



**European Research Council**  
Executive Agency

Established by the European Commission

## RECORD OF PERSONAL DATA PROCESSING

Art. 31 of the 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 (henceforth the "Data Protection Regulation")

Record n°

DPO 38 – 2020

In accordance with Article 31 of the data protection regulation, individuals whose personal data are processed by the Executive Agency in any context whatsoever are to be protected with regard to the processing of personal data and the Executive Agency has to keep records of their processing operations.

This record covers two aspects:

1. Mandatory records under Art 31 of the data protection regulation (recommendation: make the header and part 1 publicly available)
2. Compliance check and risk screening (initial; part 2 is internal only to the Agency, not published)

The ground for the record is (tick the relevant one):

- Regularization of a data processing operation already carried out
- Record of a new data processing operation prior to its implementation
- Change of a data processing operation.
- Migration from notification to record

### Management of Ethics Requests

<b>Management of Ethics Requests</b>		
<b>1</b>	<b>Last update of this record if applicable</b>	Management of External Activities (DPO 45-2012)  <a href="#">Ref. Ares(2012)1176016 - 08/10/2012</a>
<b>2</b>	<b>Short description of the processing</b>	The European Research Council Executive Agency (ERCEA) has put in place measures to ensure that staff members hold themselves to rigorous ethical standards, guaranteeing transparency and accountability and preventing reputational risks.  For this reason, staff members are required to submit a request to seek authorisation or provide notification, in order to limit the risk of conflict of interest of a reputational risk for the Agency or the EU institutions or bodies.  Depending on the request, staff members encode their requests in SYSPER or in ARES. The processing of

personal data is necessary to manage these requests and in order to guarantee the Agency's independence and credibility.

### Part 1 - Article 31 Record

3	<b>Function and contact details of the controller</b>	Head of the Human Resources Unit (ERCEA.D.2) <a href="mailto:ERC-ETHICS-CORRESPONDENT@ec.europa.eu">ERC-ETHICS-CORRESPONDENT@ec.europa.eu</a>
4	<b>Contact details of the Data Protection Officer (DPO)</b>	<a href="mailto:ERC-DATA-PROTECTION@ec.europa.eu">ERC-DATA-PROTECTION@ec.europa.eu</a>
5	<b>Name and contact details of joint controller (where applicable)</b>	N/A
6	<b>Name and contact details of processor (where applicable)</b>	Directorate-General for Informatics (DG DIGIT) <a href="mailto:DIGIT-SYSPER2-INTERNALSUPPORT@ec.europa.eu">DIGIT-SYSPER2-INTERNALSUPPORT@ec.europa.eu</a>  European Commission Directorate General Human Resources (DG HR) – Medical Service <a href="mailto:HR-MAIL-D3@ec.europa.eu">HR-MAIL-D3@ec.europa.eu</a>  Office for Infrastructure and Logistics (OIB) <a href="mailto:OIB-DATA-PROTECTION@ec.europa.eu">OIB-DATA-PROTECTION@ec.europa.eu</a>
7	<b>Purpose of the processing</b>	The purpose of the processing of personal data is to ensure compliance with the legal obligations concerning ethics stemming from the Staff Regulations (SR) and the Conditions of Employment of Other Servants (CEOS).  Specifically, the purpose is to avoid the appearance of a conflict of interest so as to avoid possible accusations of bias and partiality in decision-making processes the staff member may be involved in, and consequently to maintain the ERCEA's independence and credibility.  The Controller may envisage anonymous statistical analyses with the purpose of improving the quality of the processes and the management of human resources.
8	<b>Description of the categories of data subjects</b>	Whose personal data are being processed? <input checked="" type="checkbox"/> <b>EA staff</b> [Contract and Temporary Agents]. <input type="checkbox"/> Visitors to the EA <input checked="" type="checkbox"/> <b>Contractors providing goods or services</b> [Interim staff]. <input checked="" type="checkbox"/> <b>Applicants</b>

