



**Secretary General**

Personnel, Administration and Budget Unit

**European Ombudsman**

**Public record of processing activity<sup>1</sup>:**

**Identification of potential or actual conflict of interest in the Ombudsman's office for newly recruited persons or staff members of the European Ombudsman Office upon reinstatement from leave on personal grounds**

**1. Last update of this record:** 04.03.2020

**2. Reference number<sup>2</sup>:** 5/2020

**3. Name and contact details of the controller<sup>3</sup>:** European Ombudsman (EO), 1 avenue du Président Robert Schuman, -67001 Strasbourg Cedex- Contact: PAB Unit/HR Sector and Secretary General, e-mail: [EO-ombudsman@ombudsman.europa.eu](mailto:EO-ombudsman@ombudsman.europa.eu)

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

**5. Name and contact details of the processor<sup>4</sup>:** N/A

**6. Name and contact details of the joint controller(s)<sup>5</sup>:** European Commission (DG DIGIT) which manages ARES, the IT tool used by the EO staff to circulate the forms on declarations of conflict of interest- email: [sg-edomec@ec.europa.eu](mailto:sg-edomec@ec.europa.eu)- address: Unit SG.B.2, Secretariat General, Berlaymont, 1049-Brussels

**7. Purpose(s) of the processing<sup>6</sup>:**

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<sup>1</sup> 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>

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

<sup>3</sup> Use functional mailboxes as far as possible to ensure business continuity.

<sup>4</sup> 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).

<sup>5</sup> 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.

<sup>6</sup> 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).



Description of the processing: Identification of potential or actual conflict of interest (Col) in the Ombudsman's office for:

- newly recruited staff members (Articles 11 and 11a of the Staff Regulations and Articles 11 and 81 of the Conditions of Employment of Other Servants- 'CEOS');
- staff members of the European Ombudsman Office upon reinstatement from leave on personal grounds (Articles 11, paragraph 4 and 40 of the Staff Regulations and Articles 11, 17 and 81 of the CEOS).

The information whether a potential or actual risk of Col exists is introduced in the complaint management system (CMS) in a description field, under the case activity, so that the staff member responsible for assigning the cases is informed accordingly.

Purpose of the processing: The purpose of the processing is to identify potential or actual conflict of interest in the Ombudsman's office for newly recruited staff members or the ones reinstated after a leave on personal grounds, in relation to their specific tasks and responsibilities, and to adopt mitigation measures.

#### **8. Description of the categories of data subjects and of the categories of personal data<sup>7</sup>:**

- Categories of data subjects: Officials, temporary agents and contract agents of the EO Office ("staff members") newly recruited or upon reinstatement from leave on personal grounds.
- Categories of personal data: (see the 2 declaration forms enclosed)
  - *for newly recruited staff members:*
    - *part filled in by the PAB Unit:* vacancy notice /call for expression of interest number, administrative status (official/temporary agent/contract agent), grade, unit name, name of the line manager;
    - *part filled in by the staff member:* name, surname, address for correspondence, work and home telephone numbers, work email address, applicant number in EU competition/selection procedure (if applicable); any personal information given by the staff member about the professional activity of his/her spouse; staff member's CV;
    - *part filled in by the recruiting service:* opinion of the recruiting service whether there is a risk of a Col; description of the personal interests which would actually or potentially impair the staff member's independence in carrying out his/her duties in the specific position offered or any other circumstance which actually or potentially constitutes a conflict of interest with respect to the proposed position; description of the measures which could be taken to mitigate the negative effects of the actual or potential Col and explanation how the measures proposed are proportionate to the scope of the actual or potential Col, conclusion of the recruiting service.
  - *for officials, temporary agents and contract agents of the EO Office upon reinstatement from leave on personal grounds:*

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<sup>7</sup> In case data categories differ between different categories of persons, please explain as well (e.g.: suspects vs. witnesses in administrative inquiries)



- *part filled in by the PAB Unit*: surname/first name, personal number, administrative status, function group and grade, position identified for the reinstatement (job description sent with the reinstatement offer); unit, contact person in PAB Unit
- *part filled in by the staff member*: assessment by the staff member of any potential or actual Col; updated version of CV (if applicable);
- *part filled in by the reinstating service*: same data as above.

**9. Time limit for keeping the data and, where possible, for erasure<sup>8</sup>:** Data concerning declaration of conflict of interest are kept in the personal file for 10 years after the staff member has left the institution or was granted a retirement pension. The forms are deleted afterwards.

**10. Recipients of the data<sup>9</sup>:** the EO, the Secretary General (SG), the Head of PAB Unit, the Head of HR sector, the staff member of the HR sector dealing with the declaration forms, the staff member's direct manager and the staff member responsible for assigning the cases only when a potential or actual Col is identified.

