



EUROPEAN COMMISSION

Innovation and Networks Executive Agency

RECORD OF PERSONAL DATA PROCESSING ACTIVITY

In accordance with Article 31 of the [Data Protection Regulation for EUIs](#)¹ (hereinafter referred to as the Regulation), individuals whose personal data are processed by the Innovation and Networks Executive Agency (hereinafter referred to as INEA 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.

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NAME OF THE PROCESSING ACTIVITY

Processing of personal data in the context of termination of contracts and exit interviews of INEA staff

GROUND FOR THE RECORD:

- Regularisation of a data processing activity already carried out
This record replaces notifications HR 15 & 33 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).*

¹ 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. *INEA*
Chaussée de Wavre 910
W910 04/136
BE – 1049 Brussels
- b. *Head of Unit R.04*
- c. *Email: INEA-HR-Staff-Administration@ec.europa.eu*

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

INEA DPO - INEA-DPO@ec.europa.eu

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

PMO - Service Level Agreement signed on 05/11/2018; PMO-DATA-PROTECTION@ec.europa.eu

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

Not applicable

1.5. Purpose of the processing

The purpose is to process personal data in the context of employment termination of the statutory staff and to ensure his/her rights and duties pursuant to the Staff Regulations². In the context of the exit interview, which applies to statutory staff only, the purpose of the processing is to assess the Agency's working environment and identify possible areas of improvement via feedback collected from staff members leaving the Agency.

Evaluation of probationary periods and disciplinary procedures are subject to separate data protection records and are thus not concerned by this record, which covers all the other remaining grounds for termination (resignation, early retirement, etc).

1.6. Legal basis for the processing

Lawfulness: Article 5 . 1 (a) & (b) 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 :

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

Commission Decision 2013/801/EU of 23 December 2013 establishing the Innovation and Networks Executive Agency and repealing Decision 2007/60/EC as amended by Decision 2008/593/EC

² The contracts of interim agents and intra-muros consultants are out of scope of this record as they are managed via Framework Contracts. The management of termination of contracts for bluebook trainees is managed by DG EAC.

Commission Decision C(2013)9235 of 23 December 2013 delegating powers to INEA with a view to the performance of tasks linked to implementation of the Union programmes in the field of transport, energy, telecommunications infrastructure and in the field of transport and energy research and innovation, comprising in particular implementation of appropriations entered in the general budget of the Union;

Articles 11, 12, 28a, 47, 48, 81, 96 & 119 of the Conditions of Employment of Other Servants of the European Community (CEOS)

Articles 52, 53, 70, 77, 78, 79, 81, 81a and 83 of the Staff Regulations and Articles 2 – 11, 13-15, 17-29, 40 and 45 of Annex VIII to the Staff Regulations

Steering Committee Decision SC(2015)004 laying down general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the CEOS as regards executive agencies;

Steering Committee Decision SC(2017)015 - Conditions of Employment of Other Servants of the European Union, governing the conditions of employment of contract staff employed by the Commission under the terms of Articles 3a and 3b thereof;

1.7. Categories of data subjects

All statutory staff members of INEA (Temporary and contract agents) and staff members family (in case of death or invalidity). The contracts of interim agents and intra-muros consultants are out of scope of this record as they are managed via Framework Contracts. The contracts of bluebook trainees are managed by DG EAC.

