



Secretary General

Personnel, Administration and Budget Unit

European Ombudsman

Public record of processing activity¹:

Declaration of exercise of occupational activity after leaving the service of the European Union

1. Last update of this record: 16.03.2020

2. Reference number²: 9/2019

3. Name and contact details of the controller³: European Ombudsman- CS 30403 67001 Strasbourg Cedex- Tel.: +33 3 88 17 23 13- eo@ombudsman.europa.eu- Unit Personnel, Administration and Budget (PAB)-Sector Human Resources (HR).

4. Name and contact details of the Data Protection Officer: Mr Juliano Franco, Dpo-Euro-Ombudsman@ombudsman.europa.eu

5. Name and contact details of the processor⁴: N/A

6. Name and contact details of the joint controller(s)⁵: European Commission (DG DIGIT) which manages ARES, the IT tool used by the EO staff to circulate the forms on declarations of exercise of occupational activity after leaving the service of the European Union - Email: sg-edomec@ec.europa.eu- address

7. Purpose(s) of the processing⁶: To manage and to allow the EO to decide on the declarations of exercise of occupational activity of staff members (officials- including senior officials⁷- temporary and contracts agents), who after leaving the

¹ To be filled in by the controller. See Article 31(1) and (5) on records of processing activities of Regulation 2018/1725: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1725>

² For tracking. If the office decides to keep a central register, contact the keeper of that register to obtain a reference number.

³ Use functional mailboxes as far as possible to ensure business continuity.

⁴ Where applicable. If you use a processor (contractor) to process personal data on your behalf, please indicate so (e.g. 360° evaluations, outsourced IT services or pre-employment medical checks).

⁵ Where applicable. If you are jointly responsible with another EU institution, please indicate so here (e.g. two institutions with shared medical service). If this is the case, make sure to mention in the description who is in charge of what and who people can address for their queries.

⁶ Very concise description of what you intend to achieve; if you do this on a specific legal basis, mention it as well (e.g. staff regulations for selection procedures).

⁷ See Article 4. 1 of the Ombudsman's Decision on internal rules concerning the declaration of exercise of occupational activity after leaving the service of the European Union; 'senior official' refers to officials occupying functions corresponding to the type of posts of Secretary-General at grade AD15/AD16,



service of the EU decide to engage in an occupational activity, gainful or not, (Article 16 of the Staff Regulations and Articles 11 and 81 of the Conditions of Employment of Other Servants (CEOS).

8. Description of the categories of data subjects and of the categories of personal data⁸:

- **Categories of data subjects:** Staff members of the European Ombudsman's Office leaving the service of the EU.

- **Categories of personal data:** The form on declaration of exercise of an occupational activity after termination of function in the EU public service includes the following data:

name and surname; personnel number; grade; date of departure from the European Ombudsman's Office; personal address; telephone number; email; description of the staff member's duties during the last 3 years in the Ombudsman's Office; description of the new activity, including responsibilities, duration, name and address of the new employer and nature of its activities; existence of a direct or indirect commercial, financial or contractual links (including grants) between the new employer/organisation and an institution or body of the EU; and existence of direct or indirect relations with the new employer/organisation while working in the Ombudsman's Office.

The decisions of the European Ombudsman concerning senior officials' declarations of exercise of occupational activity are published on the Ethics and conduct section of the Ombudsman's website. They contain, in addition to the data listed above, the Ombudsman's assessment and conclusions on the new occupational activity of the senior officials concerned.

9. Time limit for keeping the data and, where possible, for erasure⁹: Five years after the staff member has left the institution or retired¹⁰.

The on-line published decisions about senior officials are removed from the website two years after the senior official concerned has left the Ombudsman's Office.

10. Recipients of the data¹¹: the European Ombudsman, the Secretary-General, the Head of Personnel, Administration and Budget Unit (PAB), staff members of PAB

Director and Principal Adviser at grade AD14/AD15, the Head of the Ombudsman's Cabinet and Administrators in the Ombudsman's Cabinet.