**11. Are there any transfers of personal data to third countries and/or to International Organisations?<sup>10</sup>:** N/A

**12. General description of security measures<sup>11</sup>:** The forms of declarations of Col are circulated on Ares for signature by the EO, on a need-to know-basis. The paper versions of the forms are kept in the personal files in a locked cupboard in the HR Sector. Electronic documents related to the procedure are stored on a network drive shared by the staff members, in the HR sector, in charge of the declaration forms. Other staff members do not have access. The EO only informs the staff member responsible for assigning the cases when a potential or actual Col is identified.

**13. Information on how data subjects can exercise their rights of access and rectification, and where applicable, of erasure, restriction and data portability<sup>12</sup>:**

The data subjects have the right of access to their own personal data and to relevant information concerning how the EO uses it. They have also a right to request from the EO rectification of any incomplete or inaccurate data concerning them. They have a right to object to the use of their data by the EO on grounds relating to their particular situation, at any time. Under certain conditions, they have the right to ask that the EO deletes their personal data or restricts its use. The

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<sup>8</sup> 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).

<sup>9</sup> 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).

<sup>10</sup> 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).

<sup>11</sup> 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>

<sup>12</sup> 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>



EO will reply to their requests as soon as possible and within one month at the latest. The data subjects may ask the EO information concerning the processing of their personal data by e-mail ([eo@ombudsman.europa.eu](mailto:eo@ombudsman.europa.eu)). The data subject may also contact the EO Data Protection Officer at any time: [dpo-eo-ombudsman@ombudsman.europa.eu](mailto:dpo-eo-ombudsman@ombudsman.europa.eu).

If the 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](http://www.edps.europa.eu)]

A specific privacy statement is available (in attachment to the record).



# Privacy Statement

relating to declaration of conflict of interest  
for newly recruited staff members or upon  
reinstatement from leave on personal grounds in  
the EO Office

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- Directorate General “DIGIT” which manage ARES, the IT tool used to circulate the forms on declarations of conflict of interest.

## 1. What personal data will the European Ombudsman process?

In addition to the personal data provided by the staff members, we process the following data:

- for newly recruited staff members: vacancy notice /call for expression of interest number, administrative status (official/temporary agent/contract agent), grade, unit name, name of the line manager;
- for staff members upon reinstatement from leave on personal grounds: surname/first name, personal number, administrative status, function group and grade, position identified for the reinstatement (job description sent with the reinstatement offer); unit, contact person in PAB Unit;
- opinion of the recruiting or reinstating service whether there is a risk of a CoI; description of the personal interests which would actually or potentially impair the staff member's independence in carrying out his/her duties in the specific position offered; description of the measures which could be taken to mitigate the negative effects of the actual or potential CoI; explanation how the measures proposed are proportionate to the scope of the actual or potential CoI; conclusion of the recruiting or reinstating service.

The information whether a potential or actual risk of CoI exists is introduced in the complaint management system (CMS) in a description field, under the case activity, so that the staff member responsible for assigning the cases is informed accordingly.



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

The purpose of the processing is to identify potential or actual conflict of interest in the EO office for newly recruited staff members or the ones reinstated after a leave on personal grounds, in relation to their specific tasks and responsibilities, and to adopt appropriate measures, if any.

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

The legal bases are Articles 11, paragraph 4, 11a and 40 of the Staff Regulations and Articles 11, 17 and 81 of the Conditions of Employment of Other Servants.

The processing is necessary for the performance of a task carried out in the public interest and for compliance with a legal obligation to which the controller is subject (Article 5(1)(a) and (b) of Regulation 2018/1725).

## 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 (SG), the Head of PAB Unit, the Head of HR sector, the staff members of the HR sector dealing with the declaration forms, the staff member's direct manager and the staff member responsible for assigning the cases (only when a potential or actual CoI is identified).

## 6. How long will the data be kept?

The forms on declaration of conflict of interest are kept in the personal file for a duration of 10 years after the agent has left the institution or was granted a retirement pension. They are deleted afterwards.

## 7. How do we protect your data?

The forms of declarations of CoI are circulated on Ares for signature by the EO, on a need-to know-basis. The paper versions of the forms are kept in the staff members' personal files in a locked cupboard in the HR Sector. Electronic documents related to the procedure are stored on a network drive shared by the staff member in the HR sector in charge of the declaration forms. Other staff members do not have access. The staff member responsible for assigning the cases is only informed when a potential or actual CoI is identified.



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

You have the right of access to your own personal data and to relevant information concerning how we use it. You have also a right to request from the EO rectification of any incomplete or inaccurate data concerning you at any time.

You have a right to object to the use of your data by the EO on grounds relating to your particular situation, at any time. Under certain conditions, you have the right to ask that the EO deletes your personal data or restricts its use.

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

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

At any time, you may send data protection related questions concerning the procedure for dealing with the declaration forms, at the following address: [eo@ombudsman.europa.eu](mailto: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

You also may contact the Data Protection Officer of the European Ombudsman at the following address: [DPO-Euro-Ombudsman@ombudsman.europa.eu](mailto:DPO-Euro-Ombudsman@ombudsman.europa.eu)

You may lodge a complaint with the European Data Protection Supervisor at any time at the following address: [EDPS@edps.europa.eu](mailto:EDPS@edps.europa.eu)