



## 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: 2020-29/R4-HR-15a  
 Created on (date): 22/10/2020  
 Last update (date): 25/08/2021

**NAME OF THE PROCESSING ACTIVITY**

Processing of personal data for the Selection of Confidential Counsellors

**GROUND FOR THE RECORD (TICK THE RELEVANT ONE):**

- Regularization of a data processing activity already carried out This record replaces notification n° HR-23 & 24 issued under the previous Data Protection Regulation*
- Record of a new data processing activity prior to its implementation*
- Change of a data processing activity or update.*

<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. the Head of Unit CINEA.A4 - HR, IT & Logistics
- c. Email: [CINEA-Harassment@ec.europa.eu](mailto:CINEA-Harassment@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)

N/A

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

N/A

### 1.5. Purpose of the processing

To select and identify candidates best qualified to assume the role of confidential counsellors, to manage administratively the applications and the relevant selection procedure.

The processing operation is necessary in order to implement the anti-harassment policy as defined by Commission Decision C(2006)1624, also foreseen by the Staff Regulations and the Conditions of Employment of Other Servants and the EU Charter of Fundamental Rights and therefore protect the dignity of the person.

### 1.6. Legal basis for the processing

- EU Charter of Fundamental Rights: Articles 1 and 31(1)
- 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

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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

innovation; environment, nature and biodiversity; transition to low-carbon technologies; and maritime and fisheries;

- Communication to the Commission C(2020)2880 of 29 April 2020 on the Delegation of implementation tasks to Executive Agencies for the 2021-2027 EU programmes;
- Staff Regulations on officials of the European Communities and the Conditions of employment of other servants of the European Communities: Articles 1 (d), 12, 12 (a), Article 24 and Articles 11 and 81 of the CEOS. Article 12 (a) of the Staff Regulations provides that "officials shall refrain from any form of psychological harassment";
- Commission Decision C(2006)1624 on the European Commission policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment;
- Memorandum of Understanding for the setting up of a network of Confidential Counsellors;
- Steering Committee decision SC(2010)15 of 22 October 2010: Decision on the policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment
- Steering Committee Decision SC (2020) 26 of 14 October 2020 on internal rules concerning restrictions of certain rights of data subjects in relation to the processing of personal data in the framework of activities carried out by the Innovation and Networks Executive Agency

#### 1.7. Categories of data subjects

Agency statutory staff members (seconded officials, temporary or contract staff)<sup>4</sup>, who apply for the position of Confidential Counsellor as well as Selection Committee members.

#### 1.8. Categories of personal data

- Information provided by candidates, like name and surname, personal number, professional address, phone number, email address, grade status, curriculum vitae and motivation letter;
- Any relevant evidence of previous activities in the relevant field & other data related to the suitability of a candidate for the position of a Confidential Counsellor, assessment by the selection panel on the suitability and performance of the candidates.
- The candidates shall provide a declaration on honour (solemn declaration) about their disciplinary situation (including also whether they are subject to an administrative inquiry) during their career within the EU institutions and bodies.
- Identification data of members of Selection Committee.

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

Documents that have been provided by all the candidates will be retained for **two** years after the last actions in relation to the call for expression of interest of the Confidential Counsellor (in line with the Commission Retention list -CRL 12.3.4) and will be deleted at the end of this period.

Is any further processing for historical, statistical or scientific purposes envisaged? **No**

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<sup>4</sup> They must have concluded their probationary period.

### 1.10. Recipients of the data

The data contained in the selection files are disclosed to the following recipients on a need-to-know:

- Members of the selection panel;
- Executive Agency Director (or Directors in case of joint calls);
- HR Service and the support staff;
- The list of appointed Confidential Counsellors will be published on the Intranet of the Executive Agencies;
- For joint calls between several EAs: all authorised staff of EAs involved in the joint call have access to the personal data of the applicants.

In case of audits or proceedings, etc., the Agency's Internal Controller, DPO, Legal Sector, Staff Committee, etc. may access the relevant 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;
- 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**

N/A

### **1.12. High-level description of security measures**

All data in electronic format (emails, documents, etc.) that are processed during this processing activity are stored either on the servers of the European Commission or of the Agency, the operations of which abide by the European Commission's security decisions and provisions established by the Directorate of Security for this kind of servers and services. Access to data is granted only to authorised members of the Agency staff on a need to know basis.

If considered necessary by the processing entity, they may also be printed (for example for the selection panel members in case of a selection for a specific function) and stored physically in the Confidential Coordinators safe, in a locked cupboards or in a cupboard in a locked room.

The Agency is also bound by Commission Decision 2017/46 of 10/1/17 on the security of communications and information systems in the European Commission.

### **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>