



## EUROPEAN COMMISSION

European Climate, Infrastructure and Environment Executive Agency (CINEA)

### RECORD OF PERSONAL DATA PROCESSING ACTIVITY

In accordance with Article 31 of the [Data Protection Regulation for EUIs](#)<sup>1</sup> (hereinafter referred to as the Regulation), individuals whose personal data are processed by the European Climate, Infrastructure and Environment Executive Agency (hereinafter referred to as CINEA or Agency) in any context whatsoever are to be protected with regard to the processing of personal data and the Agency has to keep records of their processing activities.

Record No: 2020-27/R4-HR-24  
 Created on (date): 10/09/20  
 Last update (date): 29/09/20

#### NAME OF THE PROCESSING ACTIVITY

*CINEA Staff Committee Elections*

#### GROUND FOR THE RECORD :

- Regularisation of a data processing activity already carried out
- Record of a new data processing activity prior to its implementation
- Change of a data processing activity (e.g.: update of a record).

<sup>1</sup> Regulation (EU) 2018/1725 of 23 October 2018

## 1. MANDATORY RECORD UNDER ARTICLE 31 OF THE REGULATION

### 1.1. Name and contact details of controller

- a. CINEA.A4  
Chaussée de Wavre 910  
BE – 1049 Brussels
- b. Head of Unit CINEA.A4
- c. Email: [CINEA-Election-Committee@ec.europa.eu](mailto:CINEA-Election-Committee@ec.europa.eu)

### 1.2. Name and contact details of the Data Protection Officer (DPO)

CINEA DPO - [CINEA-DPO@ec.europa.eu](mailto:CINEA-DPO@ec.europa.eu)

### 1.3. Name and contact details of joint controller (where applicable)

Not applicable

### 1.4. Name and contact details of processor (where applicable)

HaDEA - European Health and Digital Executive Agency for the use of the e-election IT tool (on the basis of Decision SC (2021) 004 of 30 June 2021 on the setting up of a Common Staff Committee among Executive Agencies<sup>2</sup>).

### 1.5. Purpose of the processing

The purpose of the process is to organise the Staff Committee elections in order to set up such a Committee for the Agency with the support of an Elections Committee established for that purpose based on a call for expression of interest.

### 1.6. Legal basis for the processing

Lawfulness: Article 5.1 (a), (b), (c) & (d) of the Regulation:

-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;

-processing is necessary for compliance with a legal obligation to which the controller is subject;

- processing is necessary for the performance of a contract to which the data subject is party;

- data subject has given consent to the processing of his or her personal data for one or more specific purposes

*Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes<sup>3</sup>;*

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<sup>2</sup> The EA Common Staff Committee is composed of Staff Committee Members elected locally in each Executive Agency in their respective Staff Committee

<sup>3</sup> OJ L11, 16.1.2003, p. 1

*Commission Implementing Decision (EU) 2021/173 of 12 February 2021 establishing the European Climate, Infrastructure and Environment Executive Agency, and repealing Implementing Decisions 2013/801/EU<sup>4</sup>;*

*Commission Decision C(2021)947 of 12 February 2021 delegating powers to the European Climate, Infrastructure and Environment Executive Agency with a view to the performance of tasks linked to the implementation of Union programmes in the field of transport and energy infrastructure; climate, energy and mobility research and innovation; environment, nature and biodiversity; transition to low-carbon technologies; and maritime and fisheries;*

Article 9 and Article 1 of Annex II of the Staff Regulations

Decision (2021) 002 of 30 June 2021 adopting general implementing provision on setting up a Staff Committee

Rules governing the Staff Committee election

### **1.7. Categories of data subjects**

CINEA Temporary agents and Contractual agents in active employment and who meet the eligibility conditions to vote and if interested to stand for the elections in line with the Rules governing the Staff Committee election.

### **1.8. Categories of personal data**

i. For the members of the Election Committee and of the appointed Staff Committee:

- First name
- Last name
- Type of contract [Temporary Agents (TA), Contracts Agents (CA)]
- Role in the respective committee (e.g. chairperson, member)

ii. Data processed for all Agency staff participating in the elections for a Staff Committee, who meet the conditions to stand for these elections (candidates and alternate candidates):

- First name
- Last name
- Type of contract [Temporary Agents (TA), Contracts Agents (CA)]
- Contract start date
- Agency
- Grade
- Unit
- Email
- Function in CINEA
- Nationality

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<sup>4</sup> OJ L 50, 15.2.2021, p. 9–28

- Personnel number
- EU login
- Email
- Signature
- Union membership (optional)
- Link to personal CINEApage
- Motivation and priorities to address as a candidate

iii. Data processed only for the staff members that meet the conditions to vote for a Staff Committee:

- EU login
- Unit
- Contract type
- First Name
- Last Name
- Email
- Agency

Contract start date

iv. In order to facilitate their campaign, candidates may provide (on their own initiative) information on the following:

- Photo
- Unit
- Function
- Background or profile

v. Names of the staff members and the reason why they will be absent during voting days may be collected by the Election Committee from those staff members willing to cast a postal vote. In case of ballot papers by postal votes, the rear of the external envelope bears the name of the elector concerned and his/her signature.

