

# EEAS PRIVACY STATEMENT - DATA PROTECTION NOTICE

FOR THE PURPOSE OF PROCESSING PERSONAL DATA RELATED TO

## LEARNING AND DEVELOPMENT:

### INTERNAL AND EXTERNAL TRAINING IN THE EEAS (HEADQUARTERS AND EU DELEGATIONS) INCLUDING THE USE OF VIDEO AND TELECONFERENCING (VTC) TOOLS

#### 1. INTRODUCTION

The protection of your personal data and privacy is of great importance to the European External Action Service (EEAS), including the Delegations of the European Union. You have the right under EU law to be informed when your personal data is processed [collected, used, stored] as well as about the purpose and details of that processing. When handling personal data, we respect the principles of the Charter of Fundamental Rights of the European Union, and in particular Article 8 on data protection. Your personal data are processed in accordance with 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 data, aligned with Regulation (EU) 2016/679, the General Data Protection Regulation. In this privacy statement you find information about how the EEAS and EU Delegations process your personal data and what rights you have as a data subject.

#### 2. PURPOSE OF DATA PROCESSING: Why do we process your data?

Personal data is processed in support of the objectives and key principles of the 'Learning and Development' policy within the EEAS. 'Learning and development' aims at ensuring the maximum degree of alignment between the EEAS staffing needs and individuals' professional development needs. It has the following objectives:

- to broaden and develop knowledge, skills and competencies staff needs in order to contribute to the achievement of EEAS goals;
- to contribute to the sense of fulfilment, belonging and commitment at the workplace and improving motivation;
- to help individuals in making career moves, both laterally (internal mobility) and vertically (promotion/reclassification).

##### Description

Processing personal data is necessary to manage and follow up the request of internal and external trainings, the evaluation of the impact of trainings and, where appropriate, the reimbursement of costs. Staff enrolls to the course through an electronic workflow (currently "EU Learn" application). For internal courses, staff choose the training out of the courses included in the published planning. Any request for a training is sent first to the line manager. After due acceptance, the Career, Learning and Development Division analyses the request and an invitation by email and/or Outlook calendar is sent to the colleague. A presence list of registered participants will be extracted from the IT system and participants are asked to sign it. At the end of a course the list will be collected and the participation data will be inserted into the IT system and kept as record of training. An evaluation form is distributed at the end of the course or sent electronically by e-mail. For trainings where registration does not take place on EU Learn, participants will need to accept an Outlook invitation from the course manager and follow the indications provided. Enrolment to team building events may be an exception where the processing of personal data can be manual. A request form is filled in by the division concerned, signed by the responsible line manager and then sent to RM.HR.4. For external trainings, once the participation is accepted by the training division, staff members receive a confirmation letter registered in Ares. Presence lists are kept to follow-up participation on trainings and as a basis of paying contractors.

##### Video and Tele-conferencing (VTC)

Video and Tele-Conferencing may be used in order to meet the 'Learning and Development' objectives as outlined above. It is used in various situations when personal presence on a training session is not possible, in order to facilitate remote learning.. In the context of Learning & Development, the EEAS may therefore use a virtual classroom platform (including, but not limited to Webex, Zoom, MS Teams, Skype for Business) to host online training, participatory workshops and webinars. It only collects and processes your personal information as far as necessary to follow up and report on the outcomes of such events. Colleagues from EU Institutions, agencies and other bodies receive the connection details only after registering via the Learning Management System (currently "EU Learn"). For trainings where registration does not take place on EU Learn, participants will need to accept an Outlook invitation from the course manager and follow the indications provided. Even if participants have a personal account for the respective, platform they do not need to sign in to the platform to participate in a training, signing in is only necessary for the trainer. Following the indications provided in the invitation will suffice (link or Meeting ID and password to join). Participants are requested to indicate their first name and, if appropriate, the initial of their last name. It is recommended that participants provide their entity. External participants are also requested to indicate their organisation and their Member State or the International Organisation they represent. Participants may opt to provide their full name. Presence information has nevertheless to be collected to follow-up participation on trainings and as a basis of paying contractors.

##### Recording of training sessions

**To record trainings, in particular when given via videoconference, may be necessary to use the training as learning material or to share it with participants who cannot participate in real time.** The training can be made available in EU Learn:

- for accessing the topic discussed and for future reference used by participants and course organisers;
- for staff members who were unable to attend both in EEAS Headquarters or in EU Delegations.

