

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 management of Learning and Development activities for EBA staff

I. GENERAL INFORMATION

1) Contact Details of Controller(s)

Name: The European Banking Authority, represented by the 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: Training@eba.europa.eu

The EBA also uses the EU Commission learning management system (LMS) EU Learn to provide some training to its staff. The system owner of this database is the European Commission's Learning and Development Unit, HR.B.3. The responsible person is the Head of the Learning and Development Unit of the European Commission, HR.B.3 (HR-EU-LEARN@ec.europa.eu)

DG HR (HR-EU-LEARN@ec.europa.eu) manages the EU Learn tool.

For enquiries, European Commission DPO: https://ec.europa.eu/info/departments/data-protection-officer_en#contact

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

Possible external training providers with whom an EBA staff member is enrolled for a training course.

II. DESCRIPTION & PURPOSE OF PROCESSING

3) Description of Processing

The EBA processes the data in order to plan and organise training activities, to monitor the training budget and the number of training days per staff member and to keep the training history of EBA staff (temporary agents and contract agents; SNEs and trainees on a case by case basis).

The training needs of the staff member are extracted from the appraisal report. Following this a training plan is created for the whole of the EBA where an overview is given of the various training activities that will be organised in the course of the training plan implementation.

For the general and soft skills training available in the EU Learn catalogue, enrolment is carried out through the LMS EU Learn. The courses are validated by a member of the HR Unit dealing with Learning and Development (L&D) via EU Learn. The staff member then receives an invitation to the course, attends the course and completes an evaluation sheet for the course in EU Learn.

For the training organised by an external provider, a specific request is made by the EBA staff member and approved by the line manager. The HR Unit members dealing with L&D then reserve the funds for the training through preparing a commitment and purchase order. Once the financial procedure has been completed, the staff member is enrolled on the course.

4) Purpose of processing

Why are the personal data being processed?

Specify the rationale and underlying reason for the processing

Staff administration: The purpose of the processing at the EBA is to facilitate staff carrying out professional and personal development through training, to monitor the training budget, to record the number of training days and to keep a history of the training carried out by the EBA staff. The Learning Management System of the European Commission (“EU Learn”) allows staff to identify and register for courses and other learning-related activities which are appropriate for their current and future jobs within the institutions, bodies and agencies. The training needs of the staff member are extracted from the appraisal report. Following this a training plan is created for the whole of the EBA where an overview is given of the various training activities that will be organised in the course of the training plan implementation.

Relations with external parties

Procurement, finance and accounting

Administration of membership records

 Auditing

 Information administration:

Other (please give details):

5) Lawfulness of Processing

Article 5 of Regulation (EU) 2018/1725

A. Legal Basis justifying the processing:

Processing is based on Article 5 (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).

Processing is necessary for the performance of tasks carried out in the public interest on the basis of the Treaties establishing the European Communities (professional and personal development of EBA staff) and in particular:

- 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 24a of the SR and Articles 11 and 81 of the Conditions of Employment of Other Servants (CEOS);
- Decision EBA DC 278 of the Management Board of 16 August 2019 on the framework for learning and development.

Staff request to carry out training and understand that their name, surname, office work email address and job title will be provided in order for them to be registered for a course.

Staff members themselves register for training in EU Learn and give their details on a voluntary basis.

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

Please tick all that apply and give details where appropriate

- EBA Temporary Agents or Contract Agents:
- SNEs or trainees
- Visitors to the EBA (BoS, MB, Working Groups, Sub-Groups, Seminars, Events, other)
If yes, please specify:
- Providers of good or services
- Complainants, correspondents and enquirers
- Relatives and associates of data subjects

Other (please specify):

7) Categories of personal data

Please tick all that apply and give details where appropriate

(a) General personal data:

The personal data contains:

- Personal details (name, address etc.): Personal information about the staff member, i.e. surname, first name, office e-mail address, telephone number, job title.
- Education & Training details:
- Employment details: In EU Learn and for external providers the name of the agency of employment is given. The job title of the staff member may be required.
- Financial details: In case of reimbursing the cost to the staff member, LEF, BAF, details of the course and cost, proof of payment, proof of attendance.
- Family, lifestyle and social circumstances

Other (please give details):

The HR Unit staff member dealing with L&D has access via EU Learn to the following data regarding the staff member undertaking the training:

- Name of the training course
- Attendance or absence to a course
- Fee involved for external learning events
- Evaluation of training course and the trainer/contractor (entered anonymously by the staff member undertaking the training)

(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: Line managers approve training undertaken by their staff by email.

