

PRIVACY STATEMENT
for processing of personal data in the context of
annual reclassification of statutory staff (temporary agents and contract agents)
at the Agency for Support for BEREC

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 BEREC Office's policies and practices regarding its 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 to carry out the annual reclassification of statutory staff at the BEREC Office. The processing operation is necessary for the performance of BEREC Office tasks carried out in the public interest, for compliance with a legal obligation to which the controller is subject. Therefore, the processing is lawful according to Article 5(a), 5(b) of [Regulation 2018/1725](#). The legal bases of the processing operation are, as follows:

- The BEREC Office Founding Regulation, [Regulation \(EU\) No 2018/1971](#) of the European Parliament and of the Council of 11 December 2018, replacing the previous Regulation (EC) No 1211/2009 (and particularly Art. 30).
- [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 Articles 54 and 87(3) of the Conditions of Employment of Other Servants (CEOS);
- [Decision No MC/2016/07 of the Management Committee](#) of the Office of the Body of European Regulators for Electronic Communications (BEREC Office) on general implementing provisions regarding Article 87(3) of the Conditions of Employment of Other Servants of the European Union ;
- [Decision No MC/2016/06 of the Management Committee](#) of the Office of the Body of European Regulators for Electronic Communications (BEREC Office) on general implementing provisions regarding Article 54 of the Conditions of Employment of Other

Servants of the European Union

- Service Level Agreement (SLA) signed between the BEREC Office and DG HR on 21 December 2017 and particularly Amendment 5 signed on 2 April 2024. The SYSPER 2 tool is owned and maintained by the European Commission: the Commission's privacy statement is included in the tool.

2. What personal data is collected and processed?

The following types of personal data are processed for the above-mentioned purposes by the SYSPER 2 "Reclassification" module:

- Identification data (name, first name, personal ID)
- Data relating to function group, grade and step
- Data relating to the job description
- Data relating to languages knowledge, skills acquired, performance, competence, conduct, responsibilities, training and development
- Appraisal and comments by the line manager
- Evaluations written by the appraiser in the appraisal reports
- Appraisal report

The reclassification file of each staff member shall contain the following information:

- Appraisal report
- The reference period
- Career development reports
- Rank history since inception
- State of the exercise
- Comparison of the staff of the same category and grade
- Seniority in the rank
- Seniority in grade for eligibility
- Seniority in the grade on 1st of January of the promotion/reclassification exercise
- Starting working date
- The date of birth

The eligibility table of all staff for TA and CA in SYSPER 2 contains the following data:

- Name
- Personal number
- Grade
- Date when the staff was reclassified
- Seniority
- Date of effect if promoted
- Seniority as effective date

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 is processed by BEREC Office authorised staff: line manager of the data subject/reporting officer/Heads of Units at the BEREC Office, entity in charge of HR, Head of Administration and Finance Unit, Director, members of the Joint Reclassification Committee, the legal officer dealing with HR matters.

- **Entity in charge of HR has access to:** the table on the five years average seniority in grade, the multiplication rate table, , the conclusions on the examination of the comparative merits of the staff eligible for reclassification uploaded in ARES individual promotion files of each promotion (reclassification) file in SYSPER 2, eligibility table of all staff for TA and CA separately in SYSPER 2, appraisal reports , appeals lodged by eligible staff.
- **Heads of Units (HoUs/Line manager) have access to:** the table on the five years average seniority in grade, the multiplication rate table and the appraisal reports of the staff members eligible for reclassification reporting to him/her.
- **Director has access to:** the appraisal reports of the staff members eligible for reclassification, the table on the five years average seniority in grade, the multiplication rate table, the minutes of the meeting between the Staff Committee and the Director, the recommendation of the Joint Reclassification Committee, the appeals lodged by the eligible staff for reclassification.
- **The Joint Reclassification Committee has access to:** to the table on the five years average seniority in grade, the multiplication rate table, the minutes of the meeting between the Staff Committee and the Director, the appeals submitted by the eligible staff and the appraisal reports of all eligible staff through SYSPER.
- **The legal officer dealing with HR matters may have access granted by HR to:** the appeals submitted by the eligible staff, the recommendation issued by the Joint Reclassification Committee and the table of comparative merits³.

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.

- ***The entity in charge of HR in SYSPER has access to*** the entire promotion module since they are managing the access rights and the roles of the different actors involved in the reclassification exercise.
- ***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.

For the purpose of handling review procedures and litigation, access to the personal data may be granted also to the European Ombudsman, the European Data Protection Supervisor, the General Court and the European Court of Justice upon request and to the extent necessary for handling the review procedure and litigation.

3. How long are your personal data kept?

In accordance with the Commission's privacy statement files related to the reclassification procedure 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.

Other files related to the reclassification procedure that are not saved in SYSPER and the files related to the reclassification procedures conducted before the implementation of the SYSPER module on reclassification shall be kept for 5 years as of the termination of employment or as of the last pension payment.

5. What are your rights?

In accordance with Articles 15, 17, 18 of the Data Protection Regulation of European Institutions you have the right for information, the right of access, the right of rectification in case your personal data is not complete or not accurate.

You can access to the promotion file in SYSPER on the same date that the reclassification exercise is launched via the administrative notice.

You have the right to obtain the erasure of their personal data in accordance with Article 19 of the Regulation and in particular in the cases when the personal data are no longer necessary in

relation to the purposes for which they were collected. You have also the right to restriction of processing of personal data in accordance with Article 20 of the Regulation.

You have the right to object to the processing of your personal data, carried out in a lawful manner, in accordance with Article 5 (1) (a) of Regulation 2018/1725 on grounds listed in Article 23 of the Regulation.

The rights can be only exercised by sending a request in written form to personnel@berek.europa.eu.

As a general rule, the requests for information, access, rectification, erasure, restriction are handled without undue delay and in any event within one month of receipt of the request; this period may be extended by further two months where necessary, taking into account the complexity and number of requests.

In case you contest the accuracy of the data, upon request, the data is restricted immediately for the period of verification of the accuracy of the data, not exceeding one month.

Restrictions to the rights of data subjects may be applied by the BEREC Office, in accordance with Article 25 of the Data Protection Regulation of the European institutions and the BEREC Office rules on restrictions.

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@berek.europa.eu

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

