

Record of Personal Data Protection of Personal Data Processing Activity, pursuant to Article 31 of Regulation (EU) 2018/1725¹

NAME OF PROCESSING OPERATION: Processing of personal data in the context of the reclassification exercise

I. GENERAL INFORMATION

1) Contact Details of Controller(s)

Name: The European Banking Authority, represented by Executive Director

Email Address: ExecutiveOffice@eba.europa.eu

2) Contact Details of Processor

Who is actually conducting the processing?

The data is processed by:

The EBA itself: The Human Resources Unit will be conducting the processing activity.

Email address: hrteam@eba.europa.eu

In the case of appeals, the individual email address of the HR Unit member acting as the secretary to the Joint Reclassifications Committee (JRC) will be used.

II. DESCRIPTION & PURPOSE OF PROCESSING

3) Description of Processing

The EBA deals with the career progression of staff through the reclassification exercise. Temporary agents and contract agents have the possibility to progress in their career by changing grade through the reclassification exercise.

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

4) Purpose of processing

Why are the personal data being processed?

Specify the rationale and underlying reason for the processing

Staff administration: The purpose of the processing is to assess whether temporary agents, other than those in a grade higher than AD13, or contract agents (staff members hereon in) meet the formal eligibility criteria for reclassification to the next higher grade.

The processing starts once the performance appraisal exercise is complete and the reclassification exercise is launched.

The procedure is as follows:

1. An administrative notice launching the exercise is published, following which:
 - a. HR contacts eligible staff for reclassification (email in bcc to each eligible TA or CA staff member)
 - b. HR sends communication to all TAs and CAs to inform HR if they have not received the email but consider themselves eligible
2. Reporting Officers (Heads of Unit) are consulted by their Director of Department.
3. The Executive Director and the Directors of Department discuss the case of each eligible staff member and carry out a comparison of merits. The probationary reports and/or appraisal reports of eligible staff are consulted in this comparison of merits:
 - a. HR takes minutes of this meeting.
4. The Executive Director holds a discussion with a delegation appointed by the Staff Committee:
 - a. HR takes minutes of this meeting.
5. The Executive Director draws up a list of proposed staff that is published on the intranet and sent to the Joint Reclassification Committee. Eligible staff that have not been proposed can appeal.
6. The Joint Reclassification Committee reviews the list and any appeal that they receive. They can make a recommendation on the proposed list and on each appeal to the Executive Director. The probationary reports and/or appraisal reports can be consulted:
 - a. An HR member acts as secretary to the JRC and draws up minutes and the reasoned decisions of the JRC.
7. The Executive Director takes the final decision on reclassifications per category of staff and the final list of staff to be reclassified is published on the intranet:
 - a. A note to all staff with the decision of the Executive Director is prepared by HR.
8. HR informs PMO of the new grade and date of effect of the reclassification.
9. The Joint Committee (JC) examines the reclassification procedure and draws up a report that may contain recommendations. This report is sent to the Executive Director, the Staff Committee and is communicated to all staff.

Relations with external parties

- Procurement, finance and accounting
- Administration of membership records
- Auditing
- Information administration

Other (please give details):

5) Lawfulness of Processing

Article 5 of Regulation (EU) 2018/1725

A. Legal Basis justifying the processing:

- Regulation (EU) No 1093/2010 of the European Parliament and the Council of 24 November 2010 establishing the EBA;
- Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community, in particular Articles 54 and 87(3) of the Conditions of Employment of Other Servants (CEOS);
- Decision EBA DC 2020 320 of the Management Board of 5 March 2020 laying down general implementing provisions regarding Article 54 of the Conditions of Employment of Other Servants of the European Union;
- Decision DC 2020 321 of the Management Board of 5 March 2020 laying down general implementing provisions regarding Article 87(3) of the Conditions of Employment of Other Servants of the European Union.

