



## **PROTECTION OF YOUR PERSONAL DATA**

**This privacy statement provides information about the processing and the protection of your personal data in SYSPER2**

### **1. Introduction**

The European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (hereafter, 'eu-LISA') is committed to protect your personal data and to respect your privacy. eu-LISA collects and further processes personal data pursuant to [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 (repealing Regulation (EC) No 45/2001).

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data

The information in relation to processing operation in SYSPER2 undertaken by Human Resources Unit (hereinafter – HRU) is presented below.

### **2. Why and how do we process your personal data?**

Personal data is processed solely for administrative purposes and for an efficient management of the staff's rights and obligations in accordance with the rules of the Staff Regulations (SR), the Conditions of Employment of Other Servants of the European Union (CEOS) and the administrative decisions related hereto.

The purpose of the processing operation is:

- to manage statutory staff and external staff (seconded national experts/interns/interims);
- to manage recruitment (career/ staff skills, expertise, talents),
- to manage the individual's rights and obligations (entitlements and allowances - Annex VII of SR);
- to manage data of staff travelling on mission/ working conditions, working time, absences and teleworking;
- to manage the new staff evaluation and reclassification system (applicable after 2020);
- to facilitate the matching process between jobholders and job vacancies;
- to manage other HR areas when the connection of the other Sysper2 modules (for example on stand-by duty etc.) is implemented in accordance with the schedule agreed between eu-LISA and the European Commission;
- to facilitate the internal communication towards different target groups according to their functions or centres of interest.

We have obtained your personal data from the HR database used by the HRU to date and from yourself upon submission of the documents for recruitment and during your career.

Your personal data will not be used for an automated decision-making including profiling.

### **3. On what legal ground(s) do we process your personal data**

We process your personal data, because:

- 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 (Article 5.1. (a) of the Regulation 2018/1725);
- processing is necessary for compliance with a legal obligation to which the controller is subject (Article 5.1. (b) of the Regulation 2018/1725);
- the data subject has given consent to the processing of his or her personal data for one or more specific purposes (Article 5.1. (d) of the Regulation 2018/1725);

We process special categories of personal data, because:

the processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law insofar as it is authorised by Union law providing for appropriate safeguards for the fundamental rights and the interests of the data subject (Article 10.2 (b) of the Regulation 2018/1725)

and on the basis of the following legal acts:

- Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011;
- Regulation (EU, Euratom] No 1023/2013 of the European Parliament and of the Council of 22 October 2013 amending the Staff Regulations of Official of the European Union and the Conditions of Employment of Other Servants of the European Union (hereinafter "the SR" or "the CEOS");
- General Implementing Provisions or the Implementing Rules to the SR that are applicable to eu-LISA by analogy or as the model decisions adopted by the Management Board of eu-LISA.

Concerning Appraisal:

- Staff Regulations of Officials and Conditions of Employment of Other Servants of the European Union, Article 43;
- The Condition of Employment of Other Servants of the European Union, in particular Article 15(2) of the CEOS which applies provision of Article 43 to temporary staff by analogy;
- Decision of the Management Board of eu-LISA No 2015-164 of 18.11.2015 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.
- Decision of the Management Board of eu-LISA No 2015-165 of 18.11.2015 on 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
- 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 applied at eu-LISA by analogy.

Concerning Reclassification:

- Staff Regulations of Officials and Conditions of Employment of the Other Servants of European Union, in particular Article 45 and Article 85(3) thereof;
- Decision of the Management Board of eu-LISA No 2016-016 of 15 March 2016 laying down general implementing provisions regarding Article 54 of the Conditions of Employment of Other Servants of the European Union;
- Decision of the Management Board of eu-LISA No 2016-017 of 15 March 2016 on general provisions for implementing Article 87(3) of the Conditions of Employment of Other Servants of the European Union.

