



Schola Europaea

Office of the Secretary-General

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## **Privacy Statement for the Seconded Staff<sup>1</sup>**

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<sup>1</sup> Members of the executive (Directors and Deputy Directors), teaching and supervisory staff, and managerial staff seconded to the European Schools by their national authorities, as stated in Article 1 of the Regulations for Members of the Seconded Staff of the European Schools

# European School of MOL

## Privacy Statement for the Seconded Staff

### Table of Contents

1. What are the categories of personal data collected by the School? .....	3
2. What will the School do with your personal data? .....	<b>Error! Bookmark not defined.</b>
3. What is the legal basis for the processing? .....	4
4. With whom do we share your information? .....	5
5. How long will your data be stored? .....	6
6. What steps are taken to safeguard your personal data? .....	6
7. What are your rights? .....	6
8. Whom should you contact in case of a complaint? .....	7
9. Changes to this Privacy Statement .....	7

### Effective from May 25, 2018

The European School (hereinafter, referred to as the “School”) is committed to respecting your privacy and to complying with the requirements of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016, on the protection of natural persons with regard to the processing of personal data on the free movement of such data (hereinafter, referred to as “the GDPR”).

‘Personal data’ means any information related to an identified or identifiable natural person. In the School the ‘data subjects’ are in particular the staff, the pupils and the legal representatives/parents.

As defined by Article 4 (7) of the GDPR, the data ‘controller’ is the natural or legal person, public authority, agency or other body which alone or jointly with others, determines the purposes and means of the processing of personal data. As each European School has its own legal personality<sup>2</sup>, the Director<sup>3</sup> of each School is considered as a data ‘controller’.

This Privacy Statement informs you about how the School processes information it collects about you during the selection and recruitment process, as well as during your contractual relationship with the School. It sets out what kind of personal data it may collect about you, how it processes them, and what are your rights in relation to such collection.

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<sup>2</sup> Article 6 of the Convention defining the Statute of the European Schools

<sup>3</sup> Contact details: MOL-DIRECTOR@eursc.eu

## 1. What are the categories of personal data collected by the School?

The School will need to have access to and to process the following personal data:

- Contact details: name and surname, address, telephone number and email address
- Recruitment information: competences, skills, experience and education, e.g. your updated CV (Euro pass format), previous employments, educational details, diplomas and qualifications, third party references, and criminal convictions and offences,
- HR information:
  - Attendance information;
  - Performance management;
  - Training;
  - Disputes and Discipline management;
  - Employment, Pay, Pensions and Allowances;
  - Health and Welfare;
  - Redeployment.

## 2. What are the purposes for which personal data are collected?

The School will collect, use, store and process your personal data to perform your secondment and to enable us to comply with legal obligations.

The School will process your personal data for the following purposes:

- Communicating with you, in context of recruitment activities;
- Determining the terms on which you work for us and general administration of your secondment;
- Paying you, making decisions about salary reviews and compensation;
- Providing secondment-related benefits to you;
- Business management and planning, including accounting and auditing;
- Conducting performance reviews, managing performance and determining performance requirements; assessing qualifications for a particular job or task, including decisions about promotions;
- Gathering evidence and any other steps relating to possible disciplinary matters and associated hearings;
- Making decisions about your continued secondment;
- Making arrangements for the termination of your secondment;
- Providing training;
- Dealing with legal disputes involving you, or other employees and contractors, including accidents at work;

- Ascertaining your fitness to work, managing sickness absence;
- Complying with health, security and safety obligations;
- Preventing fraud;
- Monitoring your activity when using the IT tools and applications provided by the School in accordance with the ICT Charter;
- Complying with legal and regulatory compliance, including obtaining and releasing personal data as required by law, judicial organizations or practice in order to comply with legal obligations imposed on us.
- Providing third parties with references, with your prior consent.

### 3. What is the legal basis for the processing of personal data?

#### a. Contractual necessity

The legal basis for the processing of your personal data relies on Article 6, paragraph 1, numeral (c) of the GDPR: contractual necessity, statutory necessity, pursuant to the Regulations for Seconded Staff Members of the European Schools.

#### b. Compliance with a legal obligation to which the School is subject

Where processing of personal data is necessary to comply with a legal obligation to which the School is subject, information will be shared with National Authorities (i.e., tax or social security obligations).

#### c. Compliance with a legal obligation under employment, social security or social protection law

Where processing of special categories of personal data, such as seconded staff's health information, is necessary, information will be processed by the School.

#### d. Authorization by Member State Law

Where processing of personal data related to criminal convictions and offences is authorised under the national law in order to access to an activity related to education<sup>4</sup>, such information will be processed by the School.