### **The EEAS will do its best to ensure non-recorded alternative sessions for those who do not wish to be recorded.**

In cases where a training is recorded, this will be indicated in the invitation to that training, either on EU Learn or in any other way of invitation for those trainings where registration is handled outside EU LEARN. Information will be provided as to how and when consent to the recording will be provided. This way, participants will have the opportunity to choose a non-recorded alternative session. In a training via VTC, where no alternative session is feasible, participants who do not consent to be recorded may choose not to indicate their real name when they connect to the session and switch their camera and microphone off as well as refrain from asking questions through their microphone. Questions can be put using the chat function. That part of the chat will not be stored, whereas the part of the chat indicating the consent from participants who agreed to the recording is extracted and saved.

**Consent will be requested before any recording session, irrespective of the length of the recording.** At the beginning or during a session itself, trainers are to inform participants about the recording of the session and to request their freely given and explicit consent. Depending on the VTC platform used, consent may be asked in various ways:

- Through a pop-up window that will be displayed automatically before the recording feature is activated (e.g. Zoom). The consent will be saved automatically in the reports available to the licence manager in the professional account/web portal of the VTC tool. The report on consent will be exported to document the consent.
- In case such consent collection is not envisaged by the VTC provider in use, the participant's consent will be obtained by asking for it formally in a written form through the chat-box of the VTC tool. The participants will provide it by sending an 'AGREE TO THE RECORDING' text via the chat function. This part of the chat will be extracted and saved to keep the informed consent.
- For recording of classroom trainings and for trainings where the registration does not take place via EU Learn, consent can be provided in reply to the training invitation or at the beginning of the training in a written form, e.g. on the presence list.

If the VTC tool used enables to limit the recording to the trainer only, this option will be chosen in case not all participants agree to the recording. **Your personal data** (comprising the recordings) **will not be used for automated decision-making including profiling.**

When video-conference tools are used, including but not limited to CISCO-Webex, Microsoft Teams, Zoom, Microsoft Skype for Business service providers may become data processors. The aim to use these tools is to guarantee a feasible technical solution to participate at meetings organised online. EEAS/Delegation staff may decide not to use the offered tool, however an alternative may not be always available. Further information on data that the IT tools (online platform providers) may process and details of the type of data they may obtain about you and your equipment, and what they use that data for as well as the Privacy Policy of these third party processors are available on their websites, as follows:

- [WEBEX – CISCO Privacy Data Sheet](#)
- [ZOOM Privacy](#)
- [Microsoft Teams Security compliance and privacy; MS TEAMS Privacy Statement](#)
- [Skype for Business Privacy](#)

### **3. DATA PROCESSED: What data do we process?**

In the context of the EEAS Learning and Development Policy, the following categories of personal data can be distinguished:

#### 1) Data, containing personal data, collected during a training, including via VTC tools

##### **Participants:**

- Personal details: name, surname, including work position, division, e-mail address, signature on presence list
- Identification name (or a pseudonym chosen by the user for online training), password
- Data processed by services providers – like logs (please see last paragraph of point 2)
- Pictures, videos
- Training details of the courses where you participated: information on whether it is internal or external, provided by the EEAS or by an external trainer, other details of the course (e.g. title, location, etc.) including presence lists.
- Description of the scope/objectives of the training
- Data submitted by the participants when connecting to the training session using the VTC tool (if you do not consent to recording, you can provide a pseudonym, providing an e-mail address is optional)
- Your contribution during the training session (recording of the session), if the participant consents to the recording, including the extract of the chat providing proof of the consent given by the nominal text of "I agree to the recording"
- Your VTC conversation history

##### **Trainers/moderators:**

- Data categories detailed above
- Material shared and contribution during the training session (presentation, handout, etc.)
- Data submitted by the trainers during registration for the VTC tool (name and other data e.g. email address as required by the tool) Data are kept to the necessary minimum.

**Please note that due to recording of parts or all of the training, workshop or webinar, even if you do not share either your audio or your video, your screen name may appear in recordings.**

#### 2) Data related to planning and execution of courses organised internally at EEAS premises:

- Request for offers made to contractors for the organisation of a course according to training needs
- Offers for courses received by contractors including course content, proposal for dates, names of trainers, CVs, related costs
- Course planning and calendar published on the intranet portal, containing training competence area (IT, Languages, etc.), course title, duration, start and end dates, maximum number of admissible participants

The electronic training request collects the following data:

An electronic workflow is in use (currently EU Learn). Consequently, the corresponding data, both the personal ones and those regarding the course, including attendance, as well as the approval by the line manager result from the electronic workflow.

