



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-2019-15-2

Initial approval by Data Controller: [Ares \(2019\)7442201 - 03/12/2019](#)

Previous Notification (if applicable): DPO-

Update (s) (if applicable): June 2022

NAME OF THE PROCESSING ACTIVITY

Reclassification 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 – HR Sector C.02.1

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 reclassification exercise is done annually and it 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.

EISMEA Staff members can appeal the decision and the Joint Reclassification Committee who issues a decision on the validity of the appeal will review their appeal.

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 Reclassification Exercise

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 Head of Unit C.02 -People, Workplace and Operational Coordination Support at the European Innovation Council and SMEs Executive Agency (EISMEA), B-1049 Brussels and can be contacted at: 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 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 2018/1725) ;
- (b) the processing is necessary for **compliance with a legal obligation** to which the controller is subject, which are Steering Committee Decision (2015) of 31.08.2015⁴ on general implementing provisions regarding Article 87(3) of the CEOS for contract staff and Steering Committee Decision (2015) of 31.08.2015 laying down general implementing provisions regarding Article 54 of the CEOS for temporary staff;⁵
- (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 of eligible staff members in the same function group and grade in order to determine who will be promoted.

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

All staff members (CA, TA) eligible for the promotion exercise.

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 *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).

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

⁵ 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:

The process is undertaken entirely electronically via Sysper: personal identification data (first name, last name, 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.

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, EISMEA managers (Heads of Unit, Heads of Department and Director), authorized EISMEA 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 **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**. 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 EISMEA-HR-APPRAISAL@ec.europa.eu.
