

Registers – best practices we found when inspecting

Intention of this presentation:

- celebrate those who are in compliance at this point,
 - encourage those who are almost there,
 - inspire those who still have a way to go!

We are there to help! Contact ute.kallenberger@edps.europa.eu.

Article 31(5) of Regulation 2018/1725

“... Union institutions and bodies shall keep their records of processing activities in a central register. They shall make the register **publicly available.**”

EDPS (Accountability on the Ground Part I):
= **publication on the internet**

Timing / deadline?

Announced date for implementation:

- Initially May 2020, i.e. now / two years after the entry into force of the GDPR;
- Upon entry into force of the Regulation (December 2018): “no grace period”;
- One year+ after entry into force: launch of monitoring exercise / remote inspection...

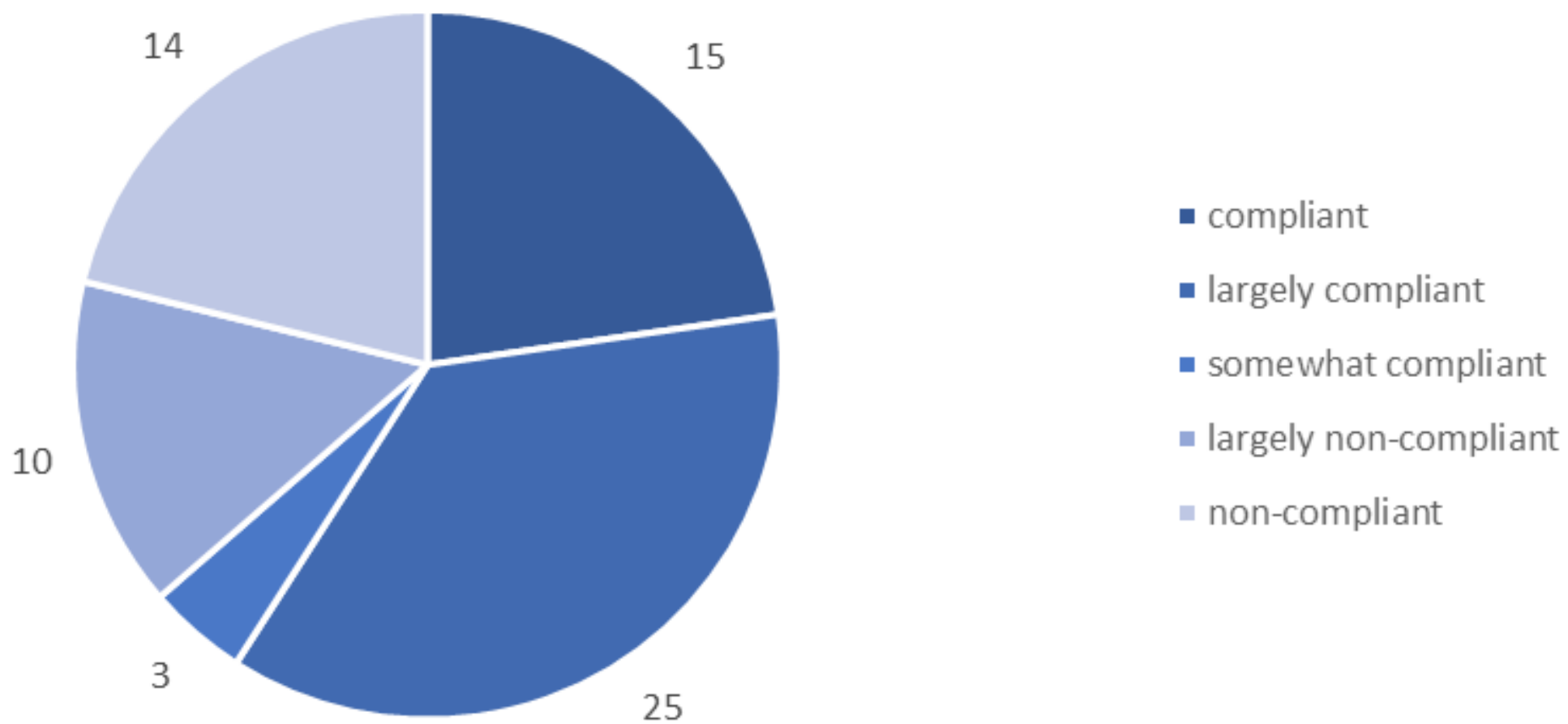
The remote inspection: Scope

- Any form of list of processing operations available on the EUI's website (**availability**);
- Register contains records (EDPS template or comparable format), not just links to data protection notices (**format**);
- Plausibility of number of records listed (given staff baseline needs, any register only consisting of four or less records will be incomplete) (**coverage**).



