



EUROPEAN RESEARCH EXECUTIVE AGENCY (REA)

RECORD OF PERSONAL DATA PROCESSING ACTIVITY

In accordance with Article 31 of the Regulation (EU) 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data¹ ('the Regulation'), individuals whose personal data are processed by the European Research Executive Agency ('REA' or 'the 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: 26

Created on (date): **30 October 2019**

Last update (date): **1st June 2023**

NAME OF THE PROCESSING ACTIVITY

REA Managers Feedback Exercise

GROUND FOR THE RECORD (TICK THE RELEVANT ONE):

- Regularization of a data processing activity already carried out
- Record of a new data processing activity prior to its implementation
- Change of a data processing activity

IDENTIFICATION OF THE DATA CONTROLLER

European Research Executive Agency (REA)

¹ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295 of 21.11.2018, p.39).

1. MANDATORY RECORD UNDER ARTICLE 31 OF THE REGULATION

(PART I - PUBLISHABLE VERSION FOR EXTERNAL PUBLICATION)

1.1. Contact details of controller

The controller is the European Research Executive Agency (REA), represented by its Director. For organisational reasons, the role of the data controller has been entrusted by the Director to the delegated controller and is exercised by REA Head of Unit "People and Workplace" (REA.D.2.). The data controller may be contacted via functional mailbox: REA-TRAINING@ec.europa.eu.

1.2. Contact details of the Data Protection Officer (DPO)

REA DPO: REA-DATA-PROTECTION-OFFICER@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)

To organise the development programme for its managers, REA uses a Framework Contract EPSO/EUSA/PO/2018/028- LOT2, Coaching for Managers & Teams, signed between the European School of Administration (EUSA) and the Greenhouse Group for the delivery of coaching/consultancy services for the staff in the European institutions, bodies and agencies. This contract includes an article on Processing of Personal Data for data protection (Articles I.9 and II.9). Under this framework service contract, the Agency will contract services directly from the Greenhouse Group for the development programme: "REA managers feedback exercise" for its management.

The Greenhouse Group ("the Contractor"): The Greenhouse Group, rue de la Montagne 54/56 (B3), 1000 Brussels, email: info@greenhouse-group.com

Performance Consultants ("the Subcontractor") is a sub-processor to the Greenhouse Group for conducting surveys and assessment in the framework of managers feedback exercises. Performance Consultants (International) Ltd, 93 Ifield Road, London W10 9AS, UK.

1.5. Purpose of the processing

The purpose of the processing is to allow REA Managers participating in this exercise ("Reviewees"), from a developmental perspective, to obtain feedback on their management and leadership skills and to help them develop their competencies.

The data will not be used in any form of evaluation (appraisal) process of the persons involved. REA staff conducting the reviews include the Director, Heads of Department, Heads of Unit, Deputy Heads of Unit and Heads of Sector as well as REA staff members selected by the Reviewees and invited to give their feedback ("Reviewers").

In the context of REA Learning and Development Strategy 2023 (chapter 4.1. on "Support managers and staff to work efficiently in the hybrid working environment") and in line with the Commission's policy on middle management, managerial excellence and subsequent continuous development of middle managers has been identified as strategic priority area.

1.6. Legal basis for the processing

Article 5.1 of the Regulation:

(a) the processing is necessary for the management and functioning of the Agency as laid down in Union law (Recital (22) of Regulation (EU) 2018/1725)² ;

² The legal basis under Article 5(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, OJ L 11, 16.1.2003; **REA Establishment act**: COMMISSION IMPLEMENTING DECISION (EU) 2021/173 of 12 February 2021 establishing the European Climate, Infrastructure and Environment Executive Agency, the European Health and Digital Executive Agency, the European Research Executive Agency, the European Innovation Council and SMEs Executive Agency, the European Research Council Executive Agency, and the European Education and Culture Executive Agency and repealing Implementing Decisions 2013/801/EU, 2013/771/EU, 2013/778/EU, 2013/779/EU, 2013/776/EU and 2013/770/EU, OJ L 50, 15.2.2021; **REA Delegation Act**: COMMISSION DECISION C(2021)952 of

