



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 06 - 2019

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/update/amendment of a data processing operation.
- Migration from notification to record

Assessment of the ability to work in a third language

1	Last update of this record if applicable	Ares(2011)1124550 - 21/10/2011
2	Short description of the processing	Article 45(2) of the Staff Regulations states that all newly recruited officials shall be required to demonstrate before their first promotion after recruitment the ability to work in a third language. This requirement applies to Temporary Staff (seconded/externally recruited TA 2f) by analogy. Article 85(3) of the Conditions of Employment of Other Servants, stipulates that Contract Staff in function group IV shall before renewal of the contract for an indefinite period be required to demonstrate the ability to work in a third language.

The HR unit contacts newcomers (temporary staff/contract staff FG IV) asking them to inform them of the language they would like to have as 3rd language and of the option taken as to prove knowledge of it. They may choose any one of the 24 official languages of the European Union.

Three scenarios are likely:

Staff members already have a diploma or certificate in a third language

- They can submit their diploma or certificate for evaluation and approval by the relevant language assessment committee via EPSO.

They already know a third language but do not have a diploma

- They can register with EPSO to take a language test; or
- They can ask EPSO for prior authorisation to take a test with an external body; or

They don't have any knowledge of a third language

- They can follow a language course. Successful completion of level 6 will be necessary to prove their third language skills.

In case staff members choose to prove their ability by successfully passing the appropriate inter-institutional language course, they are invited to liaise with the D.2 Training team, in order to have an overview of language courses offered to the new staff members.

To ensure that this requirement is met in a harmonised and consistent manner, the European Personnel Selection Office (EPSO) has been given responsibility for the definition and organisation of the assessment of linguistic ability.

D2 unit will liaise with EPSO who is responsible for the assessment of the language level and D.2 will enter in SYSPER, in the "Languages" sub-section, the means and date of demonstration. This will be visible for the staff concerned. As the proof of this language ability has an impact either on reclassification or renewal of contract of TA and CA respectively, this demonstration will also be added in the personnel files.

**(This part may be public)
Part 1 - Article 31 Record**

3	Function and contact details of the controller	Head of Human Resources Unit (ERCEA.D.2) ERC-THIRD-LANGUAGE@ec.europa.eu
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4	Contact details of the Data Protection Officer (DPO)	ERC-DATA-PROTECTION@ec.europa.eu
5	Name and contact details of joint controller (where applicable)	N/A
6	Name and contact details of processor (where applicable)	<p>EPSO</p> <p>EPSO-PDP@ec.europa.eu</p> <p>EPSO-TROISIEME-LANGUE@ec.europa.eu</p> <p>DIGIT</p> <p>DIGIT-SYSPEP2-INTERNAL-SUPPORT@ec.europa.eu</p>
7	Purpose of the processing	<p>The Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union (CEOS) have introduced rules designed to facilitate internal and external communication at the European institutions.</p> <p>The purpose of the processing is to assess, in accordance with article 45(2) of the Staff Regulation and Article 85(3) of the CEOS, the ability to work in a third language for the purposes of their first promotion after recruitment or before their contract is renewed for an indefinite period.</p> <p>This purpose is achieved by seeking the feedback of EPSO on the fulfilment by the staff members of the requirements for certification of their ability to work in a third language.</p> <p>Although not currently foreseen, the Controller or the ERCEA cannot exclude the possibility of further envisaging anonymous statistical analyses in the future, with the purpose of improving the quality of the processes and the management of Human Resources.</p>
8	Description of the categories of data subjects	<p>Whose personal data are being processed?</p> <p>In case data categories differ between different categories of persons, please explain as well (e.g. suspects vs. witnesses in administrative inquiries)</p> <p><input checked="" type="checkbox"/> EA staff (Contract and Temporary staff in active employment)</p> <p><input type="checkbox"/> Visitors to the EA</p> <p><input type="checkbox"/> Contractors providing goods or services</p> <p><input type="checkbox"/> Applicants</p> <p><input type="checkbox"/> Relatives of the data subject</p>

		<input type="checkbox"/> Complainants, correspondents and enquirers <input type="checkbox"/> Witnesses <input type="checkbox"/> Beneficiaries <input type="checkbox"/> External experts <input type="checkbox"/> Contractors <input type="checkbox"/> Other, please specify _
9	Description of personal data categories Indicate all 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><i>Categories of personal data:</i></p> <input checked="" type="checkbox"/> in the form of personal identification numbers [personnel number] <input checked="" type="checkbox"/> in the form of broader identification data [first name, surname, institution, place of employment] <input type="checkbox"/> concerning the physical characteristics of persons as well as the image, voice or fingerprints <input type="checkbox"/> concerning the data subject's private sphere <input type="checkbox"/> concerning pay, allowances and bank accounts <input checked="" type="checkbox"/> concerning recruitment and contracts [end-date of the first contract] <input type="checkbox"/> concerning the data subject's family <input checked="" type="checkbox"/> concerning the data subject's career The "Assessment of the Ability to Work in a Third Language" involves the following education data: first and second languages chosen for the competition or selection procedure leading to recruitment, third language chosen for the purposes of the evaluation under article 45.2 of the Staff Regulation and Art. 85(3) of the CEOS and choice of the method for proving the ability to work in a third language, title of diploma and issuing institutions, including the diplomas/certificates and outcome of the language test (where applicable). <input type="checkbox"/> concerning leave and absences <input type="checkbox"/> concerning missions and journeys <input type="checkbox"/> concerning social security and pensions <input type="checkbox"/> concerning expenses and medical benefits <input checked="" type="checkbox"/> concerning telephone numbers and communications [telephone number, email address provided to EPSO and used also for D.2's follow-up purposes]

