RECORD OF PERSONAL DATA PROCESSING ACTIVITY

Based on Article 31 of the Regulation (EU) 2018/1725 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 EASME data controller has to maintain a record of the processing activities under his/her responsibility.

Record No: R-2019-15 Initial approval by Data Controller: see date of Ares signature
Previous Notification (if applicable): DPO-2011-05 Update (s) (if applicable): 12/2016

NAME OF THE PROCESSING ACTIVITY
Reclassification exercise.

IDENTIFICATION OF THE DATA CONTROLLER
Executive Agency for Small and Medium-sized Enterprises (EASME), Head of Unit C.2 Administration – C.2.1 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)
X Change/Amendment/Update of an already existing previous record (or previous notification to DPO)

DESCRIPTION OF THE PROCESSING ACTIVITY
The reclassification exercise is done annually and is based on the comparison of merits of eligible staff members in the same function group and grade in order to determine who will be promoted.

The process involves the following actors: direct hierarchical superiors (Heads of unit) and their superiors (Heads of department) who make a first recommendation, then senior management (Heads of department and Director) who make the final decision. The Staff Committee and the Joint Reclassification Committees (CA and TA) review the proposals and make their recommendations. The Director then takes the final decision.

EASME Staff members can appeal the decision and their appeal will be reviewed by the Joint Reclassification Committee who issues a decision on the validity of the appeal.

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1. INFORMATION ON THE PROCESSING ACTIVITY
   of Reclassification Exercise

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 Head of Unit C.2 Administration at the Executive Agency for Small and Medium-sized Enterprises (EASME), Place Charles Rogier 16, B-1049 Brussels and can be contacted at: EASME-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 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\(^3\);
- (a2) the processing is necessary for the management and functioning of the Union Institutions or bodies (Recital (22) of Regulation 2018/1725);
- (b) the processing is necessary for compliance with a legal obligation to which the controller is subject, which are EASME Steering Committee Decision of 31.08.2015 on general implementing provisions regarding Article 87(3) of the CEOS for contract staff and EASME Steering Committee Decision of 31.08.2015 laying down general implementing provisions regarding Article 54 of the CEOS for temporary staff;\(^4\)
- (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 reward the best performers each year on the basis of comparison of merits.

1.5. The categories of data subjects concerned by this processing are:
All staff members (CA, TA, SNE if applicable) eligible for the promotion exercise.

1.6. The following personal data are collected:
The process is undertaken entirely electronically via Sysper: personal identification data (first name, last name, personal personal ID); career-related data (position, grade, unit, start date, type of contract, administrative status, objectives) as well as current or previous reports which contain opinions of staff member and managers on the performance and training needs of the jobholder.

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\(^4\) 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.
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, EASME managers (Heads of unit, Heads of Department and Director), authorized EASME HR staff, Staff Committee members, Joint Reclassification Committee members 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 entirely online through Sysper application with the required confidentiality in the handling of staff matters in the EU institutions. Access is granted according to the functions/roles in the process to authorised EASME staff only; computers are password protected.

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 EASME Data Protection Officer at EASME-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. Restrictions in particular for the right to access, modification or cancelation in accordance with Article 25 of Regulation (EU) No 2018/1725 will apply in case of pre/investigations for irregularities or anti-fraud in order not to jeopardize potential investigations.

Any queries concerning the processing of personal data, have to be addressed to the Data Controller indicated above in 1.1. at EASME-HR-APPRaisal@ec.europa.eu.

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