

Record of Personal Data Protection of Personal Data Processing Activity, pursuant to Article 31 of Regulation (EU) 2018/1725¹

NAME OF PROCESSING OPERATION: Processing of personal data in the context of the 360 degree evaluation at the EBA

I. GENERAL INFORMATION

1) Contact Details of Controller(s)

Name: European Banking Authority, represented by Executive Director

Email Address: ExecutiveOffice@eba.europa.eu

2) Contact Details of Processor

Who is actually conducting the processing?

The data is processed by:

The EBA itself: The Human Resources Unit will be conducting the processing activity.

Email address: hrteam@eba.europa.eu

The processor providing the services for the 360 degree evaluation project is

Deloitte: belgiumprivacy@deloitte.com; [Deloitte privacy statement](#).

The processor uses sub-processor CheckMarket (<https://www.checkmarket.com/privacy-policy/>), their strategic partner, for the data hosting of the data collected for the 360 degree evaluation.

CheckMarket: dataprotectionofficer@checkmarket.com

The complete list of sub-processors that CheckMarket uses and information about their processing agreement with CheckMarket can be found here:

<https://www.checkmarket.com/about-us/sub-processors/>.

The processor and all sub-processors are located in Europe.

¹ 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC

II. DESCRIPTION & PURPOSE OF PROCESSING

3) Description of Processing

The purpose of the processing of the personal data is to undertake a 360 degree evaluation using an online platform provided by processor and sub-processor. The 360 degree evaluation is an exercise that allows managers to receive feedback from various sources (staff, peers, their managers and external stakeholders) in order to:

- Obtain a greater insight on how they are perceived in the workplace and the impact that they have on others;
- Provide them with improved self-awareness regarding their perceived strengths, weaknesses and developmental points on their managerial competences; and
- Support them in prioritizing and implementing development actions in alignment with the EBA's values and needs.

Therefore, the EBA needs to process the personal data of both the managers and the respondents in the exercise and to provide this to processor and sub-processors so, they, in turn, can make the online platform accessible to them (please see categories of data in point 7 below).

Processor and sub-processors need to process the personal data to be able to carry out the 360 degree evaluation for the EBA, to be able to prepare the relevant confidential individual reports for the managers and to prepare the related action plans, including learning and development paths. An Agency report will also be provided by processor with the compiled result of the main findings from all of the managers, summarising the conclusions on an organisational level and on subgroups of at least five respondents that may be relevant for analysis purposes.

4) Purpose of processing

Why are the personal data being processed?

Specify the rationale and underlying reason for the processing

Staff administration

This processing aims to provide structured multi-level feedback to managers, allowing them to develop their personal, professional, managerial and leadership skills. The intended purpose is the professional development of the manager and not a performance assessment.

Relations with external parties

Procurement, finance and accounting

Administration of membership records

Auditing

Information administration

The exercise consists of:

- The definition and design of the content for the 360° evaluation by processor and the EBA. This 360 degree evaluation will provide one set of questions to be used for the evaluation of managers:
 - The questions will be composed of a set of closed questions where a rated answer will be given. The data collected takes the form of numerical data i.e. giving a rating to an answer and textual data where the participant can choose to complement the numerical data with individual comments. The participant has the option to provide these comments or not.
 - These questions will be answered by managers and the other respondents through the online platform and will give the self-perception input from the managers and feedback from the respondents.
 - The manager will not receive information revealing the individual answers of the respondents who assessed their skills;
- Awareness sessions provided by processor so managers and respondents are aware of the objectives, process and outcomes of the evaluation;
- The launch of the 360 degree evaluation exercise and following the answering of the questions in the online platform, the processing of the data supplied by the managers and respondents by processor.

- Following this, a final individual report for the manager, including the personal development plan will be prepared by processor and recommendations on how to implement the plan, including the provision of coaching will be put forward. This report will be sent directly to the manager and one-to one follow up sessions between processor and every manager to discuss the results of the 360 degree evaluation will take place.
- An optional ad-hoc coaching session may take place if requested, with a coach provided by processor.
- An Agency report will also be generated and provided to the core project team, the Steering Committee for the project, the Chair and the Executive Director, who will have access only to aggregated information about the compiled main findings from the managers altogether, summarising the conclusions on an organisational level and on subgroups of at least five respondents, without any possibility to track or identify individual answers. The general results from the 360 degree evaluation will be presented to all staff.