⁸ In case data categories differ between different categories of persons, please explain as well (e.g.: suspects vs. witnesses in administrative inquiries)

⁹ Indicate your administrative retention period including its starting point; differentiate between categories of persons or data where needed (e.g. in selection procedures: candidates who made it onto the reserve list vs. those who did not).

¹⁰ See EDPS recommendation in this sense in its letter of 19.06.2018.

¹¹ Who will have access to the data within the European Ombudsman? Anyone outside the office? No need to mention entities that may have access in the course of a particular investigation (e.g. OLAF, EDPS, Court of Auditors).



Unit in charge of handling the file, and the members of the Ombudsman's Joint Committee¹².

11. Are there any transfers of personal data to third countries and/or to International Organisations?¹³: No

12. General description of security measures¹⁴: The electronic files (forms and relevant decisions of the European Ombudsman on the declaration of occupational activity, letters reminding the staff members of their obligation under the SR¹⁵) are stored on the Ombudsman's servers with restricted access limited to staff members of the PAB unit on a need to know basis (Head of PAB unit, Head of HR sector and one administrator). Electronic files are also circulated on ARES where the same restrictions apply. The EO and the SG also have access to the electronic files on ARES.

13. Information on how data subjects can exercise their rights of access and rectification, and where applicable, of erasure, restriction and data portability¹⁶: Data subjects may ask information concerning the processing of their personal data by e-mail (eo@ombudsman.europa.eu). Requests from data subjects will be dealt within one month at the latest. They may also contact the Ombudsman's Data Protection Officer any time: dpo-eo-ombudsman@ombudsman.europa.eu. If data subjects wish to complain about the Ombudsman's handling of their personal data, they may contact the European Data Protection Supervisor: www.edps.europa.eu

¹² The Ombudsman's Joint Committee may be consulted for an opinion on decisions issued by the EO in staff matters.

¹³ If yes, include the identification of the country or International Organisation and the documentation of suitable safeguards (e.g. processor in a third country using standard contractual clauses, a third-country public authority you cooperate with based on a treaty).

¹⁴ Where possible. Include a general description of your security measures that you could also provide to the public. See Article 33 on security of processing of Regulation 2018/1725: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1725>

¹⁵ PAB Unit sends reminders concerning the staff member's obligations under Article 16 SR, 6 months and 18 months after his/her departure from the EU public service

¹⁶ Consider publishing the relevant part of the privacy statement and providing a link. See Articles 15 and 16 on the information to be provided to the data subject(s) and Article 17 to 22 on the rights of data subjects of Regulation 2018/1725: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1725>



Privacy Statement

relating to the declaration of exercise of an occupational activity after leaving the service of the European Union

This privacy statement explains the reason for the processing, the way the European Ombudsman (EO) collects, handles and ensures protection of all personal data provided, how that information is used and what rights the candidates may exercise in relation to their data.

The data controller is the European Ombudsman (EO). The joint controller is the European Commission (DG DIGIT) which manages ARES, the IT tool used by the EO staff to circulate the forms on declarations of exercise of occupational activity after leaving the service of the European Union.

1. What personal data will the European Ombudsman process?

We process the following personal data of the staff members (that is to say, officials-including senior officials¹⁷- temporary and contracts agents), who after leaving the service of the European Union, decide to engage in an occupational activity, gainful or not¹⁸:

- Name and surname;
- Personnel number, grading;
- Date of departure from the EO's Office;
- Personal address, telephone, email;
- Description of the former duties during the last three years in the EO's Office;
- Description of the new activity, including responsibilities and duration of the activities;
- Name and address of the new employer, nature of its activities;
- Existence of a direct or indirect commercial, financial or contractual links (including grants) between the new employer/organisation and an institution or body of the EU;

¹⁷ See Article 4. 1 of the Ombudsman's Decision on internal rules concerning the declaration of exercise of occupational activity after leaving the service of the European Union; 'senior official' refers to officials occupying functions corresponding to the type of posts of Secretary-General at grade AD15/AD16, Director and Principal Adviser at grade AD14/AD15, the Head of the Ombudsman's Cabinet and Administrators in the Ombudsman's Cabinet.

