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-2019-22 Initial approval by Data Controller: see date of Ares signature
Previous Notification (if applicable): DPO-2011-04 Update (s) (if applicable):

NAME OF THE PROCESSING ACTIVITY

Ability to work in a third language

IDENTIFICATION OF THE DATA CONTROLLER

Executive Agency for Small and Medium-sized Enterprises (EASME), 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

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

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

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 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;

☐ (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 14.12.2017 on general implementing provisions regarding Article 85(3) of the CEOS for contract staff and EASME 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: 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:
EASME Contract Agents FGIV and all Temporary Agents.

1.6. The following personal data are collected:
The process is undertaken entirely electronically via Sysper: 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 would be required.

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

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1.7. **The recipients** to whom of the personal data will or might be disclosed are: the jobholder, managers (EASME Heads of unit, Heads of Department and Director), EASME HR staff, Staff Committee members, Joint Reclassification Committee members 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, 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 **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**.

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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