The data collected through the online tool and provided by the managers and respondents on a voluntary basis is processed by processor and its sub-processors. At no time, will the EBA have access to this raw data. The data is only used for the reports. The system stores the individual responses and merges them together for the Agency's report. The processor and sub-processors have access to the data in order for them to draft both the confidential individual reports for the managers and consolidated (anonymised) Agency report. At no time, will the Agency have access to the individual feedback reports. The confidential individual reports will not be stored in any HR electronic folder or included in the staff member's personnel files. Only the managers will receive their confidential individual report both on paper and electronically, by email with an encrypted PDF that can only be opened with a password. The individual report shall lead to a concluding action and learning and development plan, e.g. leadership development programme for the manager. The Steering Committee at the EBA for the project, the core project team, the Chair and the Executive Director will also receive the compiled Agency (anonymised) report. The Agency report shall lead to an action plan and may lead to a learning and development plan that shall be communicated to the Agency's Human Resources Unit. Neither the individual nor the Agency report will contain any personal data nor comments referring to individual staff. The individual and Agency report will not be linked to a performance appraisal or reclassification exercise.

Managers and respondents submit data when completing online assessments.

Managers may also provide personal data to coaches.

5) Lawfulness of Processing*Article 5 of Regulation (EU) 2018/1725***A. Legal Basis justifying the processing:**

Processing is based on Article 5 (1)(a) of the Regulation (EU) No. 2018/1725 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, providing that : (a) a task carried out in the public interest or in the exercise of official authority vested in the EBA (including management and functioning of the institution) (Recital (22) of Regulation (EU) 2018/1725);

- Regulation (EU) No 1093/2010 of the European Parliament and the Council of 24 November 2010 establishing the EBA;
- 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 24(a) of the Staff regulations and Art.11 and 81 of the CEOS

The managers and the respondents voluntarily agree to answer the questions.

B. Processing is necessary:

- for the performance of a task carried out in the public interest
- for compliance with a legal obligation to which the Controller is subject
- for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract
- in order to protect the vital interests of the data subject or of another natural person

Or

- Data subject has given his/her unambiguous, free, specific and informed consent

III. CATEGORIES OF DATA SUBJECTS & PERSONAL DATA

6) Categories of Data Subjects
<p><i>Please tick all that apply and give details where appropriate</i></p> <p><input checked="" type="checkbox"/> EBA Temporary Agents or Contract Agents</p> <p><input checked="" type="checkbox"/> SNEs of the EBA</p> <p><input type="checkbox"/> Visitors to the EBA (BoS, MB, Working Groups, Sub-Groups, Seminars, Events, other) If yes, please specify:</p> <p><input type="checkbox"/> Providers of good or services</p> <p><input type="checkbox"/> Complainants, correspondents and enquirers</p> <p><input type="checkbox"/> Relatives and associates of data subjects</p> <p>Other (please specify): External stakeholders from outside the EBA may be requested to act as respondents to provide feedback.</p>
7) Categories of personal data
<p><i>Please tick all that apply and give details where appropriate</i></p> <p>(a) General personal data:</p> <p>The personal data contains:</p> <p><input checked="" type="checkbox"/> Personal details: <u>Manager being reviewed:</u> Forename, surname and e-mail-address, and professional reporting line to staff, peers, their managers and superiors. This data serves purely to identify the programme participants: managers and respondents to allow the contractor to contact them. This data will be delivered by the HR Unit of the EBA to the processor and sub-processor. The processor and sub-processors will send those managers and respondents participating in the 360 degree evaluation a link to the online platform by e-mail, that will allow them to access the online questionnaire. Managers will also provide their own answers with regard to the perception of their competencies. Managers being reviewed will also receive an individual report.</p> <p><u>Respondent:</u> Forename, surname and e-mail-address. This data serves purely to identify the programme participant and those colleagues participating in the feedback exercise as respondents to allow the processor to contact them. Respondents will provide answers with regard to their perception of the competencies of the manager(s) being assessed.</p>

The manager will contact the external stakeholders and request their consent. At no time will the external stakeholders' name, surname or email address will be disclosed to the processor and sub processor without this consent.

