

PRIVACY STATEMENT

for processing of personal data regarding the annual appraisal procedure of statutory staff at the BEREC Office

The **Agency for Support for BEREC** (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 the 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. What is the purpose and legal basis for processing your personal data?

The purpose of the processing operation is the annual appraisal of the statutory staff (temporary and contract agents) working at the BEREC Office.

In order to comply with the Staff Regulations and ensure that a staff member is adequate to his/her assigned role, BEREC Office requires Contract and Temporary staff to undergo an annual appraisal. The appraisal report evaluates the annual performance of the data subject.

The processing operation is necessary for the performance of BEREC Office tasks carried out in the public interest and the data subject has given consent to the processing of his or her personal data. Therefore, the processing is lawful according to Article 5(a) and Article 5(d) of Regulation 2018/1725.

The legal bases of the procedure are:

- Regulation (EU) 2018/1971 of the European Parliament and of the Council of 11 December 2018 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009 (and particularly Article 30 thereof).
- Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community in particular Article 43 and 44 and Articles 15(2) and 87(1) CEOS.

- BEREC Office MC Decision MC/2015/10 laying down general implementing provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations for temporary staff;
- BEREC Office MC Decision MC/2015/2 on general provisions for implementing Article 87(1) of the Conditions of Employment of Other Servants of the European Union and implementing the first paragraph of Article 44 of the Staff Regulations;

2. What personal data is collected and processed?

The following types of personal data are processed for the above-mentioned purposes by the “Appraisal” module:

- identification data (name, first name, personal ID);
- data relating to function group/grade/step;
- data relating to the job description;
- data relating to languages knowledge, skills acquired, performance, competence, conduct, responsibilities, training and development;
- any personal data contained in the jobholder self-assessment
- any personal data contained in the appraisal and comments as well as evaluations written by the reporting officer in the appraisal reports

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

Within the BEREC Office:

The personal data of the data subjects are processed by the BEREC Office authorized staff: line manager of the data subject (Head of Unit/Team Leader), entity in charge of HR, Head of Administration Unit, Director;

Within the Commission and other EU institutions/bodies/agencies:

Since SYSPER 2 is a tool managed by the European Commission (i.e. DG HR is the system owner and parts of the tasks as subcontracted to DG DIGIT under a separate agreement, such as technical support related to the implementation and operation of SYSPER 2 modules, hosting of SYSPER 2 and other components, analysis of technical nature in relation to providing additional modules and services), there is a controller and processor relationship between the BEREC Office and the European Commission:

- Controller: the BEREC Office enters data in the system, processes the data and ensures its accuracy.
- Processor: DG HR and DG DIGIT maintain the system and provide technical support, business support with relation to the system (e.g. if a specific request that could not be solved within the BEREC Office Local Support Team).

Authorised staff of the following EU institutions may have access to relevant personal data for audit control or investigation purposes: Court of Auditors, Internal Audit Service of the European Commission, European Anti-Fraud Office (OLAF).

4. How long are your personal data kept?

[In accordance with the Commission's privacy statement](#), files related to the appraisal exercise shall be kept in SYSPER until the person or his or her entitled persons have exhausted the remedies, after the termination of their duties, within the meaning of Article 47 of the Staff Regulations and Articles 119 and 47 to 50 of the CEOS.

For the files related to the appraisal procedures conducted before the implementation of the SYSPER module on appraisal, the retention period applicable would be for 8 years after the extinction of all rights of the person concerned and of any dependents and 100 years after the date of birth of the person concerned.

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 have the right to withdraw your consent to the processing of your personal data.

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

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: personnel@bereg.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@bereg.europa.eu) or with the European Data Protection Supervisor: edps@edps.europa.eu