Concerning Teleworking:

- The Implementing Rule on telework (Decision No 2017-168 of 15.11.2017 of the Management Board of the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice on eu-LISA decision on the implementation of telework in the Agency);
- ED decision of 11.06.2018 on the eu-LISA Guidelines on teleworking (Ares(2018)3056265).

Concerning Time management:

- Executive Director Decision nr. 37/2014 amended by ED Decision 59/2014;
- Staff Regulations of Officials and Conditions of employment of the Other Servants of the European Union, and in particular Article 55 thereof;
- Commission Decision on working time of 15 April 2014 – C(2014) 2502 final - adopted by the Management Board of eu-LISA on 15 May 2014;
- Executive Director Decision No 133/2017 of 18.12.2017 on Planning and reporting work in shifts and stand-by duty at eu-LISA and the Executive Director Decisions on appointment of staff members for stand-by duty or in shifts with the annexes.

Concerning Leave:

- Staff Regulations of Officials and Conditions of Employment of Other Servants of the European Union; in particular Articles 57 to 61 thereof;
- The European Commission decisions on leave implemented by analogy by eu-LISA, in particular:
  - EC Decision C(2013)9051 of 16.12.2013 on leave;
  - Decision of the Management Board of eu-LISA No 2019-056 of 19.03.2019 on measures concerning unpaid leave for temporary and contract staff of the European Union;
  - EC Decision C(2010)7494 of 5.11.2010 on family leave;
  - EC Decision C(2010)7572 of 5.11.2010 on parental leave;
  - EC Decision C(2013)9020 of 16.12.2013 on maternity leave;
  - EC Decision C(2004)1597 of 28.04.2004 on absences as a result of sickness or accident ;
  - EC Decision C(2014)2502 of 15.04.2014 on working time.

**4. Which personal data do we collect and further process?**

In order to carry out this processing operation HRU collects the following categories of personal data:

- o **Statutory staff members and SNEs:**

**Full personal data:** SYSPER PerId number (a number identifying a person in the application), job number, names, email, civil state, nationalities, languages, identity card, date of birth, home addresses, contact persons, history of office address, place of origin, recruitment, family

composition details (history of: persons in relation and their personal details relation type, relation details (custody/guardianship), addresses, special identity cards). Family Declarations with workflow (allowances received from other sources, spouse/recognised partner's professional activity/income, marriage, divorce, child). Vehicle Declarations. Pension Request & Transfer Rights Declarations with workflow. Supporting Documents (entered by the agent) for all the declarations above. Attachments (emails) & comments input by file handlers for all the declarations above. Appointing Authority letters for the declarations above (used only for Child Declaration). Personal certificates (certificate for taxes, domicile for tax purposes, and certificate for opening of bank account), a photo (uploaded on voluntary basis by jobholder).

**Career data:** administrative situation, classification, assignment, management position, contract, type of post. Appraisal Reports, Probation Reports.

**Time management data:** annual leave rights (summary, calculation details, quota evolution, and balance evolution). Absence requests (annual leave, recuperation, sick leave, special leave, overtime compensation, other leave). Work pattern requests (full time, parental leave, family leave, part time, medical part time, time credit). Flexitime regime request/end. Telework regime request. Occasional telework request. Confirmation of absence on medical grounds. Presence, overtime, standby, arduous work, shift work timesheets.

○ **Interns :**

Name, SYSPER PerId number, nationality, identity card/passport, date of birth, gender, contract /internship details, CV and internship reports, time management: presence, annual leave and absence requests, confirmation of absence on medical grounds. A photo (uploaded on voluntary basis).

○ **External support:**

Name, SYSPER PerId number, nationality, identity card/passport, date of birth, gender, job assignment at eu-LISA.

## 5. How long do we keep your personal data?

Your personal data is stored for the time necessary to fulfil the purpose of collection or further processing. Personal data in SYSPER is stored until the end of the staff member's activity for the Agency. Certain data need to be stored for a longer period if they are related to subsisting rights and obligations, i.e. pension rights.

