



RECORD OF PERSONAL DATA PROCESSING

Art. 31 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 (henceforth the "Regulation")

Record n°

02-2021

In accordance with Article 31 of Regulation 2018/1725, individuals whose personal data are processed by 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 operations.

This record covers two aspects:

- 1. Mandatory records under Art 31 of the Regulation (recommendation: make the header and part 1 publicly available)*
- 2. Compliance check and risk screening (initial; part 2 is internal only to the Agency, not published)*

The ground for the record is (tick the relevant one):

- Regularization of a data processing operation already carried out*
- Record of a new data processing operation prior to its implementation*
- Change of a data processing operation*
- Migration from notification to record.*

Selection of Confidential Counsellors	
1	Last update of this record (where applicable) The relevant record was last updated in June 2021.
2	Short description 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.
Part 1 - Article 31 Record	
3	Name of the Controller Unit(s) and/or function of person acting on behalf of the Controller

	<p>The controller is the European Education and Culture Executive Agency (EACEA). For organisational reasons, the role of the data controller is exercised by the head of Unit R1 ("People, Workplace and Communication") of the EACEA. The controller may be contacted via functional mailbox: EACEA-Harassment@ec.europa.eu.</p>
4	<p>Contact details of the Data Protection Officer (DPO)</p> <p>EACEA-data-protection@ec.europa.eu</p>
5	<p>Name and contact details of joint controller (where applicable)</p> <p>N/A</p>
6	<p>Name and contact details of processor (where applicable)</p> <p>N/A</p>
7	<p>Purpose of the processing</p> <p>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.</p>
8	<p>Description of the categories of data subjects</p> <p>Whose personal data are being processed? In case data categories differ between different categories of persons, please explain as well (e.g. suspects vs. witnesses in administrative inquiries)</p> <p><input checked="" type="checkbox"/> Agency staff (Contractual and temporary staff in active position): Agency statutory staff members (seconded officials, temporary or contract staff), who apply for the position of Confidential Counsellor as well as Selection Committee members.</p> <p><input type="checkbox"/> Visitors to the Agency</p> <p><input type="checkbox"/> Contractors providing goods or services</p> <p><input type="checkbox"/> Applicants</p> <p><input type="checkbox"/> Relatives of the data subject</p> <p><input type="checkbox"/> Complainants, correspondents and enquirers</p> <p><input type="checkbox"/> Witnesses</p> <p><input type="checkbox"/> Beneficiaries</p> <p><input type="checkbox"/> External experts</p> <p><input type="checkbox"/> Contractors</p> <p><input type="checkbox"/> Other, please specify:</p>
9	<p>Description of personal data categories</p> <p>Indicate <u>all</u> the categories of personal data processed and specify which personal data are being processed for each category (between brackets under/next to each category):</p> <p><i>a) Categories of personal data:</i></p>