		<p>[Declaration of absence of conflict of interest and of confidentiality].</p> <p><input checked="" type="checkbox"/> <b>Relatives of the data subject</b></p> <p>[Spouse employment declaration].</p> <p><input type="checkbox"/> Complainants, correspondents and enquirers</p> <p><input type="checkbox"/> Witnesses</p> <p><input type="checkbox"/> Beneficiaries</p> <p><input checked="" type="checkbox"/> <b>External experts</b></p> <p>[Seconded National Experts].</p> <p><input checked="" type="checkbox"/> <b>Other</b></p> <p>[Retired staff; staff on leave on personal grounds, former staff members for two years after leaving the ERCEA; former staff members receiving an invalidity allowance or invalidity pension or an unemployment allowance].</p> <p>[The organisation in which the staff members plan to perform the outside activity, medium for publication in case of publication/speech, source offering the gift/hospitality or decoration/honour and details of the public office].</p> <p>[Blue Book Trainees].</p>
9	<p><b>Description of personal data categories</b></p> <p>Indicate <b>all</b> the categories of personal data processed and specify which personal data are being processed for each category (between brackets under/next to each category):</p>	<p><i>Categories of personal data:</i></p> <p><input checked="" type="checkbox"/> <b>in the form of personal identification numbers</b></p> <p>[Personnel numbers].</p> <p><input type="checkbox"/> concerning the physical characteristics of persons as well as the image, voice or fingerprints</p> <p><input checked="" type="checkbox"/> <b>concerning the data subject's private sphere</b></p> <p>[Information on outside activities, publications/speeches, gifts/hospitalities, requests to run for or hold public office in general, reason(s) leading to a possible conflict of interest, acceptance of decorations/honours, among others].</p> <p><input checked="" type="checkbox"/> <b>concerning pay, allowances and bank accounts</b></p> <p>[Remuneration linked to external activities, publications or speeches, including relevant IP rights, if holding public office, reimbursement of expenses by third parties; value of gifts/hospitalities, decorations/honours; ownership or other investments including shares, etc.].</p> <p><input checked="" type="checkbox"/> <b>concerning recruitment, contracts and the data subject's career:</b></p> <p>[Grade, administrative status, Department/Unit, staff member's duties, details on the outside activity (e.g. staff member's position in the organisation, description of the staff member's work), text of the publication/speech,</p>

		<p>nature of duties in case of holding public office, etc.].</p> <p><input checked="" type="checkbox"/> <b>concerning the data subject's family</b></p> <p>[Name, surname and the description of employment (e.g. area of activity and responsibilities) of the spouse, the link between the spouse's employment and the staff member's duties].</p> <p><input checked="" type="checkbox"/> <b>concerning leave and absences</b></p> <p>[Leave coverage (annual leave, CCP, special leave or flexitime), timeframe of activities].</p> <p><input type="checkbox"/> concerning missions and journeys</p> <p><input type="checkbox"/> concerning social security and pensions</p> <p><input type="checkbox"/> concerning expenses and medical benefits</p> <p><input checked="" type="checkbox"/> <b>concerning telephone numbers and communications</b></p> <p>[Professional phone number].</p> <p><input checked="" type="checkbox"/> <b>concerning names and addresses (including email addresses)</b></p> <p>[Name, surname, administrative address, private address (permanent or temporary), private and professional e-mail address].</p> <p><input checked="" type="checkbox"/> <b>Other:</b></p> <p>[Details of the organisation in which the staff members plans to perform the outside activity, medium for publication in case of publication/speech, source offering the gift/hospitality or decoration/honour and of the public office, membership in a managing body or entity, parties, entities such as businesses, clubs etc., duration of such membership or role].</p> <p><i>Categories of personal data processing likely to present <u>specific risks</u>:</i></p> <p><input type="checkbox"/> data relating to suspected offences, offences, criminal convictions or security measures</p> <p><input type="checkbox"/> data being used to evaluate personal aspects of the data subject (ability, efficiency, conduct)</p> <p><i>Categories of personal data whose processing is <u>prohibited</u>, with exceptions (art. 10 new Regulation):</i></p> <p><input type="checkbox"/> <b>revealing racial or ethnic origin</b></p> <p><input checked="" type="checkbox"/> <b>revealing political opinions</b></p> <p><input checked="" type="checkbox"/> <b>revealing religious or philosophical beliefs</b></p> <p><input checked="" type="checkbox"/> <b>revealing trade-union membership</b></p>
--	--	--