Data related to Time management:

- Data are generally kept for five years (more in cases of appeal) except where one of the time limits specified below is applicable.
- Data relating to sick leave can be kept for at least three years pursuant to Article 59(4) of the Staff Regulations, but this time period is extended to five years in order to cover legal disputes. If a jobholder is transferred to another institution, only the data concerning sick leave in the previous five years are communicated.
- The keeping of data relating to days of annual leave is justified in particular for the carry-over of days not taken to the following year, but will be limited to two years (at the beginning of calendar year "n" the data for year "n-3" will be suppressed).
- Data on part-time work, parental and family leave are generally kept at least until the end of active service in the Commission or even beyond that period (since they relate to a subsisting entitlement and may be appealed against).
- Data concerning flexitime are kept during the ongoing calendar year. They will be suppressed after the closure of the procedure of carry-over of days of annual leave not

taken to the following year, and at the latest at the end of the month of March of that following year. In case where the registration of daily working hours is done on the level of the head of unit/sector and based on intermediate means, these latter have to be destroyed after the validation of the monthly balance by the head of unit, and the latest by the 15th of the following month.

- If data are kept longer than the above-mentioned period, they will be rendered anonymous: the implementation of this action is at the moment under study.

## **6. Who has access to your personal data and to whom is it disclosed?**

Access to your personal data is provided to eu-LISA staff responsible for carrying out the processing operation and to authorised staff according to the “need to know” principle. Such staff abide by statutory, and when required, additional confidentiality agreements.

The recipients of data within the Agency are the following:

- the HRU,
- Persons delegated by a holder of a right of access,
- Line managers,
- Members of Joint Committee.

Not all of the users of Sysper2 have the same access rights to personal data. The profile of each user (function and responsibility) determines their need and entitlement to access specific sets of data in Sysper2.

Operational services in European Commission (the DG HR and the PMO) have access to the specific data they need to fulfil their human resource management tasks within the scope of signed Service Level Agreements (SLAs).

The data can be transferred to other institutions in the case of an Inter-institutional transfer of staff. Data can also be transferred for purposes of control to the auditing or inquiring bodies like the Internal Auditor of eu-LISA, Legal Officers, OLAF or the Court of Auditors and EDPS, in respect of the provisions of the Regulation 2018/1725.

Information on your personal data will be published on eu-LISA Intranet, SharePoint or shared drive and it may be published on the eu-LISA web page to provide the contact details on the functioning of eu-LISA or to create a staff contact directory. The following data may be published: a name and a surname, job title, organisational entity, a photograph (following a receipt of your consent), office email and postal addresses, office phone number(s), a short description of area of responsibilities.

## **7. What are your rights and how can you exercise them?**

You have specific rights as a ‘data subject’ under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access, rectify or erase your personal data and the right to restrict the processing of your personal data. Where applicable, you also have the right to object to the processing or the right to data portability.

Staff members wishing to modify or correct data concerning them can also send a message to the Data Controllers functional mailbox: [sysper-hr@eulisa.europa.eu](mailto:sysper-hr@eulisa.europa.eu).

Request for deletion of personal data will be forwarded to Sysper2 team of DG HR.

You can withdraw your consent at any time by notifying the Data Controller. The withdrawal will not affect the lawfulness of the processing carried out before you have withdrawn the consent.

## 8. Contact information

### - The Data Controller

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, please feel free to contact the Data Controller [sysper-hr@eulisa.europa.eu](mailto:sysper-hr@eulisa.europa.eu).

### **The Data Protection Officer of eu-LISA**

You may contact the Data Protection Officer ([dpo@eulisa.europa.eu](mailto:dpo@eulisa.europa.eu)) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

### - The European Data Protection Supervisor (EDPS)

You have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor ([edps@edps.europa.eu](mailto:edps@edps.europa.eu)) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the Data Controller.