

RECORD
of processing activity¹
according to Article 31 Regulation 2018/1725²

NAME of data processing³:

Promotion and reclassification

Last update: April 2020
1) Controller(s)⁴ of data processing operation (Article 31.1(a))

- Controller: Organisational entity of Fusion for Energy (F4E):
 - Unit / Department **responsible⁵** for the processing activity: HR Unit
 - Contact: HR-DataProtection@f4e.europa.eu
- Data Protection Officer (DPO): DataProtectionOfficer@f4e.europa.eu

2) Who is actually conducting the processing? (Article 31.1(a))⁶

 The data is processed by F4E (responsible unit) itself

 The data is processed by a third party (e.g. contractor) (Art. 29 – Processor) :

The part of the promotion/reclassification related to the third language is processed by the European Personnel Selection Office (EPSO) via a Service Level Agreement signed. The SLA is enclosed in point 4.

¹ Please consult the relevant **EDPS guideline** in your sector, if it exists: https://edps.europa.eu/data-protection/our-work/our-work-by-type/guidelines_en

² Regulation 2018/1725 of 23 October 2018 “on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data”. O.J 21.11.2018, L295/39.

³ **Personal data** is any information relating to an identified or identifiable natural person, i.e. someone who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity. This information may, for example, be the name, date of birth, a telephone number, biometric data, medical data, a picture, professional details, etc. **Processing** means any operation or set of operations which is performed on personal data, whether or not by automatic means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

⁴ In case of more than one controller, see Article 28.

⁵ This is the unit that decides that the processing takes place and why.

⁶ Is F4E itself conducting the processing? Or has a provider been contracted?

Contact point at external third party (e.g. Privacy/Data Protection Officer): EPSO-AGENCIES@ec.europa.eu

3) Purpose and Description of the processing (Article 31.1(b))

Why is the personal data being processed? Specify the underlying reason for the processing and what you intend to achieve. Describe, summarise the substance of the processing.

When you (later on) intend to further process the data for another purpose, please inform the Data Subject in advance.

Promotion/reclassification of F4E staff members, i.e. appointment of the staff member to a higher grade within the function group to which she/he belongs following a detailed procedure and final decision of the Appointing Authority / Authority Responsible for Concluding Contracts of Employment.

4) Lawfulness of the processing (Article 5(a)–(d)):

Mention the legal bases which justifies the processing

Processing necessary for:

- (a) performance of tasks in the public interest attributed by EU legislation (including management and functioning of F4E)
- Council Decision of 27 March 2007 “establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it” - 2007/198/Euratom, as last amended by Council Decision of 22 February 2021 (2021/198 Euratom), O.J. L 62, 23.02.2021, p.8, in particular Article 6 thereof;
 - Statutes annexed to the Council Decision (Euratom) No 198/2007 “establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it”, as last amended on 22 February 2021, in particular Article 10 thereof;
 - Staff Regulations of Officials (SR) and the Conditions of Employment of Other Servants of the European Communities (CEOS), in particular Article 45 of the Staff Regulations and Articles 54 and 87(3) of the CEOS.

- [Decision of the Administrative and Management Committee of the European Joint Undertaking for ITER and the Development of Fusion Energy laying down general implementing provisions regarding Article 45 of the Staff Regulations for officials](#)
 - [Decision of the Administrative and Management Committee of the European Joint Undertaking for ITER and the Development of Fusion Energy laying down general implementing provisions regarding Article 54 of the Conditions of Employment of Other Servants of the European Union](#)
 - [Decision of the Administrative and Management Committee of the European Joint Undertaking for ITER and the Development of Fusion Energy laying down general implementing provisions regarding Article 87\(3\) of the Conditions of Employment of Other Servants of the European Union](#)
 - Annual decisions taken by the Director on staff promoted/reclassified (list of the names of staff members promoted/reclassified published to the attention of all staff).
 - [Service Level Agreement \(SLA\) with EPSO for the provision of services related to the third language.](#)
- (b) compliance with a *specific* legal obligation for F4E to process personal data⁷.....
- (c) necessary for the performance of a contract with the data subject or to prepare such a contract.....
- (d) Data subject has given consent (ex ante, freely given, specific, informed and unambiguous consent)

5) Description of the data subjects (Article 31.1(c))

Whose personal data is being processed?

