



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: 2020-004/R4-HR05
 Created on (date): 22/08/19
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NAME OF THE PROCESSING ACTIVITY

Processing of personal data during annual appraisal and reclassification exercises for TA and CA and evaluation of bluebook trainees

GROUND FOR THE RECORD:

- Regularisation of a data processing activity already carried out
 This record replaces notifications n° HR-4, HR-5 & part of HR 29 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.A4 – Human Resources, IT and Logistics
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

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)

Not applicable

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

DG EAC – SLA signed in 08/11/2018, Traineeship's Office, J-70 3/020, EAC Bureau des Stages: eac-stages@ec.europa.eu

1.5. Purpose of the processing

The purpose is to assess performance - ability, efficiency and conduct - of statutory staff members during the annual appraisal exercise. It is to collect the necessary data to conduct the annual reclassification exercise.

It is also to participate at the evaluation of performance of bluebook trainees organised by DG EAC at the end of the traineeship.

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;

The legal basis references which apply are contained in:

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 programmes³;

Commission Implementing Decision (EU) 2021/173 of 12 February 2021 establishing the European Climate, Infrastructure and Environment Executive Agency, and

³ OJ L11, 16.1.2003, p. 1

repealing Implementing Decisions 2013/801/EU⁴;

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 and the Conditions of Employment of other servants of the European Union [Title I, Title III (Chapters 1 and 2)];

Conditions of Employment of Other Servants of the European Union (CEOS) [Title I, Title II (Chapters 1 and 3), Title IV (Chapters 1, 3, 4 and 5)];

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;

Steering Committee Decision (2015) 005 of 20 March 2015 Model decision for agencies laying down general provisions for implementing Article 87(1) of the Conditions of Employment of Other Servants of the European Union and implementing the first paragraph of Article 44 of the Staff Regulations;

Steering Committee Decision (2015) 006 of 20 March 2015 Model decision for agencies laying down general provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations for temporary staff;

Steering Committee Decision (2015) 007 of 3 August 2015 laying down general implementing provisions regarding Article 87(3) of the Conditions of Employment of Other Servants of the European Union;

Steering Committee Decision (2015) 008 of 3 August 2015 laying down general implementing provisions regarding Article 54 of the Conditions of Employment of Other Servants of the European Union;

Steering Committee Decision (2017)13 of 22 February 2017 adopting by analogy Commission Decision of 17.11.2016 amending Decision C(2013)8985 laying down general provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations for temporary staff;

1.7. Categories of data subjects

All statutory staff members (contract agents and temporary agents referred to herewith as job holders) in active service and who had successfully passed their probationary period are subject to an annual appraisal exercise. The annual appraisal exercise does not apply to interim staff, bluebook trainees, atypical trainees or intra-muros consultants.

In the context of the evaluation of their traineeship, which takes place at the end of the trainee period in CINEA, all bluebook trainees are also data subjects.

⁴ OJ L 50, 15.2.2021, p. 9–28

1.8. Categories of personal data

We process the following data during the annual appraisal exercise:

- *Personal data contained in the Appraisal Report such as:*
 - *Reporting Officer: surname, first name, staff number and function,*
 - *Countersigning officer: surname, first name, staff number and function;*
- *Personal details of the jobholder subject to the appraisal:*
 - *surname, first name, staff number and function,*
 - *current employment status, category and grade,*
 - *career history*
 - *period of appraisal*
- *Self-assessment against objectives and assessment criteria by the job holder*
- *Assessment of the reporting period by the Reporting Officer*
- *Final approval*
 - *Reporting Officer's signature*
 - *Countersigning Officer's assessment and signature*
 - *Signature of the job holder*
- *Further review*
 - *Countersigning officer's further review and signature*
 - *Jobholder's signature*
- *Appeal*
 - *Opinion of the Joint Committee on Appraisal and Promotion*
 - *Appeal decision and signatures*

We process the following data during the Reclassification exercise:

- *Personal data*
 - *surname, first name, staff number and function,*
 - *current employment status, category and grade,*
 - *administrative position*
 - *career history*
 - *seniority in the post*
- *For the purposes of the examination and comparison of the merits:*
 - *reports drawn up since the last reclassification or, failing that, since their recruitment, and in particular reports drawn up in accordance with the Agency's general provisions for implementing Article 43 of the Staff Regulations;*
 - *the use by the jobholder, as appropriate, in the execution of their duties of languages other than the language for which they produced evidence of thorough knowledge in accordance with Article 12 (2)(e) of the CEOS; and*

- *the level of responsibilities exercised by the jobholder.*

We process the following data for the evaluation of bluebook trainees :

- *Assessment of the trainee supervisor:*
 - *a traineeship report (which can be printed out and given to the trainees in lieu of reference)*
 - *a questionnaire related both to the programme and to the performance of the trainees.*

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 Commission⁵ by analogy.

[a) Retention period:

The appraisal reports are accessible in Sysper and are accessible only by the jobholder and restricted HR staff. The files 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.

Files related to exchanges with the Joint Committees, including their composition, rules of procedure and minutes of meetings are kept for 10 years.

The Agency does not keep any personal data concerning the bluebook trainees after the end of their traineeship. Certificates and evaluation reports are stored in DG EAC database.

b) Storage period: CINEA applies the principles and retention periods indicated in Common Retention List of the Commission⁶ 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

Reporting Officer – hierarchical supervisor of the Job holder

Countersigning Officer - the Director of the Agency

Members of the Joint Appraisal and Reclassification Committee

Appeal Assessor

HR staff in charge of career development

Traineeship supervisors in the context of traineeship evaluation

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

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:

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

⁶ SEC (2019) 900/2 - ARES(2019)4374520 – 09/07/2019

- *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

Not applicable

1.12. Description of security measures

Personal data resides in Sysper or, for the bluebook trainee, on EAC dedicated website , which abide by strict security measures implemented by DG DIGIT to protect the security and integrity of the relevant electronic assets.

The appraisal reports are stored in Sysper, which abide by strict security measures implemented by DG DIGIT to protect the security and integrity of the relevant electronic assets. Appraisal data may be added to each Job holder's personal file. The personal files (subject to a specific record) for each individual are stored in secure archives that are accessible only to authorised personnel of human resources (see related record on personal data for more info).

The processing for annual appraisal is done fully via Sysper and follows strict workflows with well-defined actors, who can intervene and have access to the data on a need to know basis only. Since the introduction of the automated processing of the appraisal in Sysper, no personal data is processed outside the system.

The reclassification process abides by strict rules and only the designated actors in the workflows have access to the information.

The evaluation of the bluebook trainee is done via the EAC website with restricted & protected access.

SYSPER uses a relational database on a central server with individualised access rights via an internet browser for the identification of the Commission's staff members. 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.

The responsible human resource staff in CINEA 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. Sysper keeps a log of the accesses to appraisal files.

CINEA is also 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 CINEA Intranet <https://cineanet.cinea.cec.eu.int/services/human-resources/legal-issues/data-protection>