"Let me see if I'm misunderstanding this correctly..."

Register under Art. 31(5) Regulation 2018/1725
SoP 11 March 2020





European Council
Council of the European Union



Single
Resolution Board



EACEA



European Securities and
Markets Authority



EUROPEAN CENTRAL BANK
EUROSYSTEM



European
Global Navigation
Satellite Systems
Agency



European Agency
for Safety and Health
at Work



European Union
EXTERNAL ACTION



ESRB
European Systemic Risk Board
European System of Financial Supervision



European Environment Agency



Best practice: What can that look like?

(1)



esma European Securities and Markets Authority

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RECORDS REGISTER

ESMA has the legal obligation to keep a central register of records of activities processing personal data (Article 31 of [Regulation 2018/1725](#) [↗](#)).

The register shall contain at least the following information:

- name and contact details of the controller, the data protection officer and, where applicable, the processor and the joint controller;
- the purposes of the processing;
- description of the categories of data subjects and of the categories of personal data;
- the categories of recipients to whom the personal data have been or will be disclosed;
- where applicable, transfers of personal data to a third country or an international organisation and the documentation of suitable safeguards;
- where possible, the envisaged time limits for erasure of the different categories of data;
- where possible, a general description of the technical and organisational security measures to protect those personal data;
- information about data subjects' rights and on how to exercise those rights

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The list of records of ESMA's activities processing personal data, with hyperlinks to the relevant record, follows:

Record Number	Activity Description
1	Subscribers to ESMA's news items →
2	Selection of members for ESMA groups →
3	Mentoring scheme for ESMA staff →
4	Pay and Pension →
5	Leave and Absences →
6	Recruitment of Temporary and Contract Agents →
7	Recruitment of Trainees, Seconded National Experts and Temporary Workers-Interims →
8	Administrative enquiries and Disciplinary procedures →
9	Prevention of Harassment →

Nr.	Item	Subscribers to ESMA's news items
1	Name of the Controller	ESMA's Head of Governance and External Affairs Department - gea.dataprotection@esma.europa.eu
1,1	Address of the Controller	European Securities and Markets Authority (ESMA)201-203 rue de Bercy, 75012 Paris
1,2	ESMA Area Entrusted with Processing	ESMA/Governance and External Affairs Department
1,3	Processors (If any)	N/A
2	Name and contact details of DPO	ESMA DPO dpo@esma.europa.eu
3	Name and contact details of processor (where applicable)	N/A
4	Purpose of the processing	Establishing a list of email addresses in order to provide subscribers with relevant information (news items, new documents, information about open hearings and open consultations). Subscribers are immediately notified by e-mail once a new content is available.
5	Description of categories of persons whose data ESMA processes and list of data categories	Email addresses of subscribers who register on ESMA website for the purposes of receiving notifications of new content
6	Time limit for keeping the data	Data is kept for as long as individuals are subscribed to receive notifications from ESMA and until they choose to unsubscribe
7	Recipients of the data	Only designated ESMA staff will have access to the personal data for the purpose of managing the notifications list
8	Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?	N/A
9	General description of security measures, where possible.	ESMA's IT infrastructure is protected by physical and logical security measures: the servers are installed on a high-security data centre with restricted physical access to the machines. Network firewalls protect the logic perimeter of the ESMA IT infrastructure; and the main computer systems holding the data are security hardened.
10	For more Information, Including how to exercise your rights to access, rectification, object and data portability (where applicable), see the privacy statement:	When you receive a notification, you are informed that ESMA collects your personal data for the sole purpose of notifying you about new content available (news items, new documents, open hearings and open consultations. You are also informed that your data will be deleted once you unsubscribe. Moreover, the notification contains a link to ESMA's general privacy statement (https://www.esma.europa.eu/data-protection).

Best practice: What can that look like?

(2)



EACEA
Education, Audiovisual and Culture Executive Agency

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Public register of processing activities

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This page contains the EACEA data protection register, in line with 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.

Specific information requests on this register can be requested in writing to the Data Protection Officers of the Agency, at the following address: EACEA-data-protection@ec.europa.eu.

