



## 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: 2020-15/R4-HR-12  
 Created on (date): 09/12/19  
 Last update (date): 16/06/2023

#### NAME OF THE PROCESSING ACTIVITY

Processing of personal data for Staff Learning & Development actions.

#### GROUND FOR THE RECORD:

- Regularisation of a data processing activity already carried out  
 This record replaces notification n° HR-20 issued under the previous Data Protection Regulation
- 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  
Chaussée de Wavre 910  
W910 03/004  
BE – 1049 Brussels
- b. Head of Unit CINEA.A4
- c. Email: [CINEA-HR-CAREER-DEVELOPMENT@ec.europa.eu](mailto:CINEA-HR-CAREER-DEVELOPMENT@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)

For the Inter-Agency Women Talent Programme: all the 6 Executive Agencies are acting as joint controllers (the European Health and Digital Executive Agency (HaDEA), the European Research Executive Agency (REA), the European Innovation Council and SMEs Executive Agency (EISMEA), the European Research Council Executive Agency (ERCEA), and the European Education and Culture Executive Agency (EACEA).

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

- DG HR - Service Level Agreement signed on 21/12/2017 [HR-MAIL-A3@ec.europa.eu](mailto:HR-MAIL-A3@ec.europa.eu)
- The Institute for the Auditors of Belgium (IIA Belgium) – Service contract N° II/A BEL 2022-001, Rue Royale 109-111, boîte 5 - 1000 Bruxelles - [info@iiabelgium.org](mailto:info@iiabelgium.org) or [www.iiabelgium.org](http://www.iiabelgium.org)
- For recording of on-line trainings: Microsoft on the basis of the SIDE II Framework Contract with DG DIGIT

### 1.5. Purpose of the processing

*The purpose is to organise and manage learning and development actions for the staff in place in the Agency. Training modules are processed via [EU Learn](#).*

### 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;*

*- the 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>2</sup>;*

*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>3</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;*

*Staff Regulations of Officials of the European Union (the "Staff Regulations") and the Conditions of Employment of Other Servants of the European Union (the "CEOS"), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/681 1, and in particular Article 24 a of the Staff Regulations and Articles 11 and 81 of the CEOS.*

*Steering Committee Decision SC (2017)12 Adopting by analogy Commission Decision C(2016)3828 on the implementation of the learning and development strategy, Commission Decision C(2016)3855 on training on the own initiative of the member of staff, Commission Decision C(2016)3827 repealing existing rules on learning and development.*

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

*All statutory staff members of CINEA (Temporary and Contract Agents), trainees, interim staff, intra-muros consultants and external contractors or EUI Staff providing training courses.*

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

*For staff members following the training: name, office address and affectation, gender, statutory link, languages, details of course enrolment, evaluation of the course/ feedback from participants and in some cases evaluation/grade awarded upon completion and relevant staff (e.g.HR) involved in the preparation of the training .*

*For training organised by the Agency: trainer name, the dates on which courses are planned/ given, contact details and outcome of the training evaluation.*

*For on-line sessions and in case of recording: info relating to consent and on the content of the training.*

*For training organised for auditors:*

- o membership number when the CINEA auditors are entered as IIA members into the global membership database of the processor with a unique membership number as well as unique password created by the CINEA auditors to authenticate their membership for registration purpose.*

- o credits such as information on attended trainings and information on practicing which is reported by the CINEA auditors each year to maintain their certification(s), if these are obtained.*

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<sup>2</sup> OJ L11, 16.1.2003, p. 1

<sup>3</sup> OJ L 50, 15.2.2021, p. 9–28

### **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>4</sup> by analogy.*

*a) Retention period:*

*a.1 For the staff receiving the training; personal data is stored until the end of activity in the Agency. Certain data need to be conserved for a longer period if they are related to on-going rights and obligations. If data needs to be placed in the personal file (e.g. certification, 3<sup>rd</sup> language, etc.) the relevant information is inserted in the personal file & thus the retention period is 10 years after the extinction of all rights of the person concerned and of any dependents, and for at least 100 years after the recruitment of the person if this data is reflected in the personal file of the staff member.*

*Any document that is important for a staff member career (above all signed originals) must be placed in the relevant personal file.*

*Files on day-to-day HR/ training management are kept for a period of 4 years.*

*All other files will be deleted when no longer needed for the purpose of the processing (after the training, etc.).*

*a.2 for the trainers:*

*Files related to contracts and payments are kept for a period of 10 years.*

*All other files will be deleted when no longer needed for the purpose of the processing (e.g. after the closure of the service contract with the external providers, etc.).*

*b) Storage period:*

*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**

*The access to data is limited to the staff member concerned, the responsible line managers, local training managers of the Agency and the Central Learning and Development Unit in DG HR, as well as DTS (Digit Training Services) and EUSA. The IT training providers and external training providers have access to the specific data required to fulfil their contractual responsibilities on request to the training organizer.*

*As appropriate, and in line with the Service Level Agreement with DG HR, training courses are managed via EU LEARN platform, which is managed by the European Commission services and to which the Agency has access.*

*For trainings and certification of auditors the contractor (acting as process), namely the Institute for the Auditors of Belgium (IIA Belgium) under Service Contract N° II/A BEL 2022-001 will have access to the relevant data.*

*For recorded on-line sessions: CINEA staff via EU learn (CINEA e-Academy) .*

*For the Inter-Agency Women Talent Programme:*

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<sup>4</sup> SEC (2022) 400 – ARES (2022)8801492 -