	<p> <input type="checkbox"/> in the form of personal identification numbers <input type="checkbox"/> concerning the physical characteristics of persons as well as the image, voice or fingerprints <input type="checkbox"/> concerning the data subject's private sphere <input type="checkbox"/> concerning pay, allowances and bank accounts <input type="checkbox"/> concerning recruitment and contracts <input type="checkbox"/> concerning the data subject's family <input checked="" type="checkbox"/> concerning the data subject's career <input type="checkbox"/> concerning leave and absences <input type="checkbox"/> concerning missions and journeys <input type="checkbox"/> concerning social security and pensions <input type="checkbox"/> concerning expenses and medical benefits <input type="checkbox"/> concerning telephone numbers and communications <input checked="" type="checkbox"/> concerning names and addresses (including email addresses) <input checked="" type="checkbox"/> Other: please specify: _____ </p> <ul style="list-style-type: none"> - 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 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. <p>b) Categories of personal data processing likely to present <u>specific risks</u>:</p> <p> <input type="checkbox"/> data relating to suspected offences, offences, criminal convictions or security measures <input type="checkbox"/> data being used to evaluate personal aspects of the data subject (ability, efficiency, conduct) </p> <p>c) Categories of personal data whose processing is <u>prohibited</u>, with exceptions (art. 10):</p> <p> <input type="checkbox"/> revealing racial or ethnic origin <input type="checkbox"/> revealing political opinions <input type="checkbox"/> revealing religious or philosophical beliefs <input type="checkbox"/> revealing trade-union membership <input type="checkbox"/> concerning health <input type="checkbox"/> genetic data, biometric data for the purpose of uniquely identifying a natural person <input type="checkbox"/> concerning sex life or sexual orientation </p> <p>Although incidental, limited sensitive data might voluntarily submitted by the applicants during the selection process.</p> <p>d) Specify any additional data or explanatory information on the data being processed, if any: - _____</p>
10	<p>Retention time (time limit for keeping the personal data)</p> <p>Documents that have been provided by all the candidates will be retained for <i>two</i> years after the last action in relation to the call for expression of interest of the Confidential Counsellor (in line with the</p>

	<p>Commission Retention list -CRL 12.3.4) and will be deleted at the end of this period.</p> <p>All other electronic documents used by Agency HR for administrative and follow-up purposes relevant to the selection of confidential counsellors procedure, which are not subject to specific retention periods specified by the CRL point indicated above, but that are considered reference documents will be retained for audit purposes, opening of potential administrative enquiries or disciplinary procedures, as well as possible litigation cases for a period of 2 years following the conclusion of the selection procedure.</p> <p>Is any further processing for historical, statistical or scientific purposes envisaged? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no</p> <p>If yes, indicate the further retention time:</p> <p>If the answer is yes, please go to Part 2, Storage and Security for technical safeguards.</p>
11	<p>Recipients of the data</p> <p>The data contained in the selection files are disclosed to the following recipients on a need-to-know and need-to-do basis:</p> <ul style="list-style-type: none"> • 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 Service/Team, Staff Committee, etc. may access the relevant data. <p>In addition, data may be disclosed to third parties 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:</p> <ul style="list-style-type: none"> • 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 protection 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. <p>The transmission will be restricted to the information necessary for the competent entity to carry out</p>

	its task.
12	<p>Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?</p> <p>N/A</p>
13	<p>General description of the technical and organisational security measures</p> <p>The European Commission’s IT systems used by the Agency abide by the Commission's security guidelines. The Agency must comply with Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission.</p> <p>1. Organisational measures:</p> <p>A Corporate Local Informatics Security Officer (C-LISO) is in place. Its role includes supervising the Agency compliance with the relevant regulations, and the application of security measures recommend by DIGIT.</p> <p>Organisational measures include appropriate access rights and access control. As a rule within the Agency, access to information systems, the file system or offices are subject to a series of authorisations where the person granting the access is different from the person requesting or authorising the access - except in limited cases of delegation. The HR responsible person in the unit in charge of this action (processing operation of the current record) collects and places the documents on the secured drives of the Commission and all Agency staff are bound by a confidentiality obligation. The need to know principle applies in all cases.</p> <p>2. Technical measures:</p> <p>State of the art technical cybersecurity measures are implemented in the corporate systems, according to the security needs. Those measures are in constant evolution.</p>
14	<p>Information to data subjects / Privacy Statement</p> <p>A Privacy Statement relevant to this data processing activity is available under the Executive Agency Intranet. The Privacy Statement is also provided in the “Call of Expression of Interest”.</p> <p>Restrictions in particular for the right to information, access, modification or cancelation in accordance with Article 25 of Regulation (EU) No 2018/1725 may apply in case of pre/investigations mainly for irregularities or anti-fraud in order not to jeopardize potential investigations. Such restriction decision is published on the Official Journal of the European Union: EUR-Lex - 32021Q0317(01) - EN - EUR-Lex (europa.eu)</p>