The data processed is the following:

- Name, last name
- Personnel Number
- Nationality
- Category/contract status including function group and grade
- Telephone
- Place of Employment, division, line manager
- Languages Spoken
- Motivation of the participant providing justification to request attendance
- Course details: information on whether it is internal or external, provided by EEAS or by another subject and other details on the course (e.g. Title, place, type and duration of the training requested)
- Description of the scope/objectives of the training

For the external training, in addition the following data:

- Price paid for the external training
- Certificate completion of the course (with passing note if applicable)

In case of requesting a reimbursement of cost for an external training: Bank name, account holder, IBAN code, BIC code.

The request has to be submitted by the training participant and approved by the line manager:

- During the course: a list of participants with the following information is needed: Course title, contractor, dates of training, trainer and name of participant, organisational entity and signature.
- End of course: the evaluation form contains the following information course title, dates of training, and quality scores of the course in general and of the sessions in particular.
- Certificate of attendance indicating: Course title, dates of training, trainer, name of participant, and signature of the Head of Career and Learning Development division Certificate of attendance is delivered only to Member States participants, or participants of external trainings, in particular cases. For other cases, the training is recorded in EU Learn.

3) Data related to the participation of staff in courses organised by the European Commission (EC) or other EU institutions:

- Data contained in the EC Course or other EU institutions' catalogue
- Course enrolment data contained in the training request form
- Surname/Name of participant for each of the planned EC courses is sent to the EC, HR.C.4 services/registered directly in EU Learn upon availability
- For other EU institutions the enrolment is done by email including names, surnames and the position of the applicant.
- Data related to the motivation of the participant providing justification to request attendance, i.e. motivation letters/statements

4) Data related to the participation of staff in external training

- Data, containing list of training/personal development needs of staff, required for approval of external courses;
- Course enrolment data contained in the training request form.
- Data related to the motivation of the participant providing justification to request attendance

5) Evaluation/ feedback data

Evaluation sheets, Training satisfaction surveys with optional personal data including names of participants.

#### **4. DATA CONTROLLER: Who is entrusted with processing your data?**

The data controller determining the purpose and the means of the processing activity is the European External Action Service (EEAS). The EEAS Division responsible for managing the data processing under the supervision of the Head of Division is the following organisational entity:

**EEAS Division 'Career, Learning and Development' - EEAS DG.RM.HR.4**

#### **5. RECIPIENTS OF THE PERSONAL DATA: Who has access to your data?**

In general, access to your personal data is provided to the EEAS staff responsible for carrying out this data processing activity 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 personal data can be specified as follows:

1. In case of internal training:

- Assigned staff from the Directorate for Human Resources (EEAS DG.RM.HR), line managers and other assigned staff, course organiser / trainers.
- If an external (online) tool is used for registration or other related training management purposes, the service provider operating the tool and its processors will be also recipient(s) of your personal data (please see Point 2).

2. In case of external training:

- Assigned staff of Division 'Career, Learning and Development' (EEAS.DG.RM.HR.4) and in the Division responsible for time management (EEAS.DG.RM.HR.3), the line manager, the Head of Administration and other assigned staff (e.g. sub-delegated authorising officer).
- The external trainer and staff of the training provider (from EEA countries) – accessing only data necessary for the organisation of the training. A specific Data Protection provision is inserted in service contracts concerning staff training.

- If an external (online) tool is used for registration or other related training management purposes, the service provider operating the tool and its processors will be also recipient(s) of your personal data.
3. In case of photos, videos, online video-conferencing, streaming or any other visual training material:
- Assigned staff from Division 'Career, Learning and Development' (EEAS.DG.BA.HR.4); IT developers/designers and EEAS staff participants to the relevant e-learning modules.
  - Logs of VTC sessions and therefore your VTC conversation history are accessible to data recipients of the VTC service providers used for online video conferences, including CISCO-Webex, Microsoft Teams, Zoom, Skype for Business or other potential video-conferencing supplier and their sub-contractors. Further information on the Privacy Policy of these data processors are available on their websites (Please see point 2).
  - For the recorded sessions: staff to whom the sessions will be screened and training material developers who will use the recordings as examples.