### **1.9. Retention time (time limit for keeping the personal data)**

*CINEA applies the principles and retention periods indicated in Common Retention List of the Commission<sup>5</sup> and PMO specific retention list<sup>6</sup> by analogy.*

[a] Retention period:

Personal data are kept for the time necessary to fulfil the purpose of collection or further processing.

Documents in electronic format related to the CINEA Staff Committee Elections will be retained for five years.

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<sup>5</sup> SEC (2019) 900/2 - ARES(2019)4374520 – 09/07/2019

<sup>6</sup> ARES(2016)6048949 - 21/10/2016

Relevant information will also be available under the CINEA Intranet for a period of six months after the end of the elections.

Any data stored in servers used for electronic voting system will be kept only for the time necessary to fulfil the purpose of collection or further processing.

b) Storage period:

CINEA applies the principles and retention periods indicated in Common Retention List of the Commission<sup>7</sup> and *PMO specific retention list*<sup>8</sup> by analogy. The storage periods are the same as indicated for the retention period in point 1.9 a).

c) Is any further processing for historical, statistical or scientific purposes envisaged, which would go beyond the normal retention period ? *No*

#### **1.10. Recipients of the data**

All recipients are on a "need to know" basis:

The electoral roll and the lists of eligible candidates will be published on the intranet and thus available to all staff of the Agency and to other European Institutions having access to this intranet. In the case of the use of an electronic voting tool, the electoral roll and all necessary information necessary to processing the vote (voters and candidates) will be uploaded in the system to monitor the access and the voting procedure.

Candidates' data, as listed above, are processed by the CINEA Election Committee in order to establish a list containing all eligible candidatures. Data may be processed by the Director of the Agency (outcome of the election, etc. ), the HR Sector (i.e. technical support, etc.) and, in the case of the use of an electronic voting tool, the staff responsible for the technical management, including IRM from the executive agency, which is the owner of this tool (HaDEA).

Candidates' data (name, photo, etc.) may be published on leaflets/brochures upon their own will and initiative that will be placed (during the elections period) in public areas of the CINEA premises. In the case of the use of an electronic voting tool, the data will also be available in the electronic tool to all CINEA staff eligible to vote, in order to allow voters to identify candidates and cast their vote.

The results of the elections will be published on the CINEA Intranet thus they will be available to all staff of EU Institutions and bodies that have access to it.

In case of audits or proceedings, etc., CINEA's Internal Controller, Legal Sector, DPO, etc may have access to personal data.

In addition, data may be disclosed public authorities, which are not regarded as recipient but may receive personal data in the frame of a particular inquiry in accordance with Union and Member State law, namely:

- The European Court of Justice or a national judge as well as the lawyers and the agents of the parties in case of a legal procedure;
- The competent Appointing Authority in case of a request or a complaint lodged under Articles 90 of the Staff Regulations;

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<sup>7</sup> SEC (2019) 900/2 - ARES(2019)4374520 – 09/07/2019

<sup>8</sup> ARES(2016)6048949 - 21/10/2016

- IDOC in line with Commission Decision of 12 June 2019 laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings - C(2019)4231 and Commission Decision (EU) 2019/165 of 1 February 2019 Internal rules concerning the provision of information to data subjects and the restriction of certain of their data protections rights in the context of administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings;
- OLAF in case of an investigation conducted in application of Regulation (EC) No 1073/1999;
- The Internal Audit Service of the Commission within the scope of the tasks entrusted by article 118 of the Financial Regulation and by article 49 of the Regulation (EC) No 1653/2004;
- The Court of Auditors within the tasks entrusted to it by Article 287 of the Treaty on the Functioning of the European Union of the EC Treaty and Article 20, paragraph 5 of Regulation (EC) No 58/2003;
- The European Ombudsman within the scope of the tasks entrusted to it by Article 228 of the Treaty on the Functioning of the European Union;
- The European Data Protection supervisor in accordance with Article 58 of the Regulation (EC) 2018/1725;
- The European Public Prosecutor's Office within the scope of Article 4 of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office;

The transmission will be restricted to the information necessary for the competent entity to carry out its task.

#### **1.11. Transfers of personal data to third countries or international organisations**

Not applicable

#### **1.12. Description of security measures**

All data in electronic format (e-mails, documents, ..) are stored on a secured drive with restricted access on a need to know basis by the relevant members of the Election Committee. The use of electronic voting system is subject to EU login password. Electronic data resides on the servers of the European Commission, which abide by strict security measures to protect the security and integrity of electronic assets (through User-ID and password, etc.). CINEA is bound by Commission Decision 2017/46 of 10/1/17 on the security of communications & information systems in the EC.

The use of paper files is very limited & for the duration of the event only. These paper files are stored in locked cupboards that are only accessible to staff organising.

An Outlook functional mailbox is created and used solely for the elections organisation purposes and by the Election Committee members only.

Decisions are stored in ARES with the relevant safeguards (access via ECAS password).

Intranet page is updated on a regular basis: once the elections are finished and the period established for challenging the elections over, the related page is deleted. The names of the elected Staff members remain in the dedicated page of Staff Committee

as long as they remain elected and are removed as soon as the Staff members are no longer elected.

### **1.13. Data Protection Notice**

A Data Protection Notice (DPN) relevant to this data processing activity is available on the CINEA Intranet <https://cineanet.cinea.cec.eu.int/services/human-resources/legal-issues/data-protection>