

# EEAS Personal Data Processing Record

Ref. Article 31 of Regulation (EU) 2018/1725 - Legal obligation for maintaining records

1	Title of the processing activity	<b>Learning and Development: Internal and External Training in the EEAS (Headquarters And EU Delegations), including the use of Video and Teleconferencing (VTC) Tools</b>
2	Update of the record (last modification date)	15/12/2020
3	Register reference number	1002
4	Identity and contact details of the Data Controller Joint Controller (if applicable) Data Processor (if applicable)	<p>Controller:</p> <p>European External Action Service Rond Point Schuman 9A, 1046 Brussels, Belgium Data Controller contact entity: EEAS Division 'Career, Learning and Development' - EEAS DG.BA.HR.4 Functional mailbox: HQ: TRAINING-HEADQUARTERS@eeas.europa.eu EU Delegations: TRAINING-DELEGATIONS@eeas.europa.eu Processor:</p> <p>CISCO Webex, Cisco Systems, Inc. EMEAR , Haarlerbergweg 13-19, 1101 CH Amsterdam-Zuidoost ZOOM Video Connections Inc. , San Jose Headquarters, 55 Almaden Boulevard, 6th Floor, San Jose , CA Other potential service providers for VTS tools: MS Teams, Skype for Business At present (2020) MS Teams and Skype for Business are not actively used by the EEAS, EEAS staff only participates in these meetings when invited by the European Commission or other organisations. Depending on the setup of the meeting, connection is primarily established without an MS Teams or Skype for Business account, as most EEAS staff do not have accounts on these platforms.</p> <p>EEAS Data Protection Officer: Emese Savoia-Keleti DATA-PROTECTION@eeas.europa.eu</p>
5	Identity and contact details of the Data Protection Officer	<p>EEAS Data Protection Officer (DPO): Emese Savoia-Keleti. SG.AFFGEN.DPO Functional Mailbox of the DPO: DATA-PROTECTION@eeas.europa.eu</p>

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6	Purpose of the processing activity	<p>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 :</p> <ul style="list-style-type: none"> <li>- to broaden and develop knowledge, skills and competencies staff needs in order to contribute to the achievement of EEAS goals;</li> <li>- to contribute to the sense of fulfilment, belonging and commitment at the workplace and improving motivation ;</li> <li>- to help individuals in making career moves, both laterally (internal mobility) and vertically (promotion/reclassification).</li> </ul> <p>Data processing operations in this area are necessary to manage and follow up the request of internal and external trainings, the evaluation of the impact of training and, where appropriate, the reimbursement of costs.</p>
7	Legal basis and lawfulness	<p>Relevant legal references</p> <ul style="list-style-type: none"> <li>-Article 24(a) of the Staff Regulations on further training and instruction</li> <li>-Article 45.2 of the Staff Regulations on access to training on a third language</li> <li>-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</li> <li>-Article 6.12 of the Council Decision of 26 July 2010 establishing the organisation and functioning of the EEAS (2010/427/EU)</li> <li>- OJ L 201, 3/8/2010, p. 30.</li> </ul> <p>Lawfulness of the data processing</p> <p>The EEAS processes personal data because it is necessary in the public interest and for compliance with a legal obligation to which the controller is subject, please see legal references above.</p> <p>Lawfulness is based on Art. 5(1)(a) and (b) of Regulation (EU) 2018/1725 both for the data of the participants used for the registration, management and follow-up of the trainings and the recording of the contribution and materials provided by the trainers as further training of staff is necessary for the good functioning and management of the EEAS, except recording of the participants where consent Art. 5(1)(d) of Reg. 2018/1725 is the legal basis.</p> <p>This means that participants may be requested to give consent within the meaning of Article 5(1) (d) of the Regulation (EU) 2018/1725 when an online workshop or webinar is being recorded. If participants do not want to be recorded, the option is given to leave the workshop or webinar (whether or not the host has already started the recording before joining). Participants may opt to switch off their 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 .</p> <p>The processing is also necessary for archiving purposes of learning development objectives.</p> <p>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 the data subject.</p>
8	Categories of individuals whose data is processed - Data subjects	Data subjects are applicants to the courses/training, participants, trainers, contractors, guests.
9	Categories of data - Data processed	<p>In the context of the EEAS Learning and Development Policy, the following categories of personal data can be distinguished:</p> <ol style="list-style-type: none"> <li>1) Data, containing personal data, collected during a training, including via VTC tools</li> </ol> <p>Participants:</p> <ul style="list-style-type: none"> <li>- Personal details: name, surname, including work position, division, e-mail address</li> <li>- Identification name (or a pseudonym chosen by the user for online training), password</li> <li>- Data processed by services providers – like logs (please see last paragraph of point 2)</li> </ul>

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- Pictures, videos
  - Training details of the courses where 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.)
  - Description of the scope/objectives of the training
  - Data submitted by the participants when connecting to the training session using the VTC tool (if participants do not consent to recording, they may choose not to indicate their real name ; providing an e-mail address is optional)
  - Participants' 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"
  - Participants' 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)
- Due to recording of parts or all of the training, workshop or webinar, even if participants do not share their audio or video, their screen names 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 and proposal for dates, names of proposed trainers, CVs and 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:
- Personal details: name, surname, contract status including function group and grade, date of entry into service, division, line manager
  - 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, location, etc.)
  - Description of the scope/objectives of the training
  - 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 participants, 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.B.3 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

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~~Data related to the motivation of the participant providing justification to request attendance; no motivation needed~~

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 participant's motivation providing justification to request attendance

5) Electronic training request workflow

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
- Telephone
- Place of Employment
- Languages Spoken
- Place, type and duration of the training requested
- Motivation of the participant providing justification to request attendance

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.