Your personal data is not intended to be transferred to third countries, nor to international organisations, which are outside of the recipients, including the VTC suppliers, specified above. The given information will not be communicated to third parties, except where necessary for the purposes outlined in Point 2. Contracted service providers shall process data on behalf of the EEAS in accordance with Article 29 of Regulation (EU) 2018/1725.

When using VTC tools hosting in the European Economic Area (EEA) is opted for, where possible, as a privacy safeguard, in addition to further safeguards, such as a Data Protection Addendum containing Standard Contractual Clauses adopted by the European Commission (e.g. [https://zoom.us/docs/doc/Zoom Pre-Signed Standard Contractual Clauses with DocuSign Fields.pdf](https://zoom.us/docs/doc/Zoom_Pre-Signed_Standard_Contractual_Clauses_with_DocuSign_Fields.pdf)) as well as Binding Corporate Rules - in the specific case of CISCO-Webex approved by the Data Protection Authority of The Netherlands. At present (2022) MS Teams and Skype for Business are not actively used by the EEAS. EEAS staff only participates in these meetings when invited by the Commission or other organisations. The EC applies safeguards for its own instances of Microsoft Teams and Skype for Business. Depending on the setup of the meeting, connection is primarily established without an MS Teams or Skype for Business account, as to the fact that EEAS staff, in general, do not have accounts on these platforms.

## 6. ACCESS, RECTIFICATION, ERASURE OF DATA: What rights do you have?

You have the right of access to your personal data and the right to correct any inaccurate or incomplete personal data. The right of rectification can only apply to factual data processed. Under certain conditions, you have the right to ask the deletion of your personal data or restrict their use as well as to object at any time to the processing of your personal data on grounds relating to your particular situation. We will consider your request, take a decision and communicate it to you without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary. For more detailed legal references, you can find information in Articles 14 to 21, 23 and 24 of Regulation (EU) 2018/1725. In specific cases, restrictions under Article 25 of the Regulation may apply. If you have consented to recording a session, you have the right to withdraw your consent to its use by notifying the data controller. In this case, the EEAS will make every effort to remove your contribution from the recording. The withdrawal of your consent will not affect the lawfulness of the processing carried out before you have withdrawn the consent. If you wish to exercise your rights or have questions concerning the processing of your personal data, you may address them to the Data Controller via the functional mailbox:

**Headquarters: [TRAINING-HEADQUARTERS@eeas.europa.eu](mailto:TRAINING-HEADQUARTERS@eeas.europa.eu)**

**EU Delegations: [TRAINING-DELEGATIONS@eeas.europa.eu](mailto:TRAINING-DELEGATIONS@eeas.europa.eu)**

## 7. LEGAL BASIS: On what grounds we collect your data?

### Lawfulness

The processing of your personal data is necessary for the performance of a task carried out by the EEAS in the public interest, in particular for the management and functioning of the EEAS [Article 5(1)(a) of Regulation (EU) 1725/2018] as referred to in Recital 22 thereof, both with regard to the data of the participants used for the registration, management and follow-up of the trainings and to the data of trainers, including the recording of their contribution and the material provided, as further training of staff is necessary for the good functioning and management of the EEAS.

The processing is also necessary for archiving purposes of learning & development objectives. Archiving shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of participants and trainers.

The recording of the participants is based on consent [Art. 5(1)(d) of Reg. 2018/1725]. Please see details in paragraph "Recording of trainings given via videoconference" of point 2. This means that you will be requested to give consent when an online workshop or webinar is being recorded. If you do not wish to be recorded, you are given the option to leave the workshop or webinar, whether or not the host has already started the recording before you join. You may opt to switch off your camera and microphone for not to be recorded and ask questions via chat as that part of the chat will not be recorded and saved (see the paragraph "Recording of trainings given via videoconference" of point 2 for further information).

### Legal references

- Article 24(a) of the Staff Regulations on further training and instruction
- Article 45(2) of the Staff Regulations on access to training on a third language
- The common rules on access to training and the modalities of the assessment mentioned in Article 45(2) of the Staff Regulations shall apply by analogy to Contract Agents concerned by Art. 85(3) of the Conditions of Employment of Other Servants of the European Union: [Staff Regulations of Officials and the Conditions of Employment of Other Servants](#)
- Article 6.12 of the [Council Decision of 26 July 2010 establishing the organisation and functioning of the EEAS \(2010/427/EU\)](#) – OJ L 201, 3/8/2010, p. 30.

