



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](#)¹ (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: 2020-16/R4-HR-13
Created on (date): 11/12/19
Last update (date): 25/08/21

NAME OF THE PROCESSING ACTIVITY

Processing of personal data for personal files

GROUND FOR THE RECORD:

- Regularisation of a data processing activity already carried out
This record replaces notification n° HR-21 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. CINEA
Chaussée de Wavre 910
W910 03/004
BE – 1049 Brussels
- b. Head of Unit CINEA.A4
- c. Email: CINEA-HR-Staff-Administration@ec.europa.eu

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

CINEA DPO - CINEA-DPO@ec.europa.eu

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

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

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

DG HR - Service Level Agreement with signed on 21/12/2017; HR-MAIL-A3@ec.europa.eu

1.5. Purpose of the processing

The aim of the processing operation is to secure accurate personal files for the staff members to ensure proper and efficient management of HR matters as required under Article 26 of the Staff Regulations.

The personal file contains administrative acts or decisions taken by the Institution or important external documents relating to the staff member. Among other things, these documents are used to establish statutory rights and obligations (allowances, pension rights, etc.) and track career (contract, amendment, appointment, establishment, change of assignment, secondment, inter-institutional transfers, promotion, leave on personal grounds, etc.) of the staff member.

1.6. Legal basis for the processing

Lawfulness: Article 5.1 (a), (b) & (c) 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;

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 programmes²;

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/EU³;

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 in particular Article 26 and 28 of the Staff Regulations and the related rules in the Conditions of Employment of Other Servants of the European Communities (CEOS);

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 (officials, temporary agents, contractual agents) have a personal file.

Personal files concern staff members in activity and retired persons, local agents and service providers are excluded from this processing.

A personal file is only relating to the activity period. Regarding retired people, there is a distinction between, on one hand, their personal file when in activity managed by their original Institution (i.e. the Agency), which is no longer modified but can be consulted by them once they retired and on the other hand, their specific personal file for "retirement" managed by PMO.4.

1.8. Categories of personal data

The personal file contains documents relating to staff's private life and career. These are the documents provided when a staff member entered service as well as the documents provided by the different services (HR, PMO, ...) and by the staff member throughout their career.

- Personal data allowing identification of the staff member: title, family name, first name, name at birth, date and place of birth, gender, number and validity date of identification document, email address, nationality/citizenship;
- Criminal record which is less than 3 months old
- Diplomas, certificates and complementary training (stating the legal duration of the studies);
- For Contract Agents – EPSO letter informing about successfully passed competition;

² OJ L11, 16.1.2003, p. 1

³ OJ L 50, 15.2.2021, p. 9–28

- For seconded temporary agents, the nomination act as officials in the Commission and detachment act issued by DG HR.
- A passport-size photograph;
- Birth certificate;
- Documents proving nationality;
- Statement of military service;
- Marriage / legal partnership certificate and/or divorce certificate;
- Birth certificates of any children and statement of continuing full-time education for any children attending university;
- PMO Forms for the determination of the individual rights including application form for educational allowances, Entry into service form (Acknowledgment of receipt) Determination of entitlements under the staff regulations form, declaration of marriage form and other AIPN decisions.
- Family allowances received from other sources form – Community and national family allowances form
- Proof of professional experience – contracts of employment and certificated from previous employers stating the length of service, start and end date of remunerated activity and level of responsibility. The contracts should mention whether the professional activity was part-time or full-time.
- Declaration of absence of conflict of interest and of confidentiality forms
- Financial identification form and legal entity form;
- Documents specifying usual place of residence;
- Copy of staff members contract and contract renewals;
- Probation period report and past Performance Appraisal reports;
- Any other relevant documents collected during the staff member's career such as change of place of origin or any change of the staff member civil status and of his/her family situation ;
- Any relevant data concerning the end of contract of a staff member.
- Document specifying usual place of residence;
- Travel expenses forms, removal reimbursement forms, installation and/or resettlement allowance forms, daily subsistence allowance proof, any legal decisions which have an impact on salary,

No medical data is inserted in the file, except the medical aptitude certificate, which is required during the recruitment phase.

Reasons for leaving a previous post is not a mandatory data requested by the Agency and is only appearing in the file if provided by the Staff Member concerned on a voluntary basis.

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 Commission⁴ by analogy and PMO specific retention list⁵.

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. The personal file is kept for a period which lasts until 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 criminal record is retained until it has been seen by the Court of Auditors or for maximum 2 years, whichever comes first. Once this delay is passed, it is either given back to the staff member or destroyed, and it is replaced instead by an affidavit, as suggested by the EDPS' Guidelines concerning the processing operations in the field of staff recruitment.

Specific information on the retention period for documents used in the grading and determination of rights is detailed in the PMO specific retention list.

All other files will be deleted if not relevant or when no longer needed for the purpose of the processing.

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

Within the Agency only the HR members dealing with determination of grading, staff administration, individual entitlements and payroll have access to the personal data contained in the personal files.

As appropriate, and in line with the Service Level Agreements in place only the necessary information is transferred to the PMO for the determination of the rights and in order to calculate the amounts of the salaries, allowances, social contributions and other payments due.

The adequate services (HR Section, etc.) of another EU institution or body/Executive Agency may access personal data in the event of a mobility or recruitment exercise of a staff member to/from another European institution or body or following a decision on the transfer of staff between European institutions or bodies (e.g.: to the legal successor of the Agency or due to a change in the Agency's mandate, etc). Once, there is a final and confirmation of the staff movement(s), the necessary information is shared among the two institutions/bodies to ensure that both of them have complete and timely information the ensure staff transfer procedures.

In case of audits or proceedings, etc., CINEA'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;

⁴ SEC (2019) 900/2 - ARES(2019)4374520 – 09/07/2019

⁵ ARES(2016)6048949 - 21/10/2016

- 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

[Not applicable]

1.12. Description of security measures

Personal data is stored electronically and in paper and accessible only by the authorised personnel 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.

Electronic archives are kept in CINEA's Human Resources restricted CINEA Shared

Drive and Functional mailbox and only accessible by designated staff members.

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 A4 – HR Service and kept confidential with restricted access rights.

The 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 (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.

Paper files are limited as much as necessary & kept in locked cupboard with limited access.

The responsible human resource managers in CINEA its administrative agencies (PMO, OIB) have access to the specific data they need to fulfil their management tasks. All further access to other persons must be communicated to the jobholder.

Each personal file is computerized in NDP which is the specific application "Numérisation des dossiers personnels" (FR) and will follow the staff member in case of mobility, transfer or new contract by another European Institution.

Any share of information related to personal files between institutions/bodies linked to mobility, recruitment or transfer of staff must be done by using encrypted email.

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>