



EUROPEAN RESEARCH EXECUTIVE AGENCY

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: 25
 Created on (date): **October 2022**
 Last update (date):

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
 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 or the Agency)

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 295/39 of 21.11.2018).

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 or the Agency), 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 the Head of Unit REA.D.2 "People and Workplace." The data controller may be contacted via functional mailbox: REA-HARASSMENT@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/A²

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 to protect the dignity of the person.

1.6. Legal basis for the processing

Article 5(1) (a), (b) and (d) of the Regulation:

(a) 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;

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

- 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 programmes³;
- European Commission Implementing Decision 2021/173⁴, establishing the European Research Executive Agency and repealing Decision 2013/778/EU;
- Commission Decision C(2021) 952⁵ 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,

² This record does not cover joint calls; in case of joint calls, in such cases a joint controllership agreement will be concluded and the record modified accordingly.

³ [OJ L11, 16.1.2003, p. 1](#)

⁴ [OJ L 50, 15.2.2021, p. 9–28](#)

⁵ [C\(2021\) 952](#)

Research of the Fund for Coal and Steel and Information Provision and Promotion Measures concerning Agricultural Products;

- Staff Regulations on officials of the European Communities and the Conditions of employment of other servants of the European Communities (Council Regulation (EEC, Euratom, ECSC) No 259/68⁶): 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 or sexual harassment";
- Commission Decision C(2006)1624⁷ 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 Counsellors⁸;
- Decision SC(2010)14 of the REA Steering Committee of 19 October 2010 on the application by analogy of the implementing rules of the Staff Regulations and in particular Commission Decision C(2006) 1624/3 of 26 April 2006 on prevention of harassment⁹.

(c) the data subject has given consent to the processing of his or her personal data for one or more specific purposes.

1.7. Categories of data subjects

Agency statutory staff members (seconded officials, temporary or contract staff), having completed their probationary period, who apply for the position of Confidential Counsellor ("Candidates") as well as Selection Committee members.

1.8. Categories of personal data

- Information provided by candidates: name and surname, personal number, professional address, phone number, email address, grade (AD/AST/CA), curriculum vitae and motivation letter;
- Any relevant evidence of previous activities in the field and 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.
- Information provided in the declaration of 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 the Selection Committee: name and surname, function in the selection panel.
- Publication of a list of Confidential Counsellors which includes the following data: name, surname, photo, languages spoken, email address, telephone number and professional background (as described by the Confidential Counsellor). The Confidential Counsellor provides their consent for the publication of this information.

⁶ [OJ 45, 14.6.1962, p. 1385–1386](#)

⁷ [C\(2006\)1624](#)

⁸ [Memorandum of Understanding for the setting up of a network of Confidential Counsellors](#)

⁹ [SC\(2010\)14](#)

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. The Agency applies the principles and retention periods indicated in the Common-Level Retention List for European Commission Files (SEC(2019)900) by analogy, (https://ec.europa.eu/info/sites/info/files/sec-2019-900_en.pdf)

The storage time is identical to the retention time.

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

1.10. Recipients of the data

Recipients within REA

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

- Members of the Selection Committee;
- REA Director;
- REA HR (Head of Unit, Head of Sector, Anti-harassment Coordinator) and authorised support staff;

All REA staff will have access to the list of appointed Confidential Counsellors which is published on the REA Intranet.

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

External recipients

An external expert (e.g. coordinator of confidential counsellor network in another Executive Agency or REA HR representative) may be involved in the selection process as part of the Selection Committee.

The common list of appointed Confidential Counsellors will be published on the REA Intracomm or of other Executive Agencies part of the inter-agency network, available to staff with authorised access to MyIntracomm. This includes name, surname, photo, languages spoken, email address, telephone number and professional background (as described by the Confidential Counsellor). The Confidential Counsellor provides their consent for the publication of this information;

In addition, data may be disclosed to public authorities, which are not regarded as a 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;
- 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 competent Authority Empowered to Conclude Contracts in case of a request or a complaint lodged under Articles 90 of the Staff Regulations;

- European Anti-Fraud Office (OLAF) in case of an investigation conducted in application of Regulation (EC) 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 European 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

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 Committee members in case of a selection for a specific function) and stored physically in the Confidential Coordinators safe, in a locked cupboard 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.

Applications are sent via secure SECEM email to the restricted access REA HARASSMENT FMB or, alternatively, via sealed envelope to the Head of HR Unit and then placed in a locked cupboard.

A private secured channel in Teams is used for selection materials (e.g. applications and evaluation grids).

1.13. Data Protection Notice

A Data Protection Notice (DPN) relevant to this data processing is available in the [REA public register of records, within the call for expression of interest](#) and it is transmitted by the data controller to the data subjects, where applicable.