¹⁸ See Article 16 of the Staff Regulations and Articles 11 and 81 of the Conditions of employment of other servants (CEOS).



- Existence of direct or indirect relations with the new employer/organisation while working in the EO's Office;
- For decisions taken by the EO concerning the declaration of occupational activity of senior officials¹⁹, the EO's assessment and conclusions on the new occupational activity of the senior officials concerned.

2. Why does the European Ombudsman process these personal data?

Personal data is collected and further processed to manage and allow the EO to decide on the declaration of exercise of occupational activity of the staff members, after leaving the service of the EU²⁰.

3. What are the legal bases and necessity for processing this data?

The processing is necessary on the basis of Article 5(1) (a) of the Regulation (necessary for the performance of tasks in the public interest attributed by EU or Member states legislation). It is also necessary on the basis of Article 5(1) (b) of the Regulation (necessary for compliance with legal obligation incumbent on controller).

The legal basis are the Decision of the European Ombudsman on internal rules concerning the declaration of exercise of occupational activity after leaving the service of the European Union of 7 March 2016 and Article 16(3) of the Staff Regulations, and Articles 11 and 81 of the CEOS.

4. Who is responsible for processing the data?

The European Ombudsman is responsible for processing the data. Data is processed more specifically by the Unit Personnel, Administration and Budget (PAB), sector Human Resources (HR).

5. Who will be recipients of the data?

The EO, the Secretary General, the Head of PAB Unit, the PAB staff members in charge of handling the file, the members of the Ombudsman's Joint Committee²¹.

When decisions taken for senior officials are published on the Ethics section of the EO's website, the information is disclosed to the general public.

¹⁹ the term of 'senior official' refers to officials occupying functions corresponding to the type of posts of Secretary-General at grade AD15/AD16, Director and Principal Adviser at grade AD14/AD15, the Head of the Ombudsman's Cabinet and Administrators in the Ombudsman's Cabinet.

²⁰ See Article 16 of the Staff Regulations and Articles 11 and 81 of the CEOS.

²¹ The Ombudsman's Joint Committee may be consulted for an opinion on decisions issued by the EO in staff matters.



6. How long will the data be kept?

Personal data concerning the declaration of exercise of an occupational activity after termination of function in the EU public service are kept by PAB Unit-HR sector for a period of five years as of the termination of employment or as the last pension payment in case of an appeal before the EU Courts.

The on-line published decisions about senior officials are removed from the website two years after the senior official concerned has left the Ombudsman's Office.

7. How do we protect your data?

The electronic files (forms and relevant decisions of the EO on the declaration of occupational activity) are stored on servers with restricted access limited to identified staff members of the PAB unit.

Electronic files are also circulated on ARES with access on a need to know basis; only the authorised persons have access to the electronic files.

Senior officials of the EO's Office leaving the EU public service are informed that information concerning their declaration of occupational activity and the relevant EO's decision will be posted on the EO's website.

8. What are your rights and how can you exercise them?

Data subject have a right of access to their own personal data. They have also a right of rectification of any incomplete or inaccurate data concerning them. They have a right to object on grounds relating to their particular situation, at any time, to the treatment of their own personal data kept by the PAB Unit.

The European Ombudsman will reply to the requests as soon as possible and within one month at the latest.

The former senior officials are informed that, when submitting a declaration of exercise of an occupational activity, they may put forward any exceptional compelling reasons that they have as to why publication of the information set out above would undermine the protection of their privacy and integrity.

9. Who to contact in case of queries or complaints concerning data protection issues?

At any time, data subject may send data protection related questions concerning the procedure for dealing with declaration of exercise of an occupational activity after termination of function in the EU public service to the European Ombudsman, at the following address:

eo@ombudsman.europa.eu



Head of Personnel, Administration and Budget Unit
European Ombudsman
1 avenue du Président Robert Schuman
CS 30403
F-67001 Strasbourg Cedex

They also may contact the Data Protection Officer of the European Ombudsman at the following address: DPO-Euro-Ombudsman@ombudsman.europa.eu

They may lodge a complaint with the European Data Protection Supervisor at any time at the following address: EDPS@edps.europa.eu