1.8. Categories of personal data

- *Identification data of the Staff Member leaving the Agency, including his/her full name, personnel number, previous grade and function, and private contact details (address, telephone, email,..) after leaving the Agency;*
- *Pay, allowances and bank accounts data (IBAN number) of the Staff Member leaving the Agency;*
- *Recruitment and contractual data: dates of start and end of the contracts, desired end of contract (i.e. in case of resignation), reasons for leaving (not compulsory), new destination of the Staff Member who moves to the European Commission or to another EU institution or body or to another Member State, info about any occupational activity within two years after leaving the Agency that is different from another EU institution/body;*
- *In case of potential conflict of interest: information on the future occupational activity that the Staff Member will take up, the expected starting date, employment duration and the position in the entity, whether the Staff Member will be an employee and /or shareholder in the entity and which pecuniary advantages s/he will receive, whether the entity has any (in)direct commercial, financial or contractual links with an EU institution or body or with the Agency, whether the data subject during his/her employment at the Agency had relations with the entity for which s/he intends to engage.*
- *Information linked to the invalidity or death of the Staff Member concerned: death certificate, funeral expenses, details of the notary handling the estate as well as identification (contact details) and financial data of the legitimate heirs.*

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

INEA applies the principles and retention periods indicated in Common Retention List of the Commission³ by analogy and PMO specific retention list⁴.

[a) Retention period:

Any document that is important for a staff member career (above all signed originals) must be placed in the relevant personal file. These are kept 8 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.

The exit interviews, which are filed and kept a dedicated folder by the HR Recruitment and Services team are kept for 4 years. .

All data processed in SYSPER is retained in Sysper as long as the jobholder has an employment link with the INEA or the European Commission. In case of termination of service with the, the data will be destroyed 6 months after any of the following events: 1) End of contract (for non-permanent staff) 2) Transfer to another institution 3) Resignation 4) Compulsory resignation 5) Retirement in the interests of the service 6) Dismissal for incompetence 7) Removal from post 8) Retirement 9) Death

b) Storage period:

INEA applies the principles and retention periods indicated in Common Retention List of the Commission⁵ 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

Within the Agency only the members dealing with staff administration have access to the personal data processed. The members of the Recruitments and services team process the exit interviews.

On a need to know basis the Director, Head of Unit and Head of Sector HR and the Head of Unit of the staff member quitting service.

For the purpose of their tasks, the logistics, document management and IT staff members are informed about the staff member departure.

For transparency and business continuity reasons all staff of the Agency is informed on a regular basis about a staff member's resignation. Only name, surname, unit and type of contract (CA/TA) are mentioned in this information sent via email, which is automatically deleted after 6 months via the outlook system

As appropriate, and in line with the Service Level Agreements in place only the necessary information is transferred to services of the European Commission: DIGIT, PMO, OIB, DG HR and Medical Service.

In case of audits or proceedings, etc., INEA's Internal Controller, Legal Team, DPO, Staff Committee, etc

In addition, data may be disclosed to public authorities, which are not regarded as recipient in accordance with Union and Member State law. The processing of those

³ SEC (2019) 900/2 - ARES(2019)4374520 – 09/07/2019

⁴ ARES(2016)6048949 - 21/10/2016

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

data by those public authorities shall be in compliance with the applicable data protection rules according to the purpose of the processing:

- *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;*
- *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;*
- *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;*
- *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.*

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

Not applicable

1.12. Description of security measures

Personal data is stored electronically and in paper and accessible only by the authorized personnel for the purposes of the processing on a need to know 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.

Forms are collected in the data subject's personal file, which is kept in line with the applicable retention period. All medical data is stored by the Medical Service only.

Electronic archives are kept in INEA's Human Resources restricted INEA Shared Drive and Functional mailbox and only accessible by designated staff members.

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.

Individual personal files are created and stored in secure archives that are accessible only to authorised personnel. An electronic version of the personal data is stored by the Unit R4 – HR Service and kept confidential with restricted access rights.

All corporate electronic datasets are safeguarded in the Data Center 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 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.

The H drive of pc of the Staff Member leaving the Agency is disabled as soon as he/she has left INEA. The contents of the H drive is then deleted during the following week.

INEA is bound by Commission Decision 2017/46 of 10/1/17 on the security of communications & information systems in the EC.

1.13. Data Protection Notice

A Data Protection Notice (DPN) relevant to this data processing activity is available on the INEA Intranet <https://ineanet.inea.cec.eu.int/services/human-resources/data-protection-0>