



EUROPEAN COMMISSION

European Health and Digital Executive Agency (HaDEA)

## **Data Protection Notice for Management of Learning and Development activities**

The European Health and Digital Executive Agency (HaDEA) processes your personal data<sup>1</sup> in line with [Regulation \(EU\) 2018/1725 of the European Parliament and of the Council of 23 October 2018<sup>2</sup>](#) on the protection of personal data by the European Union's institutions, bodies and agencies and on the free movement of such data.

### **What is the purpose of this processing activity?**

**The purpose** of this processing is to provide training and development activities to HaDEA staff. In some cases, providing evidence of participation in training to HaDEA People Development Team is necessary to ensure that staff follows training required for the proper fulfilment of their tasks or for which a financial contribution is requested. Specifically, the HaDEA People Development Team uses an internal IT Tool to search information from EULearn about staff members that have (not) attended (mandatory) trainings and follow-up with them.

Moreover, newsletters related to Learning and Development (L&D) activities are sent to HaDEA staff using the Newsroom IT tool owned by the European Commission Directorate-General for Communications Networks, Content and Technology (DG CONNECT) (see more information on how personal data is processed via Newsroom [here](#)).

Training is a key concept according to the European Commission Internal Control Standards (ICS) 4 – Staff Evaluation and Development. Every year training priorities are developed based on the multi-annual Inter-Executive Agencies HR Strategy. These priorities depend on the core tasks of the Agency, the needs expressed by management and staff and, if applicable, by recommendations of central services. The Inter-Executive Agencies HR Strategy serves as a tool for both management and staff to ensure that the staff development is in line with the needs for fulfilment of the overall mission of the Agency, but also with individual staff career development.

Training courses are managed through the Commission tool [EU Learn](#) (see the privacy policy statement at <https://eulearn.europa.eu/ilp/pages/internal-dashboard.jsf?menuId=54308996#/?dashboardId=805652>).

In case of external training, at the request of the data subject, the personal data are managed through paper documents or scanned versions of these, which can be sent by e-mail.

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<sup>1</sup> **Personal data** shall mean any information relating to an identified or identifiable natural person ('data subject').

An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

<sup>2</sup> 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 (OJ L295/39 of 21.11.2018).

### **Who is the data controller?**

**The data controller** of the processing operation is Head of Unit C.3 Staff, Communication and Support of HaDEA.

The following **entities process** your personal data on our behalf:

1. The European Commission Directorate-General for Human Resources Unit HR.C.4- Learning & Development, who provides L&D infrastructure and services, including EU Learn IT learning management system and external L&D procurement.
2. DG CONNECT, Unit D.4., which owns and operates Newsroom.
3. External services providers who may be engaged for certain specialized or external training activities, based on dedicated contracts.

### **Which personal data is collected?**

The following of your personal data are collected via EU Learn and/or paper files:

Staff members:

- First name;
- Last name;
- E-mail address;
- Login name;
- Institution/Agency;
- Department/Unit/Sector;
- Type of post;
- Gender;
- Name of line manager;
- Grade;
- Status of participation (present, absent, withdrawn, etc. – where applicable);
- Bank account number, bank name and address (in exceptional circumstances for external training when they need to be reimbursed – not stored under EU learn);
- Invoice date and registration fees (only for external training);
- Proof of attendance (for external training, where applicable);
- Participation in learning activities (learning history);
- Test scores and personal evaluation of the course;
- Skills and skill levels acquired through the learning activities.

Lists with participants' contact details may be distributed based on participants' consent.

Your e-mail address is processed in order to send you the HaDEA Learning & Development Bulletin.

Trainers:

- First name;

- Last name;
- Email address;
- Telephone number;
- Address (if a freelance trainer contracted via procurement, to whom documents need to be sent in order to be signed);
- Bank account number (in exceptional circumstances when they need to be reimbursed for their services).

Access to HaDEA premises: For external trainers to access the HaDEA premises, the following data are collected: first name and surname, identity card or passport number, nationality and ID number<sup>3</sup>.

As regards the internal IT search tool for trainings participation, the following categories of personal data are processed:

- First name;
- Last name;
- Department/Unit/Sector;
- Type of post and job title;
- Grade;
- Start date of the staff member's contract;
- Name and date of the training.

The data subjects might provide personal data related to specific dietary requirements, such as allergies, on a need-to-know basis via a dedicated functional mailbox to which only authorised staff in HR Sector might have access to.

In addition to the data required for the activities detailed above, additional personal data may be processed in the context of L&D activities, for example, voice and image for recording of online training delivered via a third party platform such as Skype for Business or Microsoft Teams. In such cases, data subjects are informed and their personal data is collected based on their consent.

### **Who has access to your personal data and to whom can they be disclosed?**

**The recipients** of your personal data will be:

#### **A. WITHIN THE AGENCY:**

- HaDEA People Development Team authorised staff in charge of L&D activities;
- HaDEA Appointing Authority (the Director of the Agency);
- HaDEA Head of Unit/Head of Sector of the persons concerned;
- Course managers and trainers;
- HaDEA and Commission staff in case you publish your training courses in 'Who is Who' on the HaDEA intranet.
- Participants in the trainings;
- HaDEA authorised staff on a need to know basis (e.g. HaDEA Finance and Procurement authorised staff);
- As regards the internal IT search tool for trainings participation, HaDEA People Development Team authorised staff in charge of L&D activities.