19/12/2022

- *The members of the Selection Committee of the Participating Executive Agencies who will screen the applications and select the final participants to the programme for their Agency.*
- *The Directors and Heads of Department of the Participating Executive Agencies.*
- *If necessary, data may be disclosed to other relevant staff of the participating Executive Agencies and Commission Services such as Legal services, internal controller, etc*

*In case of audits or proceedings, etc., CINEA's Internal Controller, DPO, Legal Affairs Sector, Staff Committee, etc. may access the relevant data.*

In addition, data may be disclosed to 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;
- 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**

*In the framework of the training of auditors, personal data maybe be transferred to the US under service contract – Service contract N° II/A BEL 2022-001. Internal Auditors – Belgium (IIA Belgium) .*

*Article 50.1(d) of the Regulation, namely that the transfer of personal data “is necessary for important reasons of public interest”. This derogation refers in particular to the legal obligations stated in Article 117(1) of the Financial Regulation (Regulation (EU, Euratom) 2018/1046), that requires the internal audit function to be compliant with the relevant international standards. This solution has been found by the IAS, in coordination with the Commission’s Data Protection Officer.*

*For more information, see IAS record DPR-EC-08086 (<https://ec.europa.eu/dpo-register/detail/DPR-EC-08086.1>).*

*The need for a derogation is justified by the fact that it is a necessity for CINEA to have competent and professional staff to:*

- Comply with its obligations under Article 117(1) of the Financial Regulation (“each Union institution shall establish an internal audit function which shall be performed in compliance with the relevant international standards”);*
- Conduct professional and high-level audits and through them, fulfil its duties as provided in Articles 117 to 123 of the Financial Regulation.*

*Consequently, it is in public interest and common goods to ensure that the service provided by CINEA would be of a high standard and provided by competent and certified staff members.*

*In addition, there is no adequate or similar service provider in the EU/EEA that would allow auditors to become members of similar professional organisation, obtain certifications, follow necessary external trainings and maintain their professional qualifications.*

*The application of derogation for specific situations based on Article 50.1 (d) of the Regulation for the service contract with the IIA Belgium – affiliated to the Institute of Internal Auditors (IIA Global) would allow the CINEA Audit staff to benefit, on a voluntary basis, from the Full Membership package offered by the IIA, including those implying the transfer of personal data to the US. The derogation is a temporary measure until a legally binding and enforceable instrument is agreed with the IIA Belgium – affiliated to the IIA Global and which has signed the Standard Contractual Clauses with the IIA Global for sharing the data.*

*For recorded on-line sessions: the data stays within the EU as it is published internally in an EU based tool (EU learn). However, since the data is recorded via Microsoft (TEAMS), transfer of data outside EEA cannot be excluded (Article 50.1(a) of the Regulation on explicit consent may temporarily apply until the Commission has found a solution for its SIDE II Framework Contract in the light of the EDPS recommendations)*

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

*Personal data is stored electronically and in paper and accessible only by the authorized personnel in HR for the purposes of the processing on a need to know and need to do basis. Access is granted only if there is a clearly specified administrative purpose, and only to those whose role and level of responsibility require them to have access. HR staff having access to the data is bound by confidentiality.*

*The requests from staff concerning this topic processed via the HR ticketing system are subject to security measures that limit the access to information to the HR staff member(s) in charge and to the Head of Sector and her/his backup. The protection and confidentiality granted to personal data submitted in the ticketing system is the same level of protection and confidentiality granted to secured HR folders. The ticketing system has an additional level of encryption of files attached to tickets that adds up to the file system access control rights. The text of a ticket is contained in a database which has an additional level of authentication that adds up to the file system authentication.*

*EU LEARN datasets are safeguarded in the Data Centre of the Commission, and therefore covered by the numerous defensive measures implemented by DG DIGIT to protect the integrity and confidentiality of the electronic assets of the Institution.*

*The access to the personal data is protected by the management of the access rights which are strictly limited to specific user groups. The access rights are protected by DG HR and are only granted after attending the specific related training. The entitlement is distributed according to the principle of 'the need to know' taking into consideration the function, the job and responsibilities of the applicant for an access right. Consequently, the access rights are continuously updated in accordance with the changes in the assignments of the jobholders.*

*The login and the passwords are managed by the common certification service of the European Commission. (ECAS-authentication system). CINEA is also bound by Commission Decision 2017/46 of 10/1/17 on the security of communications & information systems in the EC.*

*A limited use of paper files (e.g. attendance lists to be signed) is done as necessary: those files are stored in locked cupboard with restricted access.*

*The responsible human resources staff in CINEA and in DG HR have access to the specific data they need to fulfil their tasks linked to learning and development of staff. All further access to other persons must be communicated to the jobholder.*

*For the training for auditors: the contractor acting as processor (i.e. IIA Belgium ) is required under contractual obligations to adopt appropriate technical and organizational security measures to protect your personal data. The contract signed with IIA Belgium contains a specific contractual clause for any processing operations of the personal data of the staff members concerned by this contract (EC (IAS), CINEA, etc. ). This contractor is also bound by the confidentiality obligations deriving from the transposition of the General Data Protection Regulation in the EU Member States ('GDPR' Regulation (EU) 2016/679) as well as processing requirements foreseen in the Regulation.*

*Similar obligations apply also for the contractor for the Microsoft TEAMS tool allowing the recording of on-line sessions (for more details, please refer to the record on IT processes).*

### **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>*