Designated EBA staff members:

- Members of the HR Unit dealing with L&D at the EBA
- The Finance and Procurement Unit's staff members handling the processing of payments to the training providers will see the attendance list for a course and the Accountant.

Also, if appropriate, access will be given to the specialised members of the IT Unit involved in the management of the Human Resources processes and the Legal Unit in the case of complaints pursuant to Article 90 of the Staff Regulations.

Relatives or others associated with data subjects

Current, past or prospective employers

Healthcare practitioners

Education/training establishments

Financial organisations

External contractor: Staff members can carry out training with an external provider.

Other (please specify): Any DG that makes their courses available in EU Learn will also receive through EU Learn the surname, name, place of employment and job title of the staff member requesting to attend the training.

If appropriate, access 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.

9) Data transfer(s)

Is the data transferred outside the EBA?

Within the EBA or to other EU Institutions/Agencies/Bodies

If yes, please specify: Data will be transferred between the designated HR Unit members dealing with L&D and the line manager.

The Finance and Procurement Unit's staff members handling the processing of payments to the training providers will see the request, approval, course details, attendance list for a course and the Accountant.

When staff register for a course through EU Learn, the data is transferred between EU Learn and the HR Unit members dealing with L&D so they can approve the training request on behalf of the EBA.

Also, if appropriate, access will be given to the specialised members of the IT Unit involved in the management of the Human Resources processes and the Legal Unit in the case of complaints.

To other recipients within the EU (e.g. NCAs): External service providers providing training courses will also receive the name and surname of the staff member attending the course. If appropriate, access 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.

To third countries

If yes, please specify:

a) the country: USA, others

b) whether suitable safeguards have been adopted:

Adequacy Decision of the European Commission²

Standard Contractual Clauses

Binding Corporate Rules

Administrative Arrangements between public Authorities

Transfers of personal data to third countries take place as a result of using audio-video conference tools employed by the EC and its external trainers (Microsoft Teams, Skype for business, WebEx) and as a result of enrolling and participating in e-learning.

To international organisations N/A

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

If yes, please specify the organisation and whether suitable safeguards have been adopted:

Important Note
If no safeguards have been put in place, please contact the DPO before processing the data further.

V. RETENTION PERIOD & SECURITY MEASURES

10) Retention period (see Note 7)

A. How long will the data be retained and what is the justification for the retention period?

Training records are kept by the EBA and EU Learn for the duration of the contractual relationship with the EBA and for five years after the end of the contractual relationship with the EBA.

In the case of a formal appeal, all data held at the time of the formal appeal will be retained until the procedure is completed.

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):

All personal data related to the training activities are stored in specific electronic and physical paper folders 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 appraisal reports where the proposed training for each staff member is mentioned are kept in an automated e-HR application called Allegro.

B. Technical & Organisational Security measures adopted:

- Controlled access to ICT-system/controlled access codes
- Restricted access to physical location where data is stored
- Pseudonymisation and Encryption: Data may be coded with a pseudonym via EU Learn on case by case basis
- Back-up
- Audit trails
- Confidentiality agreement/clause: All members of the HR Unit sign a confidentiality agreement when they take up duties.
- Test the effectiveness of security measures adopted
- Training of staff: HR members dealing with Learning and Development

Other (please specify):

Consultation of the Data Protection Officer

Email Address: dpo@eba.europa.eu

Date of consultation: 16/03/2021

Date of approval of processing: 30/03/2021

Privacy statement available at: available internally

Date of insertion in Register: 30/03/2021