Register Notifications

NUMBER	ACTIVITY	SHORT DESCRIPTION	CONTROLLER	RECORD
2019-017	Leave and Flexitime	Management of annual leave, sick leave and special leave and flexitime.	Head of Unit R1 Human Resources, Administration	View



Education, Audiovisual and Culture Executive Agency

RECORD OF PERSONAL DATA PROCESSING

Art. 31 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 (henceforth the "Regulation")

Record n°

017-2019

In accordance with Article 31 of Regulation 2018/1725, individuals whose personal data are processed by the Agency in any context whatsoever are to be protected with regard to the processing of personal data and the Agency has to keep records of their processing operations.

This record covers two aspects:

1. Mandatory records under Art 31 of the Regulation (recommendation: make the header and part 1 publicly available)
2. Compliance check and risk screening (initial; part 2 is internal only to the Agency, not published)

The ground for the record is (tick the relevant one):

- ☒ Regularization of a data processing operation already carried out
- ☐ Record of a new data processing operation prior to its implementation
- ☐ Change of a data processing operation.

Leaves, absences and working patterns (this part may be public)	
1	Last update of this record (where applicable) The relevant notification was last updated on 25/03/2013: • registration n°2013-04 teleworking • registration n°2013-02 leave and flexi time
2	Short description of the processing One of the main tasks of Unit RI is to manage the Human Resources policy of the Agency.

	This includes, among others, to implement Staff Regulations prescriptions related to staff leaves, absences and working patterns. Since 01/01/2010 most of the time-related aspects of jobs management have been transferred to Sysper. Staff members indicate leaves on this EC Corporate Tool. However, some operations (justificatory certificate for special leaves and unpaid leave) cannot be processed through Sysper and are thus done in paper form. Teleworking is one of the time management options that, together with the flexitime system, permit greater flexibility in the organisation of work and a better reconciliation of work and private life of Agency staff.
Part 1 - Article 31 Record	
4	Name of the Controller Unit(s) and/or function of person acting on behalf of the Controller Controller: Education, Audiovisual and Culture Executive Agency Head of Unit R1 (Human Resources, Administration, Communication) FACEA-HR@ec.europa.eu
5	Name and contact details of the Data Protection Officer (DPO) FACEA-data-protection@ec.europa.eu
6	Name and contact details of joint controller (where applicable) European Commission: • DG DIGIT (DIGIT-SYSPER@ec.europa.eu) manages the Sysper IT tool
7	Name and contact details of processor (where applicable) N/A
8	Purpose of the processing One of the main tasks of the HR Unit is to manage the Human Resources policies and procedures in the Agency. This include among others, to implement Staff Regulations prescriptions related to leave and time management. The purpose of the processing is to ensure all staff members are provided with the leaves' rights and working patterns they are entitled to.
9	Description of the categories of data subjects Whose personal data are being processed? ☒ Agency staff (all Staff Members except for trainees and interim staff) ☐ Visitors to the Agency ☐ Contractors providing goods or services

Best practice: What can that look like?

(3)



The screenshot shows the European Environment Agency (EEA) website. A red oval highlights the breadcrumb navigation path: [Home](#) > [About us](#) > [Data protection](#) > [Central register of records of processing activities](#). The main heading is "Central register of records of processing activities". Below the heading, it states: "The EEA has a legal obligation to keep the records of its processing activities in a central register which shall be publicly accessible (Article 31(5) of Regulation (EU) 2018/1725)." A PDF icon is visible next to this text. The text continues: "The records contain general information on the processing operations such as the name of the controller, the purpose of the processing, the categories of data subjects whose data are processed and the type of data processed, and the recipients of the data". Below this is a section titled "Register" with a table.

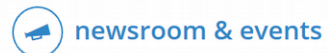
Area	Description of the processing activity
COM	Forum
COM	Public enquiry system

On the right side of the page, there is a vertical menu with links: About, About E, About E, Govern, Environ, Public c, Vacanci, Contrac, Outrea, Data pr, D, R.

Interim Report

- Urgency to have registers publicly available;
- We will continue to monitor progress in line with commitments made;
- We welcome several initiatives taken by DPOs since 11 March 2020;
- We invite all DPOs to make all records publicly available asap.

Best practice: Don't hide it...



[home](#) > [data protection](#)

Data protection

EASA is committed to protecting the rights and interests of individuals in all the activities which involve processing of personal data. As an EU Agency, EASA, since 11 December 2018 is subject to [Regulation 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 1744/2002/EC, in accordance with this

Regulation, EASA maintains a register of records of personal data processing activities under its responsibility. The register of EASA data processing activities, including the related records and privacy statements, where you can find more information on how to exercise your rights, is accessible below.

Ref#	Title of Process	Date
01	Design Organisation