



Data Protection Notice in the context of termination of contracts and exit procedure of HaDEA staff

The European Health and Digital Executive Agency (HaDEA) processes your personal data¹ in line with [Regulation \(EU\) 2018/1725 of the European Parliament and of the Council of 23 October 2018²](#) 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(s) of this processing activity?

The purpose is to process personal data in the context of employment termination of the statutory staff and to ensure his/her rights and duties pursuant to the Staff Regulations³. In the context of the exit procedure, which applies to statutory staff only, the purpose of the processing is to assess the Agency's working environment and identify possible areas of improvement via feedback collected from staff members leaving the Agency. For staff members leaving the Agency who will engage in a future occupational activity outside the EU institutions, the purpose of the processing is also to assess a potential conflict of interest and ensure confidentiality obligations.

Who is the data controller?

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

Which personal data is collected?

- For the purpose of the voluntary online “HaDEA **Exit feedback survey**”⁴, the following data are collected: unit/sector, job title, contract start date, grade, seniority, reason of leaving and staff views related to job satisfaction, employment relations, terms of employment, conditions of employment and values describing HaDEA’s culture. The last question asks if the person concerned would like the results of the survey to be shared with the line management.

This information is collected via an online questionnaire using Survey Hero (see - <https://www.surveyhero.com/user/surveys/665642/edit>).

¹ **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.

² 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).

³ The contracts of interim agents and intra-muros consultants are out of scope of this record as they are managed via Framework Contracts. The management of termination of contracts for bluebook trainees is managed by DG EAC.

⁴ This survey is conducted on a voluntary basis as it is not required by any legal HR framework.

• For the purpose of **establishing rights and obligations**:

1. Identification data of the Staff Member leaving the Agency, including his/her full name, personnel number, previous grade and function, and private contact details (address, telephone, email) after leaving the Agency.

2. Recruitment and contractual data: dates of start and end of the contracts, desired end of contract (i.e., in case of resignation), reasons for leaving (not compulsory), new destination of the Staff Member who moves to the European Commission or to another EU institution or body or to another Member State, information about any occupational activity outside an EU institution/body within two years after leaving the Agency.

3. In case of potential conflict of interest: Staff should complete the declaration of intention to engage in an occupational activity after leaving HaDEA (Article 16 of the Staff Regulations) which contains information on:

- the future occupational activity that the Staff Member will take up,
- the expected starting date, employment duration and the position in the entity,
- whether the Staff Member will be an employee and /or shareholder in the entity and which pecuniary advantages s/he will receive,
- whether the entity has any (in)direct commercial, financial or contractual links with an EU institution or body or with the Agency,
- whether the data subject during his/her employment at the Agency had relations with the entity for which s/he intends to engage.

This information is collected either via Sysper, paper or other electronic means, as described in the following DPN:

https://myintracomm.ec.europa.eu/staff/Documents/technical-assistance/PS_Declarations%20ethiques.pdf.

4. Information linked to the invalidity or death of the Staff Member concerned: death certificate, funeral expenses, details of the notary handling the estate as well as identification (contact details) and financial data of the legitimate heirs.

Who has access to the personal data of data subjects and to whom can they be disclosed?

On a "need to know" basis, the recipients of the personal data will be: authorised HaDEA HR staff; Head of Unit Staff, Communication and Support; Head of Sector People (HR); relevant Head of Unit and Head of Department; HaDEA Director; if applicable, competent national public authorities and bodies charged with monitoring or inspection tasks in application of EU and Member States' law (e.g. EC internal audit service, Court of Auditors, European Court of Justice or national judges, EC Investigation and Disciplinary Office - IDOC, European Anti-fraud Office OLAF, European Public Prosecutor Office – EPPO, European Ombudsman, European Data Protection Supervisor).

Within the Agency, only the authorised HR staff have access to the personal data concerning the exit questionnaires and interviews.

For the purpose of their tasks, HaDEA staff responsible for logistics, document management and IT are informed about the staff member departure.

As appropriate, and in line with the Service Level Agreements in place, only the necessary information is transferred to services of the European Commission (e.g. DIGIT, PMO, OIB, DG HR and Medical Service).

Your personal data **will not be transferred** to third countries or international organisations” and “The processing of your data will **not include automated decision-making** (such as profiling)”.

Which is the legal basis for processing your personal data?

The legal basis for the processing activities is:

- Article 5(1)(a) of Regulation (EU) 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;
- Article 5(1)(b) of the Regulation, because processing is necessary for compliance with a legal obligation to which the controller is subject, in particular under:
 - Articles 11, 12, 28a, 47 and 48, 81, 96 & 119 of the Conditions of Employment of Other Servants of the European Community (CEOS);
 - Articles 52, 53, 70, 77, 78, 79, 81, 81a and 83 of the Staff Regulations and Articles 2 – 11, 13-15, 17-29, 40 and 45 of Annex VIII to the Staff Regulations.
- Article 5(1)(d) of Regulation (EU) 2018/1725, because the data subject has given explicit consent to the processing of his or her personal data for the purposes of the online exit survey.

How long do we keep your personal data?

HaDEA applies the principles and retention periods indicated in the Common Retention List of the Commission (SEC(2019)900/3) by analogy.

The information requested in the context of the exit questionnaire are filed and kept in a dedicated folder by the HR team for 2 years after the Staff Member leaves the Agency.

Concerning data processed for establishing rights and obligations, any document that is important for a staff member career (above all signed originals) must be placed in the relevant personal file. These are kept 8 years after the extinction of all rights of the person concerned and of any dependents, and for at least 100 years after the recruitment of the person.

All data processed in SYSPER is retained in Sysper as long as the jobholder has an employment link with the HaDEA or the European Commission. In case of termination of service the data will be destroyed 6 months after any of the following events: 1) End of contract (for non-permanent staff) 2) Transfer to another institution 3) Resignation 4) Compulsory resignation 5) Retirement in the interests of the service 6) Dismissal for incompetence 7) Removal from post 8) Retirement 9) Death.

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 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. Attention is drawn to the consequences of a delete request, which means that all your contact details will be lost.

As regards personal files, in accordance with the Staff Regulations, staff members have permanent access to their personal files by consulting the file in hard copy in the HR office and request copies. They also have the right to rectify any inaccuracy upon request. This right remains also after the end of the contract with the Agency. The personal files can only be consulted by HR staff and by the data subject as described above.

However, in line with Articles 25 and 81 of the Regulation, the data controller may restrict the right of access, rectification and erasure to the data subjects' own personal data in case where such restriction constitutes a measure necessary to safeguard the protection of these data subjects or the rights and freedoms of other data subjects or to avoid obstructing official or legal inquiries, investigations or procedures. The restrictions adopted by the Agency are based on the [HaDEA Decision SC04\(2021\)27 on restriction of data subjects rights](#) (“DECISION OF THE STEERING COMMITTEE OF THE HEALTH AND DIGITAL EXECUTIVE AGENCY on internal rules concerning restrictions of certain rights of data subjects in relation to the processing of personal data in the framework of activities carried out by the Agency”). Any restriction shall be proportionate to what is strictly necessary for the purpose of the processing.

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

If you have any queries concerning the processing of your personal data, you may address them to the Controller in the person of the Head of Unit Staff, Communication and Support) via the following address: hadea-people@ec.europa.eu; or to HaDEA Data Protection Officer via HADEA-DPO@ec.europa.eu.

You shall have right of recourse at any time to the European Data Protection Supervisor at EDPS@edps.europa.eu.

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