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<sup>3</sup> This is in line with the Commission record DPR-EC-00655.3

## OUTSIDE THE AGENCY

- On a need-to-know basis and in line with the data minimisation principle, personal data of participants to L&D activities may be shared with HaDEA contractors or external training providers for purposes related to participation to L&D activities;
- External trainers;
- Participants in the trainings;
- European Commission staff in charge of L&D activities;
- European Commission staff (DG CONNECT) operating Newsroom.

In addition, in case of control or dispute, personal data can be shared with and processed by the bodies charged with a monitoring or inspection task in application of Union law in compliance with the applicable data protection rules and within the scope of their tasks entrusted by the relevant legislation. This includes, in particular, the following recipients:

- Bodies in charge of a monitoring or an inspection task in application of Union law (e.g. internal audit, IAS, Court of Auditors, etc.);
- The European Court of Justice or a national judge as well as the lawyers and the agents of the parties in case of a legal procedure;
- OLAF in case of an investigation conducted in application of Regulation (EC) No 1073/1999;
- The European Ombudsman within the scope of the tasks entrusted to it by Article 228 of the Treaty on the Functioning of the European Union;
- The European Data Protection Supervisor in accordance with Article 58 of Regulation (EC) 2018/1725;
- The European Public Prosecutor's Office within the scope of Article 4 of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office.

Your personal data **will not be transferred** to third countries or international organisations.

The processing of your personal data will **not include automated decision-making** (such as profiling).

### **Which is the legal basis for processing your personal data?**

We process your personal data on the basis of Article 5(1)(a) of Regulation 2018/1725, because processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body and also Article 5(1)(b) thereof. To the extent that processing of personal data is based on your consent, such processing is lawful also under Article 5(1)(d) of Regulation 2018/1725.

**The legal bases** for the processing activities are the following:

- Article 24a of the Staff Regulations (SR) and articles 11 and 81 of the Conditions of Employment of Other Servants of the European Union (CEOS)<sup>4</sup>;

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<sup>4</sup> Staff Regulations of Officials of the European Union (hereinafter 'Staff Regulations') and Conditions of Employment of Other Servants of the European Union (hereinafter 'CEOS'), laid down by Council

- Communication to the Commission on Learning and Development Strategy of the European Commission of 24/6/2016<sup>5</sup>;
- Steering Committee Decision of 26 February 2021<sup>6</sup> on the application by analogy of Commission Decision C(2016)3828 of 24/06/2016 on the implementation of the learning and development strategy of the European Commission.

Furthermore, when it comes to the processing of special categories of personal data, the processing operation is lawful under Article 10(2)(a) of Regulation (EU) 2018/1725 provided you have given prior your explicit consent.

### **How long do we keep your personal data?**

Your personal data will be kept as follows:

1) All training records are kept for the duration of the staff member's career and for 5 years after the staff member leaves the employment, as per the privacy policy of EU Learn.

Certain personal data need to be conserved for a longer period if they are related to ongoing rights and obligations, i.e. certification of participation in a training course.

This is particularly important for training activities that have an impact on the career path of the staff member, i.e., for language training connected to Article 45(2) of the Staff Regulations (proficiency in a third language before promotion) and for training of a compulsory or pre-requisite nature.

2) Recordings of trainings are kept for as long as the training is maintained as part of the curriculum, up to a maximum of 10 years from the date of training.

3) Presence lists of the training actions that are completed are kept in digital or paper form for the periods determined under the Financial Regulations as a justification document for the payment of the external contractor's invoices, which is until the end of the year after which the training took place. After that period the presence lists are destroyed.

4) Evaluations of the training actions and the trainers are kept according to the duration of the framework contract with the external contractors (maximum 5 years).

5) As regards the internal IT search tool for trainings participation, the retention period is 24 hours, after which personal data is automatically deleted.

### **What are your rights regarding your personal data?**

**You have the right** to access your personal data and to request your personal data to be rectified, if the personal data is inaccurate or incomplete; where applicable, you have the right to request restriction or to object to processing, to request a copy or erasure of your personal data held by the data controller. If processing is based on your consent, you have the right to withdraw your consent at any time, without affecting the lawfulness of the processing based on your consent before its withdrawal.

Your request to exercise one of the above rights will be dealt with without undue delay and within **one month**.

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Regulation (EEC, Euratom, ECSC) No 259/68, OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013, OJ L 287, 29.10.2013, p. 15.

<sup>5</sup> Ref. number: C(2016)3829.

<sup>6</sup> Ref. number: SC01(2021)06.

If you have **any queries** concerning the processing of your personal data, you may address them to Head of Unit C.3 (entity acting as data controller) via mail to [HaDEA-People-Development@ec.europa.eu](mailto:HaDEA-People-Development@ec.europa.eu) or to HaDEA Data Protection Officer at [HADEA-DPO@ec.europa.eu](mailto:HADEA-DPO@ec.europa.eu).

**You shall have right** of recourse to the European Data Protection Supervisor at <https://edps.europa.eu>.

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