the staff member, if needed. Once the timesheet is validated the staff member can either offset the extra hours or ask for recuperation. In addition, the data can be used by the managers to assess workload in the team/unit.

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 flexible working arrangements - ‘flexitime’

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:

The 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): N/A

1.3. The legal basis for the processing based on Article 5(1) of Regulation (EU^o 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 is subject, which are
 - Staff Regulations⁴: Title 4 and Chapter 4 Articles 16 and 91 of the CEOS and
 - General Implementing Provisions: Commission Decision C(2014) 2502;
- (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.

1.4. **The purpose(s)** of this processing is/are to enable EISMEA staff to benefit from the flexible working time arrangements by encoding the daily working hours (arrival/start and departure/end) and place in SYSPER2⁵ and for managers to validate/reject recuperation. In addition, the data can be used by the managers to assess workload in the team/unit.

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

EISMEA staff members i.e. CA, TA, SNE if applicable, trainees.

1.6. The following personal data are collected:

First name, last name, period type, date, hours of arrival/start and departure/end, place of work, debit/credit per day/month, recuperation. These 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 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.

⁵ Record of Sysper IT tool of the European Commission ([DPR-EC-01230.2](#)).

1.7. The recipients to whom the personal data will or might be disclosed are the EISMEA HR sector and line managers (Head of Sector, Team leaders if applicable, Head of Unit, Head of Department, the Director) 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:

Only EISMEA staff member have access to SYSPER2 time management tool who need to have access and the access is protected by a personal password. In addition, only the GECO can access the data for all staff in order to produce reports.

1.11. The personal data concerned will be kept for a maximum period of 5 years from the validation date by the line manager. Data will be automatically deleted at the end of this period.

The personal data may be further processed for historical, statistical or scientific purposes. The further retention time for this purpose will be 5 years.

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.
