## *SYSPER*

The European Union Agency for Fundamental Rights (FRA) processes the personal data of a natural person in compliance with Regulation 2018/1725 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 1247/2002/EC.

This data protection notice explains FRA's policies and practices regarding its collection and use of your personal data, and sets forth your privacy rights. We recognise that information privacy is an ongoing responsibility, and we will update this notice where necessary.

## 1. Why do we collect personal data?

The purpose of the processing operation via Sysper in the Agency is mainly the following:

- To identify all staff in the Agency ("Identity Management" module)
- To support processes of human resources management:
  - Organisation Management modules: "Organisation Chart" and "Job Quota Management", which enable the institutuion to define all entities in the hierarchical structure in their organistion and then to manage the jobs within, ensuring that the quotas stipulated in the staff establishment plan are respected;
  - Personal Data Management modules: "Employee Personal Data" (enabling personnel to view their personal data) and "Address Declaration" (allowing staff to directly manage changes to their personal address details);
  - Talent Management modules: core "Career Management" enabling the encoding of main career events as well as managing present and historical career data, "Basic Job Description", "Vacancy" and "Managers Vacancy";
  - Time Management modules
  - Document Management module: "Generation of Certificates" covering the management and production of official standard documents (e.g. certificate of employment, etc.).
  - Report on roles and access rights: Allows checking regularly SYSPER roles (except staff role) and the associated job numbers and staff members. The report will also include technical jobs and will allow monitoring anyone who has access to our data and eventually ask for corrections or clarifications. Transfer information related to staff to the MiPS (mission management) system, owned by the PMO. This includes contact details, bank account as well as the reporting officer who will be responsible for the approval of mission requests.

## 2. What kind of personal data does the Agency collect?

We will collect only the following personal data necessary for the processing operation described above.

- Personal details (e.g. name, surname, date of birth, gender, nationality, address, photo, ID copy, social security certificate, medical certificate, military/civil certificate, criminal record, marital status, officially recognised partnerhship, birth certificates of dependent children, etc)
- Contact details (e.g. postal address, email address, mobile and fax number)
- Education & Training details
- Employment details (e.g. work experience, languages, prior professional assessments duration of contract, years of service, grade, category, job title and description, sick leave information etc)
- Financial details (e.g. financial identification form, bank account information)

- Family, lifestyle and social circumstances
- Goods or services provided
- Other (Talent Management, Time Management, Report on roles and access rights)

Neither the medical files nor the disciplinary files are integrated in Sysper.

### 3. How do we collect your personal data?

You provide us the personal data, following the employment contract between the Agency and the staff member. The data is kept during the employment period(e.g. change of marital status etc.).

### 4. Who is responsible for the processing of your personal data?

The Agency (controller) is the legal entity responsible for the processing of your personal data and determines the objective of this processing activity. The Head of Corpporate Services is responsible for this processing operation.

### 5. Which is the legal basis for this processing operation?

Processing personal data in the context of Human Resource Management Information System known as SYSPER is necessary for the management and functioning of the Agency. Particularly, FRA Founding Regulation (EC) No. 168/2007 establishing the European Union Agency for Fundamental Rights Articles 24.2 , Staff Regulations of Officials and the Conditions of Employment of Other Servants (EEC, EURATOM) last amended by Council Regulation (EU, EURATOM) N° 1023/2013 of 22 October 2013). Therefore, the processing is lawful under Article 5(1)(a) of the Regulation EU 2018/1725.

### 6. Who can see your data?

Designated **FRA** staff members will also have access to the personal data

- Head of Corporate Services Unit;
- limited staff of Human Resources Management team;
- staff in operational services to the specific data they need to fulfil their human resources management tasks like hierarchical superiors;
- all other persons designated via delegation by one of the users.

Designated persons **outside** FRA:

- HR staff responsible for administrating SYSPER in DG HR as well as developers and helpdesk in DG DIGIT who need those data to solve bugs, to test new developments or for user research and usability tests.

- IT professionals in DIGIT, HR and PMO.
- Data receipients in charge of managing MIPS (Commission's mission management system).

## 7. Do we share your data with other organisations?

The information is transferred to other institutions for example in the case of an inter-institutional transfer of staff in order to facilitate the human resources management in the other institution. Data can also be transferred for specific purposes of control to the auditing or inquiring bodies like the Internal Audit of the European Commission, OLAF or the Court of Auditors, EDPS, etc. in respect of the provisions of he Regulation (EU) 2018/1725.

In case that we need to share your data with other third parties, you will be notified to whom your personal data has been shared with.

## 8. Do we intend to transfer your personal data to Third Countries/International Organizations?

No.

