



EUROPEAN COMMISSION

PROTECTION OF YOUR PERSONAL DATA

This privacy statement provides information about the processing and the protection of your personal data.

Processing operation: Special Advisers – Appointment and examination of possible conflicts of interest

Data Controller: Directorate-General for Human Resources and Security / Unit responsible for Cabinets, SPP and Representations (HR.E.1)

Record reference: DPR-EC-02429

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1. Introduction

The European Commission (hereafter ‘the Commission’) is committed to protect your personal data and to respect your privacy. The Commission collects and further processes personal data pursuant to [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 (repealing Regulation (EC) No 45/2001).

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controller with whom you may exercise your rights, the Data Protection Officer and the European Data Protection Supervisor.

This privacy statement concerns the appointment of Special Advisers, including the examination of possible conflicts of interest.

2. Why and how do we process your personal data?

The unit responsible for in DG Human Resources and Security (HR.E.1) collects and uses your personal information to organise and manage the administrative process of appointing Special Advisers, including the examination of possible conflicts of interest.

Data handling is manual, although we use IT-tools to support our work. All data transfer and correspondence takes place using secure e-mail or ARES (using a restricted marking “staff matters”).

Unit HR.E.1 collects the forms to be filled in by the Cabinet concerned or, in the case of medical Special Advisers, by the Medical Service (designation form and statement of assurance), or in case of institutional Special Advisers, by the Secretariat of the related Commission committee/entity, as well as your curriculum vitae and the declarations to be filled in by you, namely the declaration of activities and the declaration on the honour (sworn statement). Unit HR.E.1 then checks, together with the Unit in charge of ethical questions (HR.F.5), if there is any (actual or potential) conflict of interest between the duties as Special Adviser and your other activities.

In accordance with Article 123 CEOS, the nominative list of designated Special Advisers (including information on remuneration and missions) is transmitted to the budgetary authority (European Parliament and Council). The final appointment decision is taken either by the College of Commissioners or by the Commissioner responsible for budget and administration.

Your personal data will not be used for an automated decision-making including profiling.

3. On what legal ground(s) do we process your personal data

We process your personal data, because:

- a) Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body.
- b) Processing is necessary for compliance with a legal obligation to which the controller is subject.

The legal basis for the processing is:

- Articles 5, 123 and 124 of the Conditions of Employment of Other Servants of the European Union (CEOS);
- Articles 11 and 11a of the Staff Regulations of Officials of the European Union;
- Rules on Special Advisers to the Commission (Commission Decision C(2007) 6655 of 19 December 2007, as amended by Decision C(2014) 541 of 6 February 2014).

4. Which personal data do we collect and further process?

In order to carry out this processing operation we collect the following categories of personal data:

- Name; date of birth; place of birth; nationality; address; telephone-number, e-mail, curriculum vitae.
- Mandate as Special Adviser, name of the Commissioner advised (or indication of the Medical Service which you assist as medical Special Adviser).
- Data concerning professional and non-professional activities (remunerated or honorary) that are carried out currently (at the time of appointment as Special Adviser or during the period of activity as Special Adviser) or during the last three years preceding this appointment.
- Data necessary for the conclusion and execution of the contract: start and end date of the contract; level of remuneration; number of working and mission days; number of dependent children; bank account.

The provision of personal data is mandatory to meet the requirements as set out in Articles 5, 123 and 124 CEOS, in Articles 11 and 11a of the Staff Regulations and in Commission Decision C(2007) 6655. If you do not provide your personal data, the Commission will not be able to take a decision on the appointment as Special Adviser.

The only data falling under Article 10 of Regulation (EU) 2018/1725 that might be processed are data concerning political or trade union membership which you provide in the declaration of activities.

5. How long do we keep your personal data?

Unit HR.E.1 only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely, in accordance with the common Commission-level Retention List for European Commission files, for ten years.

6. How do we protect and safeguard your personal data?

All personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored on the servers of the Commission. All processing operations are carried out pursuant to the [Commission Decision \(EU, Euratom\) 2017/46](#) of 10 January 2017 on the security of communication and information systems in the Commission.

In order to protect your personal data, the Commission has put in place a number of technical and organisational measures in place. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

7. Who has access to your personal data and to whom is it disclosed?

Your personal data will be made available to Commission staff responsible for managing the procedure as provided for in Articles 5, 123 and 124 CEOS, Articles 11 and 11a of the Staff Regulations and Commission Decision C(2007) 6655, according to the “need to know” principle. Staff abide by statutory obligations, and when required, additional confidentiality agreements.

Potential categories of recipients who may be provided access to the categories of data that are relevant for their role in the procedure, on a need to know principle, include (in no particular order):

- The Secretary-General of the Commission;
- The Director-General of the Legal Service;
- The Director-General of DG Human Resources and Security;
- The Director-General of DG BUDGET;
- The Budgetary Authority (European Parliament and Council) for the notification under Article 123 CEOS;
- Members of the Commission as well as members of their Private Offices;
- Where applicable, the Medical Service which you assist as medical Special Adviser;
- Where applicable, the Secretariat of the related Commission committee/entity;
- Staff in DG Human Resources and Security, more particularly the Director of Directorate HR.E and staff in the unit responsible for Cabinets, SPP and Representations (HR.E.1) and in the unit in charge of ethical questions (HR.F.5);
- The Director responsible for the Greffe in the Secretariat-General and the unit responsible for oral procedures (SG.DSG1.B.1);
- Members of the European Parliament who have addressed parliamentary questions on Special Advisers to the Commission;
- The Office for Administration and Payment of Individual Entitlements (PMO) for determination of various rights.

Please note that pursuant to Article 3(13) of Regulation (EU) 2018/1725, public authorities (e.g. Court of Auditors, EU Court of Justice) which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients. The processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing.

The information we collect will not be given to any third party, except to the extent and for the purpose we may be required to do so by law.

Please note that, in accordance with point 6 of Commission Decision C(2007) 6655, the list of appointed Special Advisers – with name, mandate and curriculum vitae, the name of the Commissioner advised and the sworn statement (declaration on the honour) – is published on the Europa website of the Commission.

8. What are your rights and how can you exercise them?

You have specific rights as a ‘data subject’ under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access your personal data and to rectify them in case your personal data are inaccurate or incomplete. Where applicable, you have the right to erase your personal data, to restrict the processing of your personal data, to object to the processing, and the right to data portability.

You have the right to object to the processing of your personal data, which is lawfully carried out pursuant to Article 5(1)(a) on grounds relating to your particular situation.

You can exercise your rights by contacting the Data Controller, or in case of conflict the Data Protection Officer. If necessary, you can also address the European Data Protection Supervisor. Their contact information is given under Heading 9 below.

Where you wish to exercise your rights in the context of one or several specific processing operations, please provide their description (i.e. their Record reference(s) as specified under Heading 10 below) in your request.

9. What are your rights and how can you exercise them?

- The Data Controller

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, please feel free to contact the Data Controller, Unit HR.E.1 (HR-E1-PERSONALDATA@ec.europa.eu).

- The Data Protection Officer (DPO) of the Commission

You may contact the Data Protection Officer (DATA-PROTECTION-OFFICER@ec.europa.eu) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

- The European Data Protection Supervisor (EDPS)

You have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor (edps@edps.europa.eu) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the Data Controller.

10. Where to find more detailed information?

The Commission Data Protection Officer (DPO) publishes the register of all processing operations on personal data by the Commission, which have been documented and notified to him. You may access the register via the following link: <http://ec.europa.eu/dpo-register>.

This specific processing operation has been included in the DPO's public register with the following Record reference: DPR-EC-02429.