## 8. TIME LIMIT - DATA STORING: For what period and how we process your data?

Personal data is kept as follows:

- 1) Paper and electronic training records in EU Learn are kept for the duration of the staff member's career according to the Staff Regulations, i.e. for certification purposes (see art. 45.2 SR). Records are disposed of 1 year after the staff member's departure (resignation / contract expiry).
- 2) Training applications and presence lists are justification documents for the payment of the external contractor and therefore kept for the periods determined under the Financial Regulation and in accordance with the Common Retention List (CRL – Management Schedule Ares(2018)619894 – 01/02/2018) Chapters 12.3 Human Resources and 12.6 Financial Management, requesting conservation of files up to ten years.
- 3) Other training related documents including participant lists with contact details are kept for future evaluations or further course invitations for a period of maximum 5 years.
- 4) Documents relating to operations not definitively closed are kept for longer than provided for in point above, that is to say, until the end of the year following that in which the operations are closed.
- 5) Evaluation documents on the training action are kept according to the duration of the contract with the service provider, or in case of internal training for a period of maximum 5 years.
- 6) Documents related to training provided for local agents are retained as follows:
  - 6.1 Payment related financial documents are kept for the 10 years;
  - 6.2 Other training related supporting documents are kept for 5 years for control, inspection and audit purposes.
- 7) Following the guiding principle of usability, the recordings will be kept for the time necessary to fulfil the purpose of collection or further processing, namely for as long as the content of any recording is up-to-date and relevant for staff. Video recordings are kept for a maximum period of 3 years from the date of the recording. If the period of retention may exceed the given retention time, this will be communicated to the participant ahead of the training for consent.
- 8) Data kept by the service providers is in accordance with the supplier's and their sub-contractors' privacy policy (ref. Point 2)

When appropriate – in accordance with Article 48(3) of the Rules of Application of the Financial Regulation, personal data contained in supporting documents should be deleted if possible, where these data are not necessary for budgetary discharge, control and audit purposes.

Security of data: Appropriate organisational and technical measures are ensured according to Article 33 of Reg. (EU) 2018/1725. The personal data collected by the EEAS/EU Delegation are stored on servers that abide by pertinent security rules. Data is processed by assigned staff members. Access to specific files requires authorisation. Measures are provided to prevent unauthorised entities from access, alteration, deletion, disclosure of data. General access to personal data is only possible to recipients with a UserID/Password. Physical copies of personal data are stored in a properly secured manner. Security of the online platforms used for video-conferencing is assured by the service providers. The security policy of data processors, such as CISCO-Webex, Skype, MS Teams, Zoom, can be verified at the relevant websites.

- [WEBEX – CISCO Security and Privacy](#); [CISCO – WEBEX meeting Privacy Data Sheet](#); [CISCO Privacy Data Map](#)
- [MS Teams Security Compliance Overview](#); [Microsoft cloud recording](#)
- [Microsoft Privacy Supplement](#); [MS Security Guide for Skype for Business online](#)
- [Zoom security](#); <https://zoom.us/docs/doc/Zoom-Security-White-Paper.pdf>

Apart from data processing by VTC platforms, personal data processed by EEAS assigned staff is stored on the servers of the EEAS/EC. Prior to downloading and editing, recordings are stored for as short a time as possible in the online platform's European servers. As CISCO-Webex, Zoom, MS Teams and Skype for Business and other online platform providers enhance their security and privacy features, the EEAS keeps under constant review the technical measures it takes to protect your personal data. It also provides appropriate guidance in the joining instructions for each workshop/webinar published in the Learning Management System to recommend steps you can take to protect your privacy, such as:

- turning off your audio and video while you do not speak; and
- applying a virtual background (especially if you are joining from your home) to avoid revealing where you live, your habits and your hobbies.

## 9. EEAS DATA PROTECTION OFFICER: Any questions to the DPO?

If you have enquiries you can also contact the EEAS Data Protection Officer at [data-protection@eeas.europa.eu](mailto:data-protection@eeas.europa.eu).

## 10. RECOURSE

You have, at any time, the right to have recourse to the European Data Protection Supervisor at [edps@edps.europa.eu](mailto:edps@edps.europa.eu).