



## RECORD OF A PERSONAL DATA PROCESSING ACTIVITY

according to Article 31 of [Regulation \(EU\) 2018/1725](#)

Title
<b>Authorisations for EFSA staff to engage in outside activities, in assignments and in occupational activities after leaving the service as well as the handling of prior information by EFSA staff to make a publication.</b>

1) Controller(s) of data processing activity (Article 31.1(a))
<p>EFSA unit in charge of the processing activity: Legal Affairs Services Unit (LA)</p> <p>EFSA Data Protection Officer (DPO): <a href="mailto:DataProtectionOfficer@efsa.europa.eu">DataProtectionOfficer@efsa.europa.eu</a></p> <p>Is EFSA a co-controller? <span style="margin-left: 100px;"><b>No</b></span></p> <p><b>If yes</b>, indicate who is EFSA's co-controller:</p>

2) Who is actually conducting the processing? (Article 31.1(a))
<p>The data is processed by EFSA itself <span style="float: right;"><input checked="" type="checkbox"/></span></p> <p><i>Indicate the EFSA units or teams involved in the data processing:</i></p> <p>The EFSA Ethics Adviser, part of the LA Unit who can be contacted writing to: <a href="mailto:ethics-integrity@efsa.europa.eu">ethics-integrity@efsa.europa.eu</a></p> <p>The processing operation is conducted together with an external party <span style="float: right;"><input type="checkbox"/></span></p> <p><i>Please provide below details on the external involvement:</i></p>

3) Purpose of the processing (Article 31.1(b))
<p>The purpose of the data processing is:</p> <ul style="list-style-type: none"> <li>to manage requests of EFSA staff for prior permission of outside activities in compliance with the Staff Regulations and the internal rules of EFSA. Outside activities are defined as activities performed by EFSA staff outside the EFSA institutional profession framework, paid or unpaid, which are of an occupational character or that goes beyond what can reasonably be considered leisure activities. The rules apply both to staff in active service and in relation to occupational activities of staff members within 2 years after leaving the EFSA service ;</li> <li>to manage pre-information notifications by EFSA staff for their publications</li> </ul>

#### 4) Legal basis and lawfulness of the processing (Article 5(a)-(d)):

*Processing necessary for:*

- |   |                                     |
|---|-------------------------------------|
| (a) a task carried out in the public interest or in the exercise of official authority vested in EFSA | <input checked="" type="checkbox"/> |
| (b) compliance with a legal obligation to which EFSA is subject                                       | <input checked="" type="checkbox"/> |
| (c) performance of a contract with the data subject or to prepare such contract                       | <input type="checkbox"/>            |
| (d) The data subject has given consent (ex ante, explicit, informed)                                  | <input type="checkbox"/>            |

*Further details on the legal basis:*

- The Staff Regulations of Officials of the European Communities (SR), more specifically Article 11(2), 12b (outside activities), art. 16 (activities after leaving service), art. 17a(2) (pre-information on publications) ;
- The Conditions of Employment of other servants of the European Communities (CEOS), namely Article 11, 54, 81 and 124 ;
- The Commission Decision C(2018) 4048 of 29 June 2018 on outside activities and assignments and on occupational activities after leaving service.
- Decision of the EFSA Management Board of 20/03/2019 on the application by analogy at an earlier date of the Commission Decision on outside activities and assignments and on occupational activities after leaving the Service

#### 5) Description of the categories of data subjects (Article 31.1(c))

*Whose personal data are processed?*

- |   |                                     |
|---|-------------------------------------|
| EFSA statutory staff  | <input checked="" type="checkbox"/> |
| Other individuals working for EFSA (consultants, trainees, interims, experts) | <input checked="" type="checkbox"/> |
| Stakeholders of EFSA, including Member State representatives                  | <input type="checkbox"/>            |
| Contractors of EFSA providing goods and services                              | <input type="checkbox"/>            |
| The general public, including visitors, correspondents, enquirers             | <input type="checkbox"/>            |
| Relatives of the data subject   | <input type="checkbox"/>            |
| Other categories of data subjects (please detail below)                       | <input type="checkbox"/>            |

*Further details concerning the data subjects whose data are processed:*

All statutory staff at EFSA, officials, temporary agents, contract agents as well as seconded national experts (ENDs). The duty to pre-inform on a publication is extended also to trainees at EFSA.

6) Type of personal data processed (Article 31.1(c))

**a) General personal data**

The personal data concerns:

- |   |                                     |
|---|-------------------------------------|
| Name, contact details and affiliation                     | <input checked="" type="checkbox"/> |
| Details on education, expertise, profession of the person | <input type="checkbox"/>            |
| Curriculum vitae  | <input type="checkbox"/>            |
| Financial details   | <input checked="" type="checkbox"/> |
| Family, lifestyle and social circumstances                | <input type="checkbox"/>            |
| Goods and services the person provides                    | <input type="checkbox"/>            |
| Other personal data (please detail):                      | <input checked="" type="checkbox"/> |

**b) Sensitive personal data (Article 10)**

The personal data reveals:

- |   |                          |
|---|--------------------------|
| Racial or ethnic origin of the person                             | <input type="checkbox"/> |
| Political opinions or trade union membership                      | <input type="checkbox"/> |
| Religious or philosophical beliefs                                | <input type="checkbox"/> |
| Health data or genetic or biometric data                          | <input type="checkbox"/> |
| Information regarding the person's sex life or sexual orientation | <input type="checkbox"/> |

*Further details concerning the personal data processed:*

Requests for authorisation to engage in an Outside Activity and prior information on a Publication to be provided by the staff member by means of a completed form according to the models available in the transactional services catalogue supported by the ServiceNow tool with entry point at the SharePoint Intranet Portal.

