

EEAS PRIVACY STATEMENT

for the purpose of the processing operation

'Affiliation of Local Agents in EU Delegations to National Social Security Schemes'

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 of this data processing operation is to ensure the proper handling of data, including personal data, in the affiliation to social security schemes, which is mandatory (with certain exceptions) for Delegation staff.

3. DATA PROCESSED

Data including personal data processed are the following:

From the "ABAC" application:

- * User Reference
- * Legal Entity
- * Bank Account
- * Bank Account name
- * Employees' and Employers' Contributions to Social Security Schemes

From the "Payroll" application:

- * Full name
- * Personnel number
- * Address
- * Date of Birth
- * Career start data
- * Post number
- * Analytical code
- * Grade
- * Function
- * CNSS number
- * Salary related data
- * Employees' and Employers' Contributions to Social Security Schemes*
- * Employees' and employers' social contributions are encoded in ABAC (i) in an automated manner via the payroll or (ii) manually.

From "ABD Admin/Plus" application:

- * Analytical code
- * Employees' and Employers' Contributions to Social Security Schemes

Certain EU Delegations are not affiliated because of security concerns (e.g. Iraq) or the lack of existence of social security schemes.

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.**

5. RECIPIENTS OF THE DATA

HQ:

- Assigned staff of Local Agents BA.HR.5
- Assigned staff of Directorate Human Resources – BA.HR
- Assigned staff of Finance and Budget - BA.IBS.1

EU Delegations:

- Delegation staff: the Head of Administration and other responsible assigned staff

Third country authorities/organisations:

- Authorities
- Insurance companies

Audit/Inspection:

- Auditors
- Ex-post control

Inspectors

6. PROVISION, ACCESS AND RECTIFICATION OF THE DATA

Data subjects have the right to access their personal data on the e-Del-HRM/"HR Delegation" and the right to request the correction of any inaccurate or incomplete personal data as well as to request the removal of unlawful personal data, which will be implemented within 15 working days after the request has been deemed legitimate.

* Data subjects can address their requests about modification or removal to the assigned staff responsible for the human resources management at the functional mailbox of each EU Delegation.

* In case the data subject has any queries related to the data processes concerning contributions, s/he may address them to the functional mailbox of each EU Delegation and if necessary the Head of Administration will send them to the data controller at the functional mailbox of the relevant EU Delegation or at LOCAL AGENTS: EEAS-LOCAL-AGENTS@eeas.europa.eu

7. LEGAL BASIS FOR THE PROCESSING OPERATION

1. Contract of employment

The main link between the EEAS 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.

2. 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;

- In particular, **Article 121 of the 'Conditions of employment of other servants of the European Union'**

3. 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.

- In particular, **Article 14(1) of the 'Framework rules laying down the conditions of employment of local staff'**

4. 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.

5. 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

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

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.

The aforementioned retention period corresponds to the duration for files kept in the local agent management portal (Application 'HR-Delegation' / former 'eDel HRM).

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.