(b) processing is necessary for compliance with a legal obligation to which the controller is subject;

Other legal basis:

Art. 24a and 110(2) of Staff Regulation and Art. 11 and 81 of the Conditions of Employment of Other Servants of the European Union³;

REA/SC(2017)1.5.2: Steering Committee decision adopting implementing rules to the Staff Regulations on Learning and Development;

C(2016) 3828 final: Commission decision on implementation of the Learning and Development strategy of the European Commission;

C(2016) 3855 final: Annex to the Commission decision on training on the own initiative of the member of staff;

C(2016) 3827 final: Commission decision repealing existing rules on learning and development;

Point 5.1.5 of the Commission's Learning and Development Strategy outlines the specific support for managers to help them growing in their role, in driving the policy of the Institution and in supporting the learning of their staff. One of the measures proposed is a system of staff feedback as a learning tool for middle and senior managers. The annual exercise was established following previous procedures completed in REA in 2018 and 2019.

1.7. Categories of data subjects

Statutory staff of REA.

Reviewees: all REA managers potentially participating in the development programme above described: the Director, Heads of Department, Heads of Unit, Deputy Heads of Unit and Heads of Sector.

Reviewers: REA staff members selected by the Reviewees and invited to give their feedback.

Coach: certified Coach from the Subcontractor.

1.8. Categories of personal data

For Reviewees and Reviewers:

- First name, surname, email address, telephone number, title, position, administrative entity and seniority in the function.

For Reviewees:

- Information provided by the Reviewees on their own perception of their competencies related to the Agency's leadership competency model;
- Information provided by Reviewers on their perception of the Reviewees' competencies related to the Agency's leadership competency model;
- Recommendations on training and on-the-job development activities matching development needs of Reviewees.

Additionally, the Reviewee receives the anonymous, amalgamated report of the feedback. In these individual reports, the free text comments provided by the Reviewers could potentially contain personal data leading to the identification of individual Reviewers or the recognition of a particular writing style. In addition, the Reviewee may become identifiable if they describe specific work situations known to their manager.

However, Reviewers will not be identified in the individual feedback reports received by the

12.2.2021 delegating powers to the European Research Executive Agency with a view to the performance of tasks linked to the implementation of Union programmes in the field of Research and Innovation, Research of the Fund for Coal and Steel and Information Provision and Promotion Measures concerning Agricultural Products comprising, in particular, implementation of appropriations entered in the general budget of the Union.

³ Staff Regulations in force - Staff Regulations of officials and the Conditions of Employment of other servants of the European Union, [CL1962R0031EN0220020.0001_cp 1..6 \(europa.eu\)](https://eur-lex.europa.eu/eli/reg/2018/948/oj)

Reviewees or by the Coach.

For the Coach:

- Name, surname, telephone number, email address and title.

The processing of this personal data will not include automated decision-making (such as profiling).

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

The data collected for the launch and completion of the managers' feedback questionnaire are kept by the external Contractor or its Sub-contractor after the completed questionnaire completion and then deleted after the individual reports are generated and given to the participating managers.

Once the Reviewees have obtained the individual feedback reports, an anonymous group report is created for the exercise. These reports will be deleted automatically by the Contractor or its Subcontractor after 12 months.

In accordance with Article II.9 of the EPSO/EUSA/PO/2018/028 - Lot 2: "The duration of processing of personal data by the Contractor will not exceed the period referred to in Article II.24.2. Upon expiry of this period, the Contractor shall, at the choice of the controller, return, without any undue delay in a commonly agreed format, all personal data processed on behalf of the controller and the copies thereof or shall effectively delete all personal data unless Union or national law requires a longer storage of personal data".

For checks and audits:

The contractor keeps all original documents stored on any appropriate medium, including digitised originals if authorised under national law, for a period of five years starting from the payment of the balance of the last specific contract issued under the framework contract (EPSO/EUSA/PO/2018/028 – Lot 2.).

REA HR will not receive a copy of the individual feedback reports, neither the Reviewee nor the Reviewer.

REA HR will receive and kept a copy of the group reports; this report does not contain any personal data.

