

PRIVACY STATEMENT

for processing of personal data in the context of end of service at the BEREC Office

The **Agency for Support for the Body of European Regulators for Electronic Communications (BEREC Office)** 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 privacy notice explains the BEREC Office policies and practices regarding its collection and use of your personal data, and sets forth your privacy rights. The BEREC Office recognizes that information privacy is an ongoing responsibility, and, therefore, this notice will be updated when necessary.

1. What is the purpose and legal basis for processing your personal data?

The purpose of processing of the data is to manage the end of service of BEREC Office Temporary Agents (TA's), Contract Agents (CA's), Seconded National Experts (SNE's), Trainees and Interim workers.

The lawfulness for the processing operation is Article 5(a) and Article 5(b) of Regulation 2018/1725.

The legal bases of the procedure are:

1. Staff Regulations of Officials of the European Communities (Staff Regulations) and the Conditions of employment of other servants of the European Communities (CEOS), laid down by Regulation (EEC, Euratom, ECSC) No 259/68 of the Council, as last amended by Council Regulation (EC, Euratom) No 23/2005 (and particularly Articles 47, 48, 49, 50, 52, 53, 54 of the Staff Regulations and Articles 47 to 50a and 119 of the CEOS).
2. Decision MB/2020/03 of the Management Board of the Agency for Support for BEREC (BEREC Office) on the secondment to the BEREC Office of national experts and national experts in professional training (and particularly Articles 9 and 10);
3. Decision MC/2018/02 on amending Decision MC/2016/08 of the Management Committee of the BEREC Office on the Rules Governing the Traineeship Programme of the BEREC Office (and particularly Article 1 (2));

4. Internal Administrative Instruction IAI/2020/01 of the Director of the BEREC Office on amending the BEREC Office User Guide for the implementation of the Framework Contract for the provision of interim workers' services BEREC/19/046 and repealing Internal Administrative Instruction IAI/2019/01 (and particularly Article 3.8 of Annex 1).

2. What personal data is collected and processed?

In order to carry out this processing operation, the BEREC Office processes the following categories of personal data:

1. Identification details: personal data allowing the candidate to be identified, i.e. first name, surname, personal number, position, unit, date of the end of service and e-mail address;
2. Declaration of intention to engage in an occupational activity after leaving the BEREC Office;
3. Data concerning pay, allowances and bank accounts - necessary to determine the end-of-contract individual rights and financial entitlements of staff (e.g., through PMO forms) including data on the data subject's bank account, last salary statement, place of origin, if applicable the last taxable income of spouse, the data subject's household, the allowances at the end of service; information concerning transfers in of accumulated retirement rights. Where necessary, the BEREC Office HR or the PMO may request additional financial information to establish the individual rights;
4. Data concerning the data subject's family - Marital status (e.g., marriage or civil partnership, divorce/separation), certificate and date; first and last name, date of birth and nationality of spouse/partner; if applicable staff or pension number of spouse/partner; if applicable professional activity of spouse; if applicable first and last names, dates of birth and places of schooling of all dependent children, birth and school certificates of dependent children;
5. Data concerning the data subject's career, recruitment and contracts - date of resignation/retirement/end of contract, statutory link/contract type, new destination (if the staff member moves to another EU Institution or body); content of work described in hand-over reports;
6. Data concerning leave and absences - period(s) of leave on personal grounds, parental leave, part-time work; information concerning other types of leave (e.g., long-term sickness absence) may be referenced in specific documents;
7. Data concerning missions and journeys;
8. Data concerning IT accounts;
9. Data necessary to complete the hand-over report, such as the state of files and recommendations for future jobholders.
10. Any other relevant data supplied by the TA's, CA's, SNE's, Trainees and Interims necessary to manage his/her individual file.

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

Recipients of the data are:

1. The BEREK Office HR professionals in charge of the end of service procedure and responsible of processing the files;
2. The Director of the BEREK Office in the capacity of Authority Authorised to Conclude the Contracts of Employment (AACC) ;
3. The BEREK Office IT professionals responsible for end of service procedure related to IT equipment and accounts;
4. Those impacted by the termination of service receive the hand-over report (e.g. new jobholders, staff ensuring business continuity, etc.)
5. Only for Staff Members and SNE's: The PMO, which will receive part of the information for the determination of financial rights on behalf of the BEREK Office;
6. The new institution in case of an interinstitutional transfer.

Access rights for each user group are governed by the “need to know” principle. All recipients of personal data in the framework of this exercise are instructed to process the personal data they receive only for the purpose for which they were transmitted.

4. How long are your personal data kept?

In line with the EC retention list:

1. The personal data related to recruited staff members is stored in their personnel file and kept for 8 years after the extinction of all rights of the person concerned and of any dependents, and for at least 100 years after the recruitment of the person.
2. Personal files of recruited trainees are retained for 50 years after the end of the traineeship.
3. In those cases in which the operations are carried out using SYSPER, the retention periods indicated in the SYSPER Data Protection Notice apply.
4. For the retention period of PMO files, please refer to the PMO's specific retention list.

5. What are your rights?

You have the right to request from the controller access to and rectification or erasure of your personal data or restriction of processing.

You also have the right to object to processing of your personal data and to data portability.

The controller shall provide information on action taken on a request 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.

6. Who is the data controller and how to exercise your rights?

The BEREC Office shall exercise the tasks of the data controller for the purpose of these processing operations.

To exercise the mentioned rights, you can contact the controller by sending an email to: recruitment@berec.europa.eu

If you consider your data protection rights have been breached, you can always lodge a complaint with the BEREC Office's Data Protection Officer (dpo@berec.europa.eu) or with the European Data Protection Supervisor: edps@edps.europa.eu