Education & Training details:

Employment details: Manager being reviewed and respondent: Professional reporting line to supervisors, peers and staff (if applicable as staff from other departments may give feedback that are not under the manager's direct reporting line).

Financial details:

Family, lifestyle and social circumstances

(b) Special categories of personal data:

The personal data reveals:

Racial or ethnic origin

Political opinions

Religious or philosophical beliefs

Trade union membership

Genetic or Biometric data

Data concerning health, sex life or sexual orientation

Important Note

If you have ticked any of the sensitive data boxes contact the Data Protection Officer before processing the data further.

IV. CATEGORIES OF RECIPIENTS & DATA TRANSFERS

8) Recipient(s) of the data

To whom is the data disclosed?

Managers of data subjects

EBA staff members:

- The managers taking part in the 360 degree evaluation will receive individual reports following the exercise from processor directly which will be password protected;

- The Agency report will be provided to the Steering Committee, core project team, the Chair and the Executive Director. The results of the 360 for the Agency will be shared in a results session with the EBA staff.
- The relevant EBA Human Resources may be informed of learning and development recommendations for the whole group.

Also, if appropriate, specialised members of the IT Unit involved in the management of the Human Resources processes may access the HR electronic folder where the Agency report is stored; no access will be given to the report itself. On a need to know basis, members of the Legal and Compliance Unit may have access to the Individual report in the case of complaints pursuant to Article 90 only if the manager concerned provides the report themselves.

Relatives or others associated with data subjects

Current, past or prospective employers

Healthcare practitioners

Education/training establishments

Financial organisations

External contractor: The processor and sub-processors will be provided with the names, surnames, reporting lines and email addresses of the participating staff members. They will also receive the answers to the questions through the online platform and will process the data to prepare the individual and an Agency report.

In addition, the consultant provided by the processor, who will conduct the feedback session with the manager and, if an optional ad-hoc coaching session is requested, with the ad-hoc coach provided by the processor, will have access to the manager's individual report.

Other (please specify): If appropriate, access to the Agency report will be given to EU staff with the statutory right to access the data required by their function, i.e. the European Ombudsman, the Civil Service Tribunal, the Internal Audit Service, the European Court of Auditors, OLAF and the European Data Protection Supervisor. Access to the individual reports can only be given by the managers himself/herself.

9) Data transfer(s)

Is the data transferred outside the EBA?

Within the EBA

If yes, please specify: The data will only be transferred as follows:

- The managers taking part in the 360 degree evaluation will receive individual reports following the exercise from the processor directly;
- The relevant EBA Human Resources staff members will be sent the Agency report and may be informed of learning and development recommendations for the whole group;
- The Agency report will be provided to the Steering Committee, core project team, the Chair and the Executive Director. The results of the 360 for the Agency will be shared in a results session.
- Also, if appropriate, specialised members of the IT Unit involved in the management of the Human Resources processes may access the HR electronic folder where the Agency report is stored; no access will be given to the report itself. On a need to know basis, members of the Legal and Compliance Unit may have access to the Individual report in the case of complaints pursuant to Article 90 only if the manager concerned provides the report themselves.

To other recipients within the EU: The processor and sub-processors will be provided with the names, surnames, reporting lines and email addresses of the participating staff members. They will also receive the answers to the questions through the online platform and will process the data to prepare the individual and an Agency report.

In addition, the consultant provided by the processor, who will conduct the feedback session with the manager and, if an optional ad-hoc coaching session is requested, with the ad-hoc coach provided by the processor, will have access to the manager's individual report.

EU staff with the statutory right to access the data required by their function, i.e. the European Ombudsman, the Civil Service Tribunal, the Internal Audit Service, the European Court of Auditors, OLAF and the European Data Protection Supervisor. Access to the individual reports can only be given by the managers himself/herself.