F4E staff members who, on the 31 December of the year of the promotion/reclassification

⁷ The distinction between points (a) and (b) is that in point (a) F4E is given a task which requires the processing of personal data to fulfil it (e.g. staff appraisal), while in point (b), the legal basis directly requires F4E to process the personal data, without margin of implementation.

exercise, have a minimum of 2 years seniority in their grade and fulfil the requirement related to the third language as specified by the Staff Regulations and the Conditions of Employment of other servants.

6) Categories of personal data processed (Article 31.1(c))

Please give details in relation to (a) and (b). In case data categories differ between different categories of data subjects, please explain as well.

(a) General personal data:

- Identification data: name, surname, personal number, gender, category and grade/function group and grade, job title, department, seniority in grade, 3rd language status, proposals by Reporting Officers on promotion/reclassification.
- Appraisal reports including an assessment of the staff performance regarding efficiency, ability, conduct, the use of languages and level of responsibilities as determined in the appraisal report.
- Information in the promotion act/contract amendment, including new grade and/or step
- List of staff promoted/reclassified (published to the attention of all staff)

(b) Sensitive personal data (Article 10)

Not Applicable.

7) Recipient(s) of the data (Article 31.1 (d)) – Who has access to the personal data?

Recipients are all people to whom the personal data is disclosed (“need to know principle”). Not necessary to mention entities that may have access in the course of a particular investigation (e.g. OLAF, EOCourt, EDPS).

The following recipients have access to the personal data processed:

Human Resources

- Process Owner: HR HoU
- HR officer responsible of the promotion/reclassification exercise
- F4E Director of Fusion for Energy
- Another person internally may be consulted if deemed necessary by the Appointing Authority/Authority Responsible for Concluding Contracts of Employment for a specified case
- Members of the Senior Management (Director and Heads of Departments)
- Members of the Joint Promotion & Reclassification Committee
- Staff Committee representatives nominated to meet with the Appointing Authority/Authority Responsible for Concluding Contracts of Employments to discuss the draft lists of

promotion/reclassification

- Human Resources officer (s) in charge of dealing with complaints
- IDM Manager, if necessary for support
- ICT Officer responsible for the dedicated database, if necessary for technical support.

Also, only if appropriate and necessary for monitoring or inspection tasks, access may be given to: e.g. Head of Admin, DPO and Anti-Fraud & Ethics Officer, Head or responsible officer of LSU, IAC, IDOC.

8) Transfers to third countries or International Organizations (Article 31.1 (e))

If the personal data is transferred outside the EU, this needs to be specifically mentioned, since it increases the risks of the processing operation (Article 47 ff.).

Data is transferred to third countries or International Organizations recipients:

Yes.....

No

If yes, specify to which country/IO:

If yes, specify under which safeguards and add reference :

- Adequacy Decision (from the Commission).....
- Memorandum of Understanding between public authorities/bodies
- Standard Data Protection Clauses (from the EDPS/ComissionCommission).....
- Binding Corporate Rules
- Others, e.g. contractual/agreements (subject to authorisation by the EDPS).....

Reference: Not Applicable

9) Technical and organisational security measures (Articles 31.1(g) and 33)

Please specify where the data is stored (paperwise and/or electronically) during and after the processing. Specify how it is protected ensuring “confidentiality, integrity and availability”. State in particular the “level if security ensured, appropriate to the risk”.

Security measures are implemented to ensure integrity, confidentiality and availability of information. The default provisions include backups, centralized logging, software updates and continuous vulnerability assessment and follow-up. Specific provisions resulting from the characteristics of the information system may lead into the implementation of encryption, two factor authentication among others found relevant following a risk analysis

10) Retention time (Article 4(e))

How long is it necessary to retain the data and what is the justification for this retention period? If appropriate, differentiate between the categories of personal data. If the retention period is unknown, please indicate the criteria for determining it.

In line with Article 26 of the Staff Regulations and Articles 11 and 81 of the CEOS, individual promotion acts and contract amendments are being kept in the personal files for up to ten years after termination of employment (or the last pension payment).

11) Information/Transparency (Article 14-15)

Information shall be given in a concise, transparent and easily accessible form, using clear and plain language.

A Privacy Notice (PN) on the promotion and reclassification has been established (F4E_D_2M45PR) and published on the F4ENet in the respective HR section and in the [Data Protection Register](#). The PN provides the information required under Articles 15 and 16 of the

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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2001/EC.