



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
HUMAN RESOURCES AND SECURITY

Director-General

Brussels, **20 AVR. 2015**

Ms Vicky Cann
CEO
Rue d'Edinburg 26
1050 Brussels
By email: ask+request-1742-427bec23@asktheeu.org

Subject: Your application for access to documents – Ref GestDem No 2015/853

Dear Ms Cann,

I refer to your e-mail dated 11/02/2015 and registered on 12/02/2015 by which you make a request for access to documents.

Your application concerns *"a full description of the central Commission tool which allows for the processing of ethics requests and the subsequent decisions."* You request in particular *"how it works, who is involved, what information is collated, and how this information is stored once a decision on a specific ethics request is made."*

After a careful examination of your request under the provisions of Regulation (EC) N° 1049/2001 regarding public access to European Parliament, Council and Commission documents, I have not identified a document as such which fully relates to your request.

However, in order to address your query to the extent possible, I attach a copy of Administrative Notice N°51-2010 / 01.09.2010 and the related "Specific Privacy Statement" which contain some of the information requested.

I hope this information will serve its purpose.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretary-General, Transparency unit SG-B-5
BERL 5/327,
B-1049 Brussels
or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

Irene SOUKA

ETHICS, A NEW IT APPLICATION FOR MANAGING STAFF RIGHTS AND OBLIGATIONS ARISING FROM TITLE II OF THE STAFF REGULATIONS

Administrative Notice N° 51-2010 / 01.09.2010

From 1 September 2010, rights and obligations arising from Title II of the Staff Regulations will be managed using a new IT application called ETHICS which will allow applications to be transmitted electronically between those involved in the decision-making process.

Its use will initially be limited to outside activities (Article 12b and Commission Decision on outside activities and assignments C(2004)1597 of 28 April 2004). Later, it will also include work done while on leave on personal grounds (CCP), work done after leaving the Commission (on retirement or at end of contract), decorations and gifts, activities of spouses, publications and speeches, participation in election campaigns, standing for public office and appearing in court as a witness.

ETHICS will affect all statutory staff, staff covered by the Conditions of Employment of Other Servants and seconded national experts. As from 1 September 2010, you can no longer use paper forms to request authorisation for an outside activity. However, paper forms will be available at your DG's Human Resources Unit in the event of any technical difficulties.

Data processing and keeping data

Your personal details will automatically be supplied by Sysper2. It is up to you to fill in all the other information relating to your request in ETHICS. When requesting authorisation for an outside activity, this includes:

- contact details of the organisation for which you will be working;
- nature and description of the work you will do;
- your timetable: number of hours worked during or outside of working hours;
- financial or contractual relationship with the Commission;
- how the external activity relates to your duties at the Commission;
- the type of leave taken to cover your absence: annual leave, special leave or flexitime;
- financial arrangements, etc.

The information you provide, any further details requested, for instance about the nature of your outside activity and the opinion of your hierarchical superiors will be considered by DG Human Resources and Security or your DG's Human Resources Unit. The decision whether to grant authorisation and under what restrictions, if any, will then be taken by the Appointing Authority.

You will be notified of this decision and it will be included in your electronic personal file. It will be kept for the same length of time as other documents contained in officials' personal files.

Any supporting documents containing personal data needed to manage your application (such as proof of income received) will be placed in files (on paper) or stored on a network disk, and must be kept for five years by DG HR or your DG's Human Resources Unit. This information must be protected against unauthorised access.

There are instructions to guide you through the sequence (workflow) of approvals and opinions by management, right through to the final decision by the Appointing Authority. For the data protection reasons mentioned above, supporting documents do not follow this electronic workflow.

The data stored in ETHICS may also be used for statistical purposes.

Protection of personal data

ETHICS allows us to process your application in Sysper2 in conformity with Regulation (EC) No 45/2001(1) (see confidentiality statement at: http://intracomm.cec.eu-admin.net/sysper2/home/declaration_specifique_confidentialite_en.htm).

Further information

You will find more details about outside activities in the 'Ethics and staff conduct' section of the HR & Administration pages on My IntraComm:

http://myintracomm.ec.europa.eu/hr_admin/en/ethics/obligations/conflicts_interest/Pages/external_activities.aspx.

Further information about ETHICS will appear on My IntraComm when the application is launched.