#### e. Consent

Consent will be requested from the seconded staff member, where processing of personal data is necessary to provide a potential or future employer with a reference.

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<sup>4</sup> Law of August 8, 1997 regarding the central criminal record

#### 4. Who has access to the personal data and whom do we share them with?

Personal data collected by the School will be processed within the School.

To facilitate the management of the School's activities, the staff members will use some service providers' software and IT solutions (i.e.; SMS, O365, SAP). Contractual agreements are in place to ensure that these service providers are fully compliant with the GDPR's provisions and act only in accordance with the School's specific directions.

Data processing activities will only be handled by staff members with a legitimate need to access the seconded staff members' personal data, for the purposes described above.

The School will not disclose your personal data outside of the European Union.

##### a. Within the European Schools system

We will in some circumstances have to share your personal information with the other stakeholders of the European Schools system, such as:

- The Office of the Secretary-General of the European Schools, for administrative and human resources purposes,
- Members of the different boards and working groups of the European Schools, where you are part of any of those, to ensure the proper functioning of these boards and working groups,
- The other European Schools, for administrative purposes<sup>5</sup>,
- Your national inspector, for the purposes of statutory evaluations and performance management.

##### b. Third parties

We will in some circumstances have to share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where prior consent has been obtained.

In consequence, your personal data will be shared with:

- CIPAL, in order to calculate your salary;
- External services of protection and prevention at work;
- Security company, for security purposes such as access to the School;
- Court of auditors, where necessary for audit purposes;
- Third parties such as a potential or future employer, only when prior consent has been provided by the seconded staff member.

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<sup>5</sup> Participation in trainings, meetings

We require these third parties to respect the integrity and confidentiality of your data and to treat it in accordance with the GDPR and applicable national data privacy law. We do not allow third-party service providers to use your Personal data for their own purposes. We only permit them to process your personal data under our instructions and only for specified purposes.

## **5. How long will do we keep your personal data?**

Staff files, both paper and electronic versions, are kept for the duration of the staff member's career and thirty years after the finalization of the secondment once the file is closed, in accordance with Annex III of the Regulations for Members of the Seconded Staff.

A file will be closed when it is found that no further document needs to be added to or removed from it, with a view to fulfilment of all the obligations of the seconded staff member, as of those of the European Schools or of the Office of the Secretary-General, pursuant to the Regulations for Members of the Seconded Staff.

Reference to any disciplinary measures and the documents pertaining to the disciplinary procedure will be removed within the time period laid down in the special provisions of the Regulations for Members of the Seconded Staff<sup>6</sup>. The period referred to begins on 31 December of the calendar year during which the disciplinary measure was adopted.

When an appeal has been lodged or legal proceedings have been initiated by the seconded staff member against the School or the Office of the Secretary-General, by a third party against the School or the Office of the Secretary-General in connection with actions attributed to the seconded staff member or where the latter is involved, even incidentally, or by the School or the Office of the Secretary-General against the seconded staff member, the above-mentioned period will be suspended until the court's final ruling has been handed down.

## **6. How do we protect and safeguard your information?**

Data protection and security are key considerations for the School. We have assigned specific responsibilities to address privacy and security related matters. We take appropriate measures to address online security, physical security, risk of data loss, alteration or unauthorized access taking into consideration the risk represented by the processing and the nature of the data being protected.

Also, we limit access to the databases containing personal data to authorized persons having a legitimate interest to access such information, pursuant to the purposes described above.

## **7. What are your rights?**

With respect to the processing of your personal data, you have the right to be informed and have access to your personal data, as well as the right to rectification, erasure and to object to the processing.

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<sup>6</sup> **Article 75 (8) of the Regulations for Members of the Seconded Staff :**

All reference in the personal file to the written warning shall be deleted after a period of three years. All reference in the personal file to the reprimand shall be deleted after a period of six years.

To facilitate the exercise of your rights, you can present your request to [MOL-DPO-CORRESPONDENT@eursc.eu](mailto:MOL-DPO-CORRESPONDENT@eursc.eu)

The School will respond to these requests without undue delay and within one month at the latest. Should the School decline to comply with a request, you will be informed of the reasons for such a decision.

Please be informed that in case you object to certain processing activities or request that we delete your information, the School may be unable to continue the working relationship with you.

#### **8. Whom should you contact in case of a complaint?**

If you consider that the School has not complied with the data protection laws applicable (including the GDPR) or that your rights have been infringed as the result of the processing of your personal data, you have the right of recourse and can contact the [Data Protection Authority](#).

#### **9. Changes to this Privacy Statement**

We reserve the right to update this Privacy Statement at any time, and we will provide you with a new privacy statement when we make substantial changes.