B. Processing is necessary:

- for the performance of a task carried out in the public interest
- for compliance with a legal obligation to which the Controller is subject
- for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract
- in order to protect the vital interests of the data subject or of another natural person

Or

Data subject has given his/her unambiguous, free, specific and informed consent

III. CATEGORIES OF DATA SUBJECTS & PERSONAL DATA

6) Categories of Data Subjects

Please tick all that apply and give details where appropriate

EBA Temporary Agents or Contract Agents: To be eligible for reclassification, staff must have been in grade for at least 2 years by 31 December of the year of the exercise and in active employment on the date on which the reclassification decision is adopted by the Executive Director. In addition, contract agents must have a contract of at least 3 years.

SNEs or trainees

Visitors to the EBA (BoS, MB, Working Groups, Sub-Groups, Seminars, Events, other)

If yes, please specify:

Providers of good or services

Complainants, correspondents and enquirers

Relatives and associates of data subjects

Other (please specify):

7) Categories of personal data

Please tick all that apply and give details where appropriate

(a) **General personal data:**

The personal data contains:

Personal details (name, address etc.):

Education & Training details:

Employment details:

HR prepares the lists of eligible staff for reclassification, namely: The names of staff in active employment, on parental leave, on family leave, on leave for military service or seconded in the interest of service on the date that the reclassification decisions are adopted by the AHCC; The grade and step of the eligible staff members; The contract start and end date; Previous reclassifications; Seniority in grade on 1 January of the year of the exercise or the date when

they acquire the minimum 2 years seniority by 31 December of the year of the exercise; If the temporary agent has required the third language and if they have not attained it by the launch of the exercise, whether the staff member is taking an EPSO exam or has presented a certificate to EPSO or will do so by 31 December of the year of the reclassification exercise; The indicative average duration in grade stated in the implementing rules on reclassification.

The lists of proposed and reclassified staff are published on the intranet under the reclassification section. These lists contain the name of the staff member and are categorised under temporary agents or contract agents.

Financial details

Family, lifestyle and social circumstances

Other (please give details): HR prepares the documentation for the Executive Director: Budgetary constraints, availability of posts on the establishment plan.

(b) Special categories of personal data:

The personal data reveals:

Racial or ethnic origin

Political opinions

Religious or philosophical beliefs

Trade union membership

Genetic or Biometric data

Data concerning health, sex life or sexual orientation:

Important Note

If you have ticked any of the sensitive data boxes contact the Data Protection Officer before processing the data further.

IV. CATEGORIES OF RECIPIENTS & DATA TRANSFERS

8) Recipient(s) of the data

To whom is the data disclosed?

Managers of data subjects: The Heads of Unit and Directors will receive a list of eligible staff in their unit to give their input when consulted.

Designated EBA staff members:

Members of the HR Unit dealing with the reclassification exercise.

The Executive Director and the Directors of Department will receive a list of all eligible staff in the EBA for the comparison of merits meeting. They have temporary access (via the HR application and screen sharing) to all of the appraisals of eligible staff in order to carry out the comparison of merits.

The Staff Committee will be informed of the outcome of the comparison of merits meeting and is provided explanations. They are also informed of the draft list of names of eligible staff that may be proposed for reclassification following the comparison of merits meeting.

The JRC are provided with the appeals from staff members and are able to temporarily consult the appraisal reports of staff eligible for reclassification.

All EBA staff receive information in relation to eligible staff proposed for reclassification and those who are reclassified.

Also, if appropriate, access will be given to the specialised members of the IT Unit involved in the management of the Human Resources processes and the Legal Unit in the case of complaints pursuant to Article 90.

PMO receive the information regarding the new grade and step.

Relatives or others associated with data subjects

Current, past or prospective employers

Healthcare practitioners

Education/training establishments

Financial organisations

External contractor

Other (please specify): If appropriate, access will be given to EU staff with the statutory right to access the data required by their function, i.e. the European Ombudsman, the Civil Service Tribunal, the Internal Audit Service, the European Court of Auditors, OLAF and the European Data Protection Supervisor.

