

## I. RECORD OF PERSONAL DATA PROCESSING OPERATION (Article 31 of Regulation (EU) No. 2018/1725)

1.	Name of the processing operation	<b>Management of Personal Files</b>
2.	Reference number/Issue	ETF-DPR-33/Issue 2
3.	Date	21/10/2019
4.	Business owner	Nadège Perrine Head of HR Unit Nadège.Perrine@etf.europa.eu
5.	Controller	Cesare Onestini Director of the ETF <a href="mailto:Cesare.Onestini@etf.europa.eu">Cesare.Onestini@etf.europa.eu</a>
6.	Joint controller(s)	Not applicable
7.	Processor(s)	Not applicable
8.	Data protection officer	Tiziana Ciccarone / Laurens Rijken <a href="mailto:DataProtectionOfficer@etf.europa.eu">DataProtectionOfficer@etf.europa.eu</a>
9.	Purpose of the processing	Keep track of administrative status and all reports relating to the ability, efficiency and conduct of staff and any comment by the staff on such documents
10.	Legal basis for the processing	Staff Regulations art. 26 on personal file Implementing provisions on engagement temporary staff Article 2(f) CEOS, ref. GB/15/DEC/009, Article 10 - Contract and transfer of the personal file
11.	Categories of data subjects	All ETF Temporary, Contract and Local Agents
12.	Categories of personal data	<ul style="list-style-type: none"> <li>Staff member: name, contact details, nationality, date of birth, gender, place of recruitment, place of residence, marital status, criminal record, fitness to work, military service, qualifications and employment history, skills and competences, financial allowances paid by another source, financial obligations towards third parties</li> <li>Spouse/recognised partner: name, nationality, date of birth, gender, residence, income, administrative status vis-à-vis employer, details of the employer</li> <li>Dependent child/person/relative: name, nationality, date of birth and gender</li> </ul>
13.	Time limits for keeping of data	30 years after termination of service, with the exception of criminal record (2 years after entry into service) and data related to the performance management (until the end of service)
14.	Categories of ETF recipients of data	HR Officers in charge
15.	Categories of external recipients of data	Personal data are provided to counterparts in other EU Institutions only upon agreement of the data subject. In case the data subject successfully participated to an inter-agency job market, his/her personal file will be transferred to the recruiting Institution, as foreseen in the implementing provisions of GB/15/DEC/009.
16.	Transfers of data to third	Not applicable

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	country or international organisation	
17.	Technical and organisational security measures	Personal files of active staff are stored in safes, which are located in the offices of the HR Officers in charge. Personal files of former staff are stored in a restricted area in the ETF archive.
18.	Information to the data subject	Provided in privacy statement

## II. COMPLIANCE CHECK AND RISK SCREENING OF PERSONAL DATA PROCESSING OPERATION (Article 26 and 39 of Regulation (EU) No. 2018/1725)

Name of the processing operation	<b>Management of Personal Files</b>
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### A. Compliance check

19.	<b>Lawfulness</b> (Legal basis and necessity for processing, point 10) <ul style="list-style-type: none"> <li><input type="checkbox"/> Necessary for performance of tasks in the public interest attributed by EU or MS legislation</li> <li><input checked="" type="checkbox"/> Necessary for the management and functioning of the organisation</li> <li><input checked="" type="checkbox"/> Necessary for compliance with legal obligation incumbent on controller</li> <li><input type="checkbox"/> Necessary for performance of a contract to which the data subject is party</li> <li><input type="checkbox"/> The data subject has given consent</li> <li><input type="checkbox"/> Necessary in order to protect the vital interests of the data subject or of another natural person</li> </ul>	
20.	<b>Purpose definition</b> (Point 9) <ul style="list-style-type: none"> <li>• Do you list all purposes?</li> <li>• Are the purposes specified, explicit, legitimate?</li> <li>• Where information is also processed for other purposes, are you sure that these are not incompatible with the initial purpose(s)?</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• Yes</li> <li>• Not applicable</li> </ul>
21.	<b>Data minimisation</b> (Point 12) <ul style="list-style-type: none"> <li>• Do you really need all data items you plan to collect?</li> <li>• Are there any you could do without?</li> </ul>	<ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>
22.	<b>Accuracy</b> (Point 12) <ul style="list-style-type: none"> <li>• How do you ensure that the information you process about people is accurate?</li> <li>• How do you rectify inaccurate information?</li> </ul>	<ul style="list-style-type: none"> <li>• Staff are periodically reminded about their obligation to inform HR on changes in their personal and family situation and to declare allowances received by another source.</li> <li>• Information signalled to be inaccurate are promptly rectified by HR.</li> </ul>
23.	<b>Storage limitation</b> (Point 13) <ul style="list-style-type: none"> <li>• Explain why you chose the storage period(s) mentioned</li> <li>• Are they limited according to the maximum or minimum "as long as necessary, as short as</li> </ul>	<ul style="list-style-type: none"> <li>• Data must be kept for 30 years after termination of service, which is the estimated time to lodge a complaint and verify the validity of the documents collected.</li> </ul>