<p>10</p>	<p>Retention time (time limit for keeping the personal data)</p>	<p><input checked="" type="checkbox"/> concerning names and addresses (including email addresses)</p> <p>[email address, place of employment provided to EPSO and used also for D.2's follow-up purposes]</p> <p><input type="checkbox"/> Other :please specify :_____</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 checked="" 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> <table border="0"> <tr> <td><input type="checkbox"/> revealing racial or ethnic origin</td> <td><input type="checkbox"/></td> </tr> <tr> <td>revealing political opinions</td> <td><input type="checkbox"/></td> </tr> <tr> <td>revealing religious or philosophical beliefs</td> <td><input type="checkbox"/></td> </tr> <tr> <td>revealing trade-union membership</td> <td><input type="checkbox"/></td> </tr> <tr> <td>concerning health</td> <td><input type="checkbox"/></td> </tr> <tr> <td>genetic data, biometric data for the purpose of uniquely identifying a natural person</td> <td></td> </tr> <tr> <td><input type="checkbox"/> concerning sex life or sexual orientation</td> <td></td> </tr> </table> <p><i>Specify any additional data or explanatory information on the data being processed, if any:</i></p> <p>In case of a staff member's request to sit a language test, the staff member is asked to indicate whether any specific arrangement to sit the test is required.</p> <p>The "Assessment of the Ability to Work in a Third Language" documents are considered integral part of the jobholder personal file (section career), for which the Common Retention Policy of the Commission – SEC(2019)900 is applied by analogy.</p> <p>ERCEA foresees the following retention period: evaluation documents are retained for 8 years after the extinction of all rights of the person concerned and of any dependants, and for at least 100 years after the recruitment of the person concerned.</p> <p>The decision is retained in the Shared Drive in the personnel file of the staff member for the same duration.</p> <p><i>In case you intend to FURTHER process the personal data for a compatible purpose with the 'initial' one, please also indicate this retention period if different</i></p> <p>The ERCEA might envisage anonymous statistical analyses in the future with the sole purpose of improving the quality of the processes and the</p>	<input type="checkbox"/> revealing racial or ethnic origin	<input type="checkbox"/>	revealing political opinions	<input type="checkbox"/>	revealing religious or philosophical beliefs	<input type="checkbox"/>	revealing trade-union membership	<input type="checkbox"/>	concerning health	<input type="checkbox"/>	genetic data, biometric data for the purpose of uniquely identifying a natural person		<input type="checkbox"/> concerning sex life or sexual orientation	
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		<p>management of Human Resources. However, retention periods mentioned above will for sure, not be increased for this further purpose.</p> <p>Is any further processing for archiving purposes in the public interest, historical, statistical or scientific purposes envisaged? <input type="checkbox"/>yes <input checked="" type="checkbox"/>no</p> <p>If yes, indicate the further retention time: ...</p> <hr/> <p>If the answer is yes, please go to Part 2 Compliance check, Storage and Security for technical safeguards.</p>
11	Recipients of the data	<p>Who will have access to the data within the Agency or outside? Who will have access to the data outside the Agency? Note: no need to mention entities that may have access in the course of a particular investigation/visit/inspection (e.g. OLAF, EO, EDPS).</p> <p>The recipients of data are the following:</p> <ul style="list-style-type: none"> ▪ EPSO where an EPSO test is communicated or the opinion of the EPSO Committee is requested. ▪ The Authority Authorized to Conclude Contracts (AACC). ▪ The member of the HR dealing with the Third Language Assessment and other authorised HR staff. ▪ External companies carrying out the tests in case of externalisation of the service.
12	Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?	<p><i>E.g. processor in a third country using an adequate decision, standard contractual clauses, binding corporate rules, a third country public authority you cooperate with based on existing legislation/agreement. If needed, consult your DPO for verifying the legal basis and for more information on how to ensure safeguards.</i></p> <p>The ERCEA does not plan to transfer data to third country or international organisations.</p> <p>However, it may happen that the new employer of an ex ERCEA staff member requests some information for instance for fixing entry rights, excluding the need for assessing the third language, confirming the references provided by the data subject. In such a case, the ERCEA will seek the consent of the former staff member for any transfer of data concerning him/her to his/her new employer.</p>
13	General description of the technical and organisational security measures	<p>Include a general description of your technical and organisational security measures that you could also provide to the data subjects and general public.</p> <p>Password protected Scanned and Excel files are kept in a secured folder of the ERCEA shared drive with limited access rights to HR authorised staff.</p>

		<p>The certified third language record can be found in SYSPER.</p> <p>Dedicated mailbox access restricted to only authorized staff.</p> <p>"Private/Confidential" markings are used for e-mails, sealed envelopes for paper files circulation.</p>
14	<p>Information to data subjects/Specific Statement (SPS) Privacy</p>	<p>A privacy statement is available at the Article 45 (2) - 3rd language section of the Career page on the intranet</p> <p>http://intranet.ercea.cec.eu.int/services/human-resources/career/Pages/Article-45-(2)---3rd-language.aspx</p> <p>It will be sent also to the staff members concerned over email when contact is taken with them on the matter.</p>