From 1 September 2010, you will find the ETHICS application in Sysper2:

<http://www.cc.cec/SYSPER2/login.jsp>

If you have any queries about your rights and obligations under Title II of the Staff Regulations, please contact your DG's Human Resources unit.

If you need technical assistance, please send an e-mail to: DIGIT-SYSPER2@ec.europa.eu

Footnotes

(1) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, OJ L 8, 12.1.2001.

SPECIFIC PRIVACY STATEMENT

Various authorisations regarding officials' rights and obligations

Communication pursuant to Articles 11 and 12 of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals, with regard to the processing of personal data.

I – Purpose of the processing operation

To examine requests/declarations submitted by serving and former officials and temporary staff with regard to their rights and obligations;

To assess whether or not the requests/declarations are incompatible with their obligations under the Staff Regulation or constitute a risk for the Communities;

To refuse (particularly where there is a real or potential conflict of interests, risk of breach of confidentiality, etc.) or

To authorise requests, possibly with certain restrictions.

Authorisation requests concern:

- outside activities for staff in active employment;
- professional activity during leave on personal grounds;
- activities of staff having left the Commission (retirement, end of contract);
- permission to receive a decoration;
- permission to keep a gift;
- employment of spouse;
- publishing articles and speeches;
- participating in electoral campaigns;
- exercising an elective public office.

II – Processing the data

Serving and former officials can make their requests by using the appropriate form for each processing operation. The form passes through official channels for approval and is then examined by the relevant department (HR.B1 or the HR department of the official's DG) for a decision to be taken by the appointing authority. The data used come from the form filled in by the applicant or from the Commission's personal data database, Sysper2. Authorisations are granted or refused on the basis of the information and any further explanations (e.g. exact nature of the activity) provided, possibly with certain restrictions.

Once a decision has been taken, the applicant is notified and a copy is filed in the applicant's electronic personal file (or in HR.B1 for requests concerning the employment of former officials).

The legal basis for this processing is Articles 11, 11a (2), 12b, 13, 15, 16, 17 and 17a (2) of the Staff Regulations, Articles 13 and 40 of Annex VIII to the Staff Regulations (and the corresponding provisions in the Conditions of Employment of Other Servants) and on the Commission Decision of 28 April 2004 on outside activities and assignments (Administrative Notice No. 85-2004).

Certain items of information about the activity involved (e.g. company name, post held) are entered into an Excel spreadsheet or Access database. This will enable any questions put to the Commission by supervisory authorities or citizens to be answered swiftly.

Guidance for this process can be obtained from the forms or from the Commission's Intranet.

III – Origin, access to and nature of data collected

Applicants fill in a paper form giving personal data (e.g. name, forename, personnel number, address, date of recruitment, grade) and details regarding the application (e.g. Commission activity, intended employment, name of future employer, title and text of the publication, spouse's employment, description of gift, reason for the decoration) to enable the appointing authority to make its assessment and take a decision. The official's application also has to be approved by various levels of management and the final decision is taken by the appointing authority.

All the personal data required for processing are provided by the official or taken from Sysper2 and can be corrected if necessary. This right can be exercised by applying to the person handling the processing operation.

IV – Data retention period

The appointing authority's decision/form is kept in the official's electronic personal file. It is kept for the same length of time as other documents contained in officials' personal files.

Certain administrative information related to the request (e.g. start and end dates for leave on personal grounds) are stored in Sysper2 (same retention period as other Sysper2 data).

Data in Excel and Access databases are kept for five years in order to be able to reply to any queries regarding the present or recent past.

Any information needed to manage the case (e.g. previous request(s), e-mail correspondence) is placed in files (paper) or on hard disk (U: drive) and are kept for five years by HR.B1 or HR units in the DGs.

V – Public availability of data and relevant information

Processing procedures are described on DG HR's "My Intracomm" site on the Commission Intranet (myintracomm.ec.europa.eu). As well as describing the processes involved, these pages give information on the legal bases and the relevant documents (forms, contact departments, etc.).

VI – Contact points

The person responsible for the processing operation is the Head of Unit HR.B1.

The following can be contacted in connection with personal data protection issues:

- DG HR's Data Protection Coordinator:

ADMIN-DATA-PROTECTION-COORDINATOR@ec.europa.eu

- The Commission's Data Protection Officer: DATA-PROTECTION-OFFICER@ec.europa.eu

- In the event of a dispute, complaints should be addressed to the European Data Protection Supervisor: edps@edps.europa.eu.