The following information is to be provided:

- Identification of the staff member & duties
- Information on the planned activity, incl. for publications, info on any co-authors and their affiliation
- Statement on conflict of interest of the organisation concerned
- Information on any financial arrangements

For Outside Activities, the Decision of the Appointing Authority is delegated to the Ethics Adviser (LA Unit), whereas as concerns the prior information notification on Publications, the Ethics Adviser may advice on a case-by-case basis and the authorisation/refusal decision is taken by the Appointing Authority.

7) Recipients of the data (Article 31.1(d))	
Line managers of the data subject	<input checked="" type="checkbox"/>
Designated EFSA staff members	<input checked="" type="checkbox"/>
Other recipients ( <i>please specify</i> ):	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>persons involved in the management of the workflow for outside activities, namely the EFSA Ethics Adviser (Head of LA) as well as competent LA staff processing the form on the Ethics Adviser's behalf, designated EFSA staff with user rights in the ServiceNow electronic workflow, the data subject's Line Manager and, any other hierarchical superior of the data subject, if deemed necessary for the purposes of the implementation of the workflow for outside activities;</li> <li>persons from institutions or bodies having a legitimate purpose of audit, investigating fraud, corruption and serious misconduct in the EU administration or in charge of administrative and/or judicial proceedings, namely the Internal Audit Service of the European Commission, the European Court of Auditors, the European Ombudsman, the European Anti-Fraud Office (OLAF), the European Data Protection Supervisor, the Court of Justice of the European Union;</li> <li>persons involved in administrative inquiries/disciplinary proceedings and whistleblowing procedures, namely the Appointing Authority (AA)/the Authority Authorised to Conclude Contracts of Employment (AACC), including persons to whom the powers of the AA/AACC have been delegated and any person supporting the AA/AACC in the conduct of administrative inquiries/disciplinary proceedings and whistleblowing procedures</li> </ul>	

8) Transfers to recipients outside the EEA (Article 31.1 (e))	
Data are transferred to third country recipients:	
Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>
<b>If yes</b> , specify to which third country:	
<b>If yes</b> , specify under which safeguards:	
Adequacy Decision of the European Commission	<input type="checkbox"/>
Standard Contractual Clauses	<input type="checkbox"/>
Binding Corporate Rules	<input type="checkbox"/>
Memorandum of Understanding between public authorities	<input type="checkbox"/>

9) Technical and organisational security measures (Article 31.1(g))
<i>How is the data stored?</i>

On EFSA's Document Management System (DMS)	<input type="checkbox"/>
On a shared EFSA network drive or in an Outlook folder	<input type="checkbox"/>
In a paper file	<input type="checkbox"/>
Using a cloud computing solution (please detail the service provider and main characteristics of the cloud solution, e.g. public, private)	<input checked="" type="checkbox"/>
On servers of an external service provider	<input type="checkbox"/>
On servers of the European Commission or of another EU Institution	<input type="checkbox"/>
In another way ( <i>please specify</i> ):	<input type="checkbox"/>

*Please provide some general information on the security measures applied:*  
The workflow for the authorisation process on outside activities & publications is supported by the SaaS cloud system <https://www.servicenow.com/> as part of the transactional services catalogue. More details on the ServiceNow tool supporting EFSA transactional services are provided in record DPO/GOV/13.

<b>10) Retention period (Article 4.1 (e))</b>
<p>Authorisations for Outside Activities and prior information notifications on Publications are kept either in the personal file of the staff member or electronically in a dedicated folder with restricted access in EFSA's Document Management System, pending a sustainable HR database solution under development (SYSPER), for a period of maximum 5 years.</p>

<b>11) Consultation with the Information Security Officer</b>
<p>Was the ISO consulted on the processing operation ?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p><i>If yes, please provide some details on the consultation with the ISO:</i></p>

<b>12) Information given to data subjects (Articles 15 and 16)</b>
<p><i>Has information been provided to data subjects on the way their data is processed including how they can exercise their rights (access, rectification, objection, data portability)? Usually this information is provided in a Privacy Statement, specifying the controller's contact details. As possible, please provide a link to the relevant Privacy Statement or a description.</i></p> <p>A Data protection Notice concerning the processing of personal data in the context of authorisations for Outside Activities and of prior information on a Publication including the information referred to in Article 15 &amp; 16 of Regulation 2018/1725 is contained in the relevant model forms, available in the ServiceNow workflow tool supporting the authorization process.</p>

The staff member/data subject can exercise his/her rights of access and rectification on data regarding him or her processed in the context of the authorisation process for Outside Activities or the pre-information notification on Publications, by contacting the Ethics Adviser or by submitting a request for support in the ServiceNow tool.

Last update of this record: 03/08/2021

Reference: DPO/HR/5