

EEAS PRIVACY STATEMENT

for the purpose of the processing operation

'HR-Delegation system for the management of local staff in EU Delegations'

1. **INTRODUCTION**

THE PROTECTION OF YOUR PRIVACY, INCLUDING YOUR PERSONAL DATA, IS OF GREAT IMPORTANCE TO THE EUROPEAN EXTERNAL ACTION SERVICE (EEAS), THEREBY REFLECTING THE PROVISIONS OF THE CHARTER ON FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION, AND IN PARTICULAR ART. 8 THEREOF. THE PRESENT PRIVACY STATEMENT DESCRIBES THE MEASURES TAKEN TO PROTECT YOUR PERSONAL DATA WITH REGARD TO THE ACTION INVOLVING THE PRESENT DATA PROCESSING OPERATION AND WHAT RIGHTS YOU HAVE AS A DATA SUBJECT. YOUR PERSONAL DATA ARE PROCESSED IN ACCORDANCE WITH REGULATION (EC) 45/2001 ON THE PROTECTION OF INDIVIDUALS WITH REGARD TO THE PROCESSING OF PERSONAL DATA BY THE COMMUNITY INSTITUTIONS AND BODIES AND ON THE FREE MOVEMENT OF SUCH DATA, AS IMPLEMENTED IN THE EEAS BY THE DECISION OF THE HIGH REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY OF 8 DECEMBER 2011. ALL DATA OF A PERSONAL NATURE - NAMELY DATA WHICH CAN IDENTIFY YOU DIRECTLY OR INDIRECTLY - WHICH YOU PROVIDE TO THE EEAS WILL BE HANDLED WITH THE NECESSARY CARE.

2. **PURPOSE OF THE PROCESSING OPERATION**

The purpose for collecting and retaining the personal data is supporting the management of Local Staff in EU Delegations.

3. **DATA PROCESSED**

The data which will be processed for that purpose are the following:

The system will store basic personal details of the jobholders along with their contact details and family composition.

Personal details of the following categories of data subjects:

- Jobholder (local staff): Per id, personnel number, Statute, Family Name, First Name, Gender, Birth Date, Marital status, Visa Holder (Yes/No), Country of Birth, Nationality, Date of Death, LEF, BAF, Professional and Private Address, Professional and Private Telephone numbers, Professional and Private Email.
- Family Members: Family Name, First Name, Family Member Per id, Gender, Birth Date, Relationship (Child / Spouse), Relationship Dates, Dependent (Yes or No)
- Contact Person(s) in emergency: Family Name, First Name, Gender, Birth Date, Relationship (Friend / Spouse / Other), Email, Address, Telephone

Other documents including personal data may be uploaded in the system during the recruitment period:

- Signed contract
- ID/Passport
- Prior authorisation to publish the post
- Job description
- Recruitment Note to EEAS BA.HR.5
- Selection procedure report
- Step calculation table (DEL)
- Reply of EEAS BA.HR.5
- Signed acknowledgement receipt
- Addendum to the contract
- CV
- Diplomas
- Driving Licence
- Professional experience certificates
- Pre-recruitment medical opinion

The collection of data – provided either by the EU Delegation Administration or eventually directly by the data subjects, i.e. local staff or their family members – will take place in the EU Delegations, being validated later in the headquarters.

At the initial stage data are processed only from recruited local agents in "HR-Delegation". Data from non-recruited applicants are foreseen to be stored in the system at a later stage.

All data items uploaded in e-DEL HRM system will be automatically transferred to "HR Delegation".

4. **CONTROLLER OF THE PROCESSING OPERATION**

The controller⁽¹⁾ responsible for the processing operation is the European External Action Service. The Directorate/Division in charge of the management of the personal data processing is the Division 'Local Agents' (BA.HR.5) supervised by the Head of Division or his/her Deputy acting on his/her behalf. Furthermore, **each Delegation under the supervision of the Head of Delegation will be the co-controller responsible for processing personal data in compliance with the provisions of Regulation (EC) 45/2001.**

⁽¹⁾ The controller is the organisational entity which determines the purpose and means of the processing of personal data.

5. RECIPIENTS OF THE DATA

Access to the personal files are strictly reserved to dedicated staff of EEAS BA IBS 5 – Human Resources dealing with the HR management of local agents:

- BA HR – Human Resources Directorate assigned staff
- BA HR 1 – HR Policy and Coordination assigned staff
- BA HR 5 – Local Agents assigned staff

- SG.AFFGEN 4 Inspection team assigned staff
- BA.IBS.6 Information Technology assigned staff

as well as

Relevant EU Delegation staff

6. PROVISION, ACCESS AND RECTIFICATION OF THE DATA

Data subjects have the right to access their personal data and the right to correct any inaccurate or incomplete personal data, as well as to request the removal of unlawful personal data, which will be implemented within 10 working days after the specific request will have been deemed legitimate. If data subjects have any queries concerning the processing of their personal data, they may address them to the data controller at the following functional mailbox: EEAS-LOCAL-AGENTS@eeas.europa.eu ("EEAS LOCAL AGENTS").

7. LEGAL BASIS FOR THE PROCESSING OPERATION

The main link between the Institution and the local agent is the employment contract, which is the most important reference for a local agent as to his/her rights and obligations. The contract must be in line with local legislation.

1. **Conditions of Employment of Other Servants of the European Union (CEOS)**, especially Titles I and V. Article 4 of the CEOS provides a definition of 'local staff'. Articles 120 - 122 establish the basic parameters for the employment of local staff.
2. **The Framework rules laying down the conditions of employment of local staff of the Commission of the European Communities serving in non-member countries**, adopted by the Commission on 21 November 1989 and by the EEAS on 29 November 2011. These rules provide a general framework for all places of employment outside the EU.
3. **Specific Conditions of Employment of local staff serving in Delegations (SCE)**, which are drawn up for each place of employment. The SCEs are the bridge between the dictates of local law and practice and the general framework described above.
4. **Local legislation** (laws, regulations, any nationwide collective agreement, established practice, etc.) applicable to contractual relations established under the CEOS

Further legal reference:

Good administrative practices in the framework of the Treaty of Lisbon and the Council Decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service (2010/427/EU) available on http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf

8. TIME LIMIT FOR STORING DATA

- In accordance with Point 12.3.7 of the CRL Management Schedule (Annex I.) of the *Common Commission-level retention list for European Commission files - first revision on personal files* (SEC(2012)/713 http://ec.europa.eu/archival-policy/docs/edomec/2012_713_sec_en.pdf, Ref. Ares(2012)1501883 - 17/12/2012) – data, as part of the personal file, will be retained for 8 years after the extinction of all rights of the person concerned and of any dependants, and for at least 120 years after the date of birth of the person concerned unless local legislation provides otherwise.

- Files for non-recruited candidates are kept for 5 years as referred to in EU DELEGATIONS' GUIDE > Local agents > Career > External Recruitment (<http://intragate.ec.europa.eu/admcorner/eudelguide/policy.cfm?pid=257>)

At the initial stage data are processed only from recruited local agents in 'HR-Delegation'. Data from non-recruited applicants are foreseen to be stored in the system at a later stage.

9. CONTACT

In case you have questions related to the protection of your personal data, you can also contact the EEAS' Data Protection Office at data-protection@eeas.europa.eu.

10. RECOURSE

You have at any time the right of recourse to the European Data Protection Supervisor at edps@edps.europa.eu.