6/ Evaluation/ feedback data

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

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Recipients of data – Access to data

In general, access to participants' 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.BA.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 participants' personal data.

2. In case of external training :

- Assigned staff of Division 'Career, Learning and Development' (EEAS.DG.BA.HR.4) and in the Division responsible for time management (EEAS.DG.BA.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 participants' 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 the VTC conversation history of participants 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.
  - For the recorded sessions: staff to whom the sessions will be screened and training material developers who will use the recordings as examples.

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11	Transfer to Third Countries or International Organizations (IOs) and suitable safeguards (if applicable)	<p>EEAS uses video-conference tools (VTC) 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.</p> <p>Privacy safeguards when using VTC tools: EEA hosting is opted for (where possible).</p> <p>Privacy Policies and individual safeguards are the following for the VTC tools:</p> <ul style="list-style-type: none"> <li>- Privacy policy: WEBEX – CISCO Privacy Data Sheet</li> <li>Safeguard: Binding Corporate Rules approved by the Data Protection Authority of The Netherlands and EEA hosting of data (The Netherlands)</li> <li>- Privacy Policy: ZOOM Privacy</li> <li>Safeguard: Meetings and Webinar recordings can be stored on the host's local device with the local recording option or Meetings, Webinars . Zoom provides a Data Protection Addendum on the processing of personal data containing the Standard Contractual Clauses of the European Commission (<a href="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</a>)</li> </ul> <p>At present (2020) MS Teams and Skype for Business are not actively used by the EEAS, EEAS staff only participates in these meetings when invited by the European Commission or other organisations. 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.</p> <ul style="list-style-type: none"> <li>-Privacy Policy: Microsoft Teams Security compliance and privacy ; MS TEAMS Privacy Statement ; Skype for Business Privacy</li> </ul> <p>The European Commission applies safeguards for its own instances of Microsoft Teams and Skype for Business. (EC Record <a href="https://ec.europa.eu/dpo-register/detail/DPR-EC-02548">https://ec.europa.eu/dpo-register/detail/DPR-EC-02548</a>)</p> <p>Personal data is not intended to be transferred to third countries, nor to international organisations, which are outside of the recipients, including the suppliers of the VTC tools, specified above and under point 5 and 6a. Contracted service providers shall process data on behalf of the EEAS in accordance with Article 29 of Regulation (EU) 2018/1725. The given information will not be communicated to third parties, except where necessary for the purposes outlined above.</p>
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12	<p>Time limit for keeping the data</p> <p>- Retention period</p>	<p>Personal data is kept as follows:</p> <ol style="list-style-type: none"> <li>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).</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>6) Documents related to training provided for local agents are retained as follows:             <ol style="list-style-type: none"> <li>6.1 Payment related financial documents are kept for the 10 years;</li> <li>6.2 Other training related supporting documents are kept for 5 years for control, inspection and audit purposes.</li> </ol> </li> <li>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.</li> <li>8) Data kept by the service providers is in accordance with the supplier's and their sub-contractors' privacy policy (please see point 2)</li> </ol> <p>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.</p>
13	<p>Data Storage</p>	<p>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 a limited period of time on the servers of the online platforms. The personal data are stored on servers that abide by pertinent security rules. Physical copies of personal data are stored in a properly secured manner.</p>

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14	General description of security measures	<p>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.</p> <p>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.</p> <ul style="list-style-type: none"> <li>- WEBEX – CISCO Security and Privacy ; CISCO – WEBEX meeting Privacy Data Sheet ; CISCO Privacy Data Map</li> <li>- MS Teams Security Compliance Overview ; Microsoft cloud recording</li> <li>- Microsoft Privacy Supplement ; MS Security Guide for Skype for Business online</li> <li>- Zoom security ; <a href="https://zoom.us/docs/doc/Zoom-Security-White-Paper.pdf">https://zoom.us/docs/doc/Zoom-Security-White-Paper.pdf</a></li> </ul> <p>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 a limited period of time on the servers of the online platforms.</p> <p>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 participants' personal data. It also provides appropriate guidance in the joining instructions for each workshop/webinar published in the Learning Management System to recommend steps participants can take to protect privacy, such as:</p> <ul style="list-style-type: none"> <li>- turning off the audio and video while participants do not speak; and</li> <li>- applying a virtual background (especially if participants are joining from home) to avoid revealing where they live, their habits and hobbies.</li> </ul>
15	Rights of individuals	<p>Individuals have the right of access to their 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, individuals have the right to ask the deletion of their personal data or restrict their use as well as to object at any time to the processing of their personal data on grounds relating to their particular situation. The EEAS will consider the request, take a decision and communicate it to the individuals 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, information can be found 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.</p> <p>If participants have consented to recording a session, they have the right to withdraw their consent to its use by notifying the data controller. In this case, the EEAS will make every effort to remove participants' contribution from the recording. The withdrawal of consent will not affect the lawfulness of the processing carried out before participants have withdrawn the consent. In specific cases, restrictions under Article 25 of the Regulation may apply. If individuals have questions concerning the processing of their personal data, they may address them to the Data Controller via the functional mailbox:</p> <p>Headquarters: TRAINING-HEADQUARTERS@eeas.europa.eu EU Delegations: TRAINING-DELEGATIONS@eeas.europa.eu</p>
16	Information to data subjects	<p>Information is provided to the Data Subjects related to this Record in the Privacy Statement. The Privacy Statement or Data Protection Notice is accessible on the intranet / internet of the EEAS. Data Subjects may also request further information by contacting the controller via the functional mailboxes.</p> <p>Headquarters: TRAINING-HEADQUARTERS@eeas.europa.eu EU Delegations: TRAINING-DELEGATIONS@eeas.europa.eu</p>



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