10	Retention time (time limit for keeping the personal data)	<p><input checked="" type="checkbox"/> <b>concerning health</b></p> <p>[In order to manage ethics requests, the ERCEA may process special categories of personal data such as information revealing political opinions, religious or philosophical beliefs or trade-union membership. This personal information may be disclosed in the request for outside activities, to run for or hold public office or when submitting the spouse declaration of employment].</p> <p><input checked="" type="checkbox"/> <b>genetic data, biometric data for the purpose of uniquely identifying a natural person</b></p> <p>[Hand-written signatures on requests].</p> <p><i>Specify any additional data or explanatory information on the data being processed, if any:</i></p> <p>[The personal data processed during the management of ethics requests may encompass more than one of the above categories].</p> <p>[Data subjects may voluntarily provide additional personal information].</p> <p>Currently, the ERCEA applies by analogy the principles and the retention periods indicated in the Common Commission-Level Retention List SEC(2019)900/2 of 19 April 2019 (CRL). Personal files are retained for eight years after the termination of all rights of the person concerned and of any dependants, and for at least 100 years after the date of recruitment of the person concerned.</p> <p>Confidentiality declarations signed by interim staff and trainees are kept for up to five years.</p> <p>The Excel table used for administrative follow-up is kept for four years.</p> <p>In those cases in which the operations are carried out using SYSPER, the retention periods indicated in the SYSPER Data Protection Notice apply.</p> <p>Is any further processing for archiving purposes in the public interest, historical, statistical or scientific purposes envisaged?</p> <p><input checked="" type="checkbox"/> yes <input type="checkbox"/> no</p> <p>The ERCEA may envisage anonymous statistical analyses with the purpose to improve the quality of the processes and the management of human resources. However, the retention periods mentioned above will not be increased.</p>
11	Recipients of the data	<p>The persons with access to your personal data, on a need-to-know basis, are:</p> <ul style="list-style-type: none"> <li>- The members of the HR Unit and authorised personnel (including hierarchical supervisors) dealing with the management of ethics requests and recruitment files;</li> <li>- The AHCC (Authority Empowered to Conclude</li> </ul>

		<p>Contracts of Employment), i.e., the ERCEA's Director;</p> <ul style="list-style-type: none"> <li>- Services of the European Commission: the OIB (e.g. for the handling of gifts/hospitalities received by the staff member); the Medical Service (e.g. for the handling of requests for outside activity of a staff member on invalidity);</li> <li>- The ERCEA Joint Committee (whose members are appointed each year by a Director Decision) in case of a potential conflict of interest.</li> </ul> <p>In addition, certain administrative details may be disclosed, in compliance with the relevant current legislation and established case law, and on a temporary basis to legislative or supervisory bodies of the ERCEA, as well as auditing bodies or courts.</p>
12	<b>Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?</b>	N/A
13	<b><u>General</u> description of the technical and organisational security measures</b>	<p>The HR Unit is responsible for the management of documents produced, circulated and/or received, ensuring the appropriate treatment of all documents.</p> <p>E-mails including personal data should be sent via encrypted e-mail (SECEM). Access to files is limited to authorised personnel, regardless of where they are saved: on the ERCEA Shared Drive; the Functional Mailbox (FMB) (<a href="mailto:ERC-ETHICS-CORRESPONDENT@ec.europa.eu">ERC-ETHICS-CORRESPONDENT@ec.europa.eu</a>); or of which a physical copy is kept.</p> <p>The official register of the Agency is ARES/NomCom and all files therein are processed using the restricted marking. SYSPER is the HR Information System of the European Commission, access to personal data is protected by the management of the access rights which are strictly limited to authorised personnel.</p>
14	<b>Information to data subjects/Data Protection Notice (DPN)</b>	<p>The Data Protection Notice is available on the intranet page of the Agency:</p> <p><a href="http://intranet.ercea.cec.eu.int/services/human-resources/priv/Pages/default.aspx">http://intranet.ercea.cec.eu.int/services/human-resources/priv/Pages/default.aspx</a></p> <p>For SYSPER's privacy statements, please see here: <a href="https://europa.eu/!km76PF">https://europa.eu/!km76PF</a>.</p>