To third countries

If yes, please specify:

- a) the country:
- b) whether suitable safeguards have been adopted:

Adequacy Decision of the European Commission ²	<input type="checkbox"/>
Standard Contractual Clauses	<input type="checkbox"/>
Binding Corporate Rules	<input type="checkbox"/>
Administrative Arrangements between public Authorities	<input type="checkbox"/>
<input type="checkbox"/> To international organisations	
If yes, please specify the organisation and whether suitable safeguards have been adopted:	
<p>Important Note</p> <p>If no safeguards have been put in place, please contact the DPO before processing the data further.</p>	

V. RETENTION PERIOD & SECURITY MEASURES

10) Retention period (see Note 7)
<p>A. How long will the data be retained and what is the justification for the retention period?</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p>The data collected for the launch and completion of the 360° feedback evaluation as well as the reports are kept by the processor and sub-processors for 12 months from the date the reports are delivered to the EBA.</p> <p>If an external stakeholder requests that his/her data be deleted, this may be requested to the processor and sub-processors: belgiumprivacy@deloitte.com who will supply a confirmation (screen shot) that this has been done.</p> <p>If any manager specifically requests that his/her data be deleted after the feedback/coaching session(s) take place, the processor and sub-processors will supply a confirmation (screen shot) that this has been done.</p> <p>The Agency report, containing aggregated information without any possibility to track or identify individual answers, will be kept by the EBA's HR Unit for seven years from the date</p> </div>

² Third countries for which the European Commission has issued adequacy decisions are the following: https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en

the report is received. The reason is to allow the EBA to act on any respective follow-up actions and personal development plans.

The managers shall store their confidential individual reports for their personal use for as long as they consider necessary for the purpose of their individual learning and development.

B. For further processing envisaged beyond the original retention period for historical, statistical or scientific purposes, please specify whether the personal data will be anonymised: N/A

No

Yes

11) Storage media & security of processing

A. Please indicate how and where the data processed are stored (e.g. Share Point / cloud):

The Agency report is stored in a specific electronic folder accessible only to the authorised recipients. Appropriate levels of access are granted on an individual basis only to the above recipients (see point 8 above).

The contractor uses Checkmarket (<http://www.checkmarket.com>), their strategic partner, for the data hosting of the data collected for the 360 degree evaluation, who also voluntarily adhere to the codes and guidelines of Esomar – the international association for market, social and opinion researchers. All research data is stored on data collection tool servers, behind a firewall or in a secure web environment, in Germany or Ireland.

The complete list of sub-processors that CheckMarket uses and information about their processing agreement with CheckMarket can be found here: <https://www.checkmarket.com/about-us/sub-processors/>. All sub-processors are located in Europe.

B. Technical & Organisational Security measures adopted: The measures adopted by the contractor as are follows:

Controlled access to ICT-system/controlled access codes

Restricted access to physical location where data is stored

Pseudonymisation and Encryption

Back-up

- Audit trails
- Confidentiality agreement that will be part of the consent
- Test the effectiveness of security measures adopted
- Training of staff

Other (please specify): The contractor uses a range of physical, electronic and managerial measures to ensure that they keep the managers and respondents personal data secure, accurate and up to date. These measures include:

- Education and training to relevant staff to ensure they are aware of the contractor's privacy obligations when handling personal data.
- Signature by all of the contractors' employees of a confidentiality clause in their employment agreement, which ensures the protection of any confidential information.
- Administrative and technical controls to restrict access to personal data on a 'need to know' basis i.e. only to personnel required for technical maintenance and data linking.
- Technological security measures, including firewalls, encryption and anti-virus software.
- Physical security measures, such as staff security passes to access the premises of the contractor.

Consultation of the Data Protection Officer and Deputy Data Protection Officer

Email Address: dpo@eba.europa.eu

Date of consultation: 03/03/2021

Date of approval of processing: 10/03/2021

Privacy statement available at:

<https://intranet.eba.europa.eu/StaffMatters/Pages/Appraisal.aspx>

Date of insertion in Register: 15/03/2021