## 9. When will we start the processing operation?

The processing operation started as of April 2019, when import exercise to Sysper has commenced.

## 10. How long do we keep your data?

The retention duration is administered by the owner of the system, namely: DG HR. The data will be stored for different periods depending on the related HR process. Most of the personal data will be retained so long as the owner is working for the EU. In some cases, some data might be retained longer, when a staff member is in pension for instance, etc. The Agency has no power to modify this. The only actions that can be undertaken by the HR administrators of the Agency are to create, modify, or correct data. The Agency cannot delete an individual profile entirely.
For more detailed information on the retention for every category of personal data, please see the European Commission's Sysper Record of Processing Activity.

## 11. How can you control your data?

Under Regulation 2018/1725, you have rights we need to make you aware of. The rights available to you depend on our reason for processing your information. You are not required to pay any charges for

exercising your rights except in cases were the requests are manifestly unfounded or excessive, in particular because of their repetitive character.

We will reply to your request without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests.

You can exercise your rights described below by sending an email request to FRA-SYSPER@fra.europa.eu

### 11.1. The value of your consent

Since the participation in SYSPER is mandatory in accordance with the FRA's adherence to the DG HR information management system, you are not required to provide your consent.

### 11.2. Your data protection rights

#### a) Can you access your data?

You have the right to receive information on whether we process your personal data or not, the purposes of the processing, the categories of personal data concerned, any recipients to whom the personal data have been disclosed and their storage period. Furthermore, you can have access to such data, as well as obtain copies of your data undergoing processing.

#### b) Can you modify your data?

You have the right to ask us to rectify your data you think is inaccurate or incomplete at any time.

#### c) Can you restrict us from processing your data?

You have the right to block the processing of your personal data. . If you do, we can no longer process them, but we can still store them. In some exceptional cases, we will still be able to use them (e.g. with your consent or for legal claims). You have this right in a few different situations: when you contest the accuracy of your personal data, when the Agency no longer needs the data for completing its tasks, when the processing activity is unlawful, and finally, when you have exercised your right to object. .

#### d) Can you delete your data?

You have the right to ask us to delete your data when the personal data are no longer necessary for the purposes for which they were collected, when you have withdrawn your consent or when the processing activity is unlawful. In certain occasions we will have to erase your data in order to comply with a legal obligation to which we are subject.

We will notify to each recipient to whom your personal data have been disclosed of any rectification or erasure of personal data or restriction of processing carried out in accordance with the above rights unless this proves impossible or involves disproportionate effort from our side.

**e) Are you entitled to data portability?**

Data portability is a right guaranteed under Regulation 1725/2018 and consists in the right to have your personal data transmitted to you or directly to another controller of your choice.
In this case, this does not apply for two reasons: I) in order for this right to be guaranteed, the processing should be based on automated means, however we do not base our processing on any automated means; II) this processing operation is carried out in the public interest, which is an exception to the right to data portability in the Regulation.

**f) Do you have the right to object?**

When the legal base of the 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" which is the case in most of our processing operations, you have the right to object to the processing. In case you object, we have to stop the processing of your personal data, unless we demonstrate a compelling reason that can override your objection.

**g) Do we do automated decision making, including profiling?**

No.

## 12. What security measures are taken to safeguard your personal data?

The Agency has several security controls in place to protect your personal data from unauthorised access, use or disclosure. In addition, the service providers (PMO and DG HR) adopt appropriate technical and organisational security measures, giving due regard to the risks inherent in the processing and to the nature, scope, context and purposes of processing, in order to ensure, in particular, as appropriate:
(a) the pseudonymisation and encryption of personal data;
(b) the ability to ensure the ongoing confidentiality, integrity, availability and resilience of processing systems and services;
(c) the ability to restore the availability and access to personal data in a timely manner in the event of a physical or technical incident;
(d) a process for regularly testing, assessing and evaluating the effectiveness of technical and organisational measures for ensuring the security of the processing;
(e) measures to protect personal data from accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data transmitted, stored or otherwise processed.

For more information on the security measures adopted by the Comimision see the Commission decision on the security of communication and information systems in the European Commission: EUR-Lex - 32017D0046 - EN - EUR-Lex (europa.eu)

## 13. What can you do in the event of a problem?

a) The first step is to notify the Agency by sending an email to FRA-SYSPER@fra.europa.eu and ask us to take action.

b) The second step, if you obtain no reply from us or if you are not satisfied with it, contact our data protection officer (DPO) at dpo@fra.europa.eu.

c) At any time you can lodge a complaint with the EDPS at http://www.edps.europa.eu, who will examine your request and adopt the necessary measures.

## 14. How do we update our data protection notice?

We keep our data protection notice under regular review to make sure it is up to date and accurate.

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