9) Data transfer(s)

Is the data transferred outside the EBA?

Within the EBA or to other EU Institutions/Agencies/Bodies

If yes, please specify: The data will only be transferred between the designated HR Unit members dealing with the reclassification exercise and the following: The Executive Director, Directors of Department, Heads of Unit and the JRC if applicable.

Also, if appropriate, access will be given to the specialised members of the IT Unit involved in the management of the Human Resources processes and the Legal Unit in the case of complaints.

If appropriate, access will be given to EU staff with the statutory right to access the data required by their function, i.e. the European Ombudsman, the Civil Service Tribunal, the Internal Audit Service, the European Court of Auditors, OLAF and the European Data Protection Supervisor.

To other recipients within the EU (e.g. NCAs):

To third countries N/A

If yes, please specify:

a) the country:

b) whether suitable safeguards have been adopted:

Adequacy Decision of the European Commission²

Standard Contractual Clauses

Binding Corporate Rules

Administrative Arrangements between public Authorities

To international organisations N/A

If yes, please specify the organisation and whether suitable safeguards have been adopted:

Important Note

If no safeguards have been put in place, please contact the DPO before processing the data further.

² Third countries for which the European Commission has issued adequacy decisions are the following: https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en

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V. RETENTION PERIOD & SECURITY MEASURES

10) Retention period (see Note 7)
<p>A. How long will the data be retained and what is the justification for the retention period?</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>The data will be retained for ten years as of the termination of employment or as of the last pension payment.</p> </div>
<p>B. For further processing envisaged beyond the original retention period for historical, statistical or scientific purposes, please specify whether the personal data will be anonymised: N/A</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes</p>

11) Storage media & security of processing
<p>A. Please indicate how and where the data processed are stored (e.g. Share Point / cloud):</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>Electronic copies of documents related to the reclassification exercise: Administrative Notice; Lists of eligible staff for Heads of Unit; Documents for the comparison of merits meeting: Availability of posts, EBA eligible staff list, minutes from the comparison of merits meeting; Minutes from the meeting with a delegation from the Staff Committee as well as necessary working documents are kept in a secure drive in an electronic folder that is only accessible to certain authorised members of the HR unit.</p> <p>Hard paper copies of these reclassification procedure documents (if applicable) are kept in a specific folder in a secure HR archive accessible to authorised recipients in the HR Unit.</p> <p>Appeals from staff in relation to the reclassification exercise are stored in an electronic folder.</p> <p>A hard paper copy (if applicable) of the appeal and the reasoned decisions made by the JRC are kept in a specific folder in a secure HR archive accessible to authorised recipients in the HR Unit.</p> </div>

The appraisal reports that can be referred to during the reclassification exercise are kept in an automated e-HR application called Allegro.

B. Technical & Organisational Security measures adopted:

- Controlled access to ICT-system/controlled access codes
- Restricted access to physical location where data is stored
- Pseudonymisation and Encryption
- Back-up
- Audit trails
- Confidentiality agreement/clause: All members of the HR Unit sign a confidentiality agreement when they take up duties.

In addition, confidentiality agreements will be signed by those involved in the process such as members of the JRC.

If access needs to be given to the specialised members of the ICT Unit involved in the management of the Human Resources processes, or the Legal Unit in the case of complaints, confidentiality agreements will be signed by the members of the unit(s) involved.

- Test the effectiveness of security measures adopted
- Training of staff

Other (please specify):

Consultation of the Data Protection Officer

Email Address: dpo@eba.europa.eu

Date of consultation: 15/09/2020

Date of approval of processing: 21/09/2020

Privacy statement available at:

<https://intranet.eba.europa.eu/StaffMatters/Documents/Reclassification%20and%20third%20language/EBA%20Privacy%20Statement%20reclassification.pdf>

Date of insertion in Register: 20/09/2020