REA applies the principles and retention periods indicated in the Common Retention List (CRL) of the Commission (SEC (2019) 900/2) by analogy. Files documenting the organisation of the exercise, namely the names of who has expressed interest in participating and who was selected in which year for previous exercises, and the anonymous aggregated group report of the exercise, will be kept in REA HR for 5 years (CRL 12.3.4.) to allow the preparation of similar exercises in following years.

1.10. Recipients of the data

Inside REA

- The authorised REA HR staff will receive only group reports aggregated at Department and Agency level, without the possibility to identify an individual. The group report aggregates data of all Reviewees, to give a general idea of the feedback received by the group of Reviewees as a whole.
- The Reviewees receive their individual feedback report with an individual access code to enter their comments/evaluation. The Reviewee has access to her/his individual report only, provided by the external supplier. There is no obligation for the Reviewees to share the reports with anybody but the Coach.

Outside REA:

- The competent staff of the Contractor and its Subcontractor(s) receive and process the personal data of all parties (Reviewees and Reviewers).
- A certified Coach from the Subcontractor will receive the same individual report as a

support for the feedback session.

- This transmission is restricted to the information necessary for the legitimate performance of tasks within the competence of the recipient. The recipients of the data are reminded of their obligation not to use the data received for other purposes than the one for which they were transmitted.

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 data by those public authorities shall comply 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;
- 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 protection rights in the context of administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings;
- 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 (EU, Euratom) No 883/2013;
- 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.

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

Personal data may be transferred to the United Kingdom solely to allow the Contractor and Subcontractor to carry out the assigned tasks on behalf of the controller that acts within its competence. Such transfers are covered by an adequacy decision^{4 5} that ensures an adequate level of protection to the data subjects (Art 47(5)). Personal data will not be transferred outside EU/EEA without an adequacy decision, nor to international organisations.

1.12. High-level description of security measures

The following technical and organisational security measures are in place to safeguard the processing of personal data:

Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the

⁴ [Adequacy decisions \(europa.eu\)](https://european-council.europa.eu/media/en/press-room/item/30422/detail)

⁵ COMMISSION IMPLEMENTING DECISION of 28.6.2021 pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council on the adequate protection of personal data by the United Kingdom, C(2021) 4800 final

processing and the nature of the personal data being processed.

At REA and at the Contractor/Subcontractor, organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

The feedback by Reviewers is provided online and access is given only to persons who obtained an individual access code to enter their comments/evaluation. The Reviewee has access to her/his individual feedback report only, provided by the Contractor.

The Contractor and its Subcontractor are bound by contractual provisions to implement appropriate technical and organisational safeguards and subject to confidentiality obligations. The data protection obligations on the Contractor and Subcontractor are imposed by Article I.9.2 and II.9.2 on "Processing of Personal Data" of the relevant Framework Contract EPSO/EUSA/PO/2018/028- LOT2 with the Greenhouse Group.

All data in electronic format that is collected and processed during this processing operation are stored either on the servers of the European Commission or of the REA (limited access) or of the Contractor/Subcontractor located in EU/EEA or in a third country with an adequacy decision (United Kingdom) for 12 months after the Reviewees have received their individual feedback reports and the group report has been produced.

The Contractor undertakes to implement all appropriate technical and organisational measures and has responsibility for ensuring that the Subcontractor guarantees a level of security corresponding to the risks of accidental, unauthorised or illegal access, disclosure, alteration, loss or destruction of data subjects' personal data.

In the event that the Contractor becomes aware of illegal access to personal data stored on its servers or those of its Subcontractors, or unauthorised access resulting in the realisation of the risks identified above, the Contractor undertakes to examine the causes of the incident and to inform REA within 48 hours from the date on which the Contractor became aware.

The processing operations abide by the European Commission's security decision and provisions established by the DG HR Directorate of Security for this kind of servers and services.

1.13. Data Protection Notice

A Data Protection Notice (DPN) relevant to this data processing is available in the REA public register of records⁶ and it is transmitted by the data controller to the data subjects, where applicable.

⁶ https://rea.ec.europa.eu/public-central-register-data-protection-records-rea_en#human-resources