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	<p>possible”?</p> <ul style="list-style-type: none"> <li>In case you only need some information for longer, can you split storage periods?</li> </ul>	<ul style="list-style-type: none"> <li>As short as possible</li> <li>The criminal record is kept only for 2 years after entry into service, which is its period of validity.</li> <li>Data related to the performance management (e.g. probation, contract removal) are kept only until the end of service (see also performance management).</li> </ul>
24.	<p><b>Transparency</b> (Point 18)</p> <ul style="list-style-type: none"> <li>How do you tell people about your processing?</li> <li>If you do not want to inform people (or only inform them after the fact), consult your DPO</li> </ul>	<ul style="list-style-type: none"> <li>Privacy statement is sent with the job offer. Furthermore, HR always informs staff when a document is added to his/her personal file.</li> <li>Not applicable</li> </ul>
25.	<p><b>Data subjects rights</b> (Point 18)</p> <ul style="list-style-type: none"> <li>Can people contact you if they want to know what you have about them, want to correct or delete the data, have it blocked or oppose to the processing?</li> <li>Could there be situations where you would want to refuse e.g. granting access? In case so please describe them</li> </ul>	<ul style="list-style-type: none"> <li>The data subject can ask to consult or have copies of the documents in his/her personal file. Requests of rectification or deletion of data will be checked and accepted only if compliant with the regulatory framework.</li> <li>Not applicable</li> </ul>

### B. Risk screening

26.	<p><b>Does the processing involve any of the following?</b></p> <ul style="list-style-type: none"> <li>Data relating to health, (suspected) criminal offences or otherwise considered sensitive <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>Evaluation, automated decision- making or profiling <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> <li>Monitoring data subjects <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> <li>New technologies that may be considered intrusive <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> </ul>
	<ul style="list-style-type: none"> <li>Exclusion databases <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> <li>Large-scale processing of special categories of personal data (disease surveillance, pharmacovigilance, central databases for law-enforcement cooperation) <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> <li>Internet traffic analysis breaking encryption <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> <li>E-recruitment tools automatically pre-selecting/excluding candidates without human intervention <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> </ul>
	<ul style="list-style-type: none"> <li>Management of personal files <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>Staff evaluation procedures (annual appraisal) <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> <li>360° evaluations for helping staff members develop training plans <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> <li>Staff selection procedures <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> <li>Establishment of rights upon entry into service <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>Management of leave, flexitime and telework <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>Access control systems (non biometric) <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> <li>Video surveillance (limited scale) <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></li> </ul>

### C. Conclusions

	Actor	Date	Signature
27.	<p><b>Business owner</b> Nadège Perrine Head of HR Unit</p> <p><b>Conclusion</b></p>		

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	Threshold assessment required according to Risk screening		
	<b>Data Protection Officer:</b> Tiziana Ciccarone / Laurens Rijken  <b>Conclusion</b> I confirm that a threshold assessment is required		

### III. THRESHOLD ASSESSMENT OF PERSONAL DATA PROCESSING OPERATION (Article 26 and 39 of Regulation (EU) No. 2018/1725)

Name of the processing operation	<b>Management of Personal Files</b>
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#### A. Criteria for high risks identification

28.	Systematic and extensive <b>evaluation</b> of personal aspects or scoring, including profiling and predicting ....	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
29.	Automated- <b>decision making</b> with legal or similar significant effect: processing that aims at taking decisions on data subjects ....	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
30.	Systematic <b>monitoring</b> : processing used to observe, monitor or control data subjects, especially in publicly accessible spaces. This may cover video-surveillance but also other monitoring, e.g. of staff internet use. ....	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
31.	<b>Sensitive data</b> : data revealing ethnic or racial origin, political opinions, religious or philosophical beliefs, trade-union membership, genetic data, biometric data for identification purposes, data concerning health or sex life or sexual orientation, criminal convictions or offences and related security measures or otherwise considered sensitive. ...	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
32.	Data processed on a <b>large scale</b> , whether based on number of people concerned and/or amount of data processed about each of them and/or permanence and/or geographical coverage ....	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
33.	Datasets <b>matched or combined</b> from different data processing operations performed for different purposes and/or by different data controllers in a way that would exceed the reasonable expectations of the data subject. ....	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
34.	Data concerning <b>vulnerable data subjects</b> : situations where an imbalance in the relationship between the position of the data subject and the controller can be identified. ....	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
35.	<b>Innovative</b> use or applying technological or organisational solutions that can involve novel forms of data collection and usage. Indeed, the personal and social consequences of the deployment of a new technology may be unknown ....	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

36.	<b>Preventing</b> data subjects from <b>exercising a right</b> or using a service or a contract.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	....	

## B. Conclusion

	Actor	Date	Signature
37.	<b>Business owner</b> Nadège Perrine Head of HR Unit  <b>Conclusion</b> No further action required  Although this process requires the management of sensitive and vulnerable data, the risk is low because the management of these data is restricted to the HR Officers in charge bound by strict confidentiality rules and these data are safely stored.		
	<b>Data Protection Officer:</b> Tiziana Ciccarone / Laurens Rijken  <b>Conclusion</b> I confirm that no further action is required		
	<b>Data Controller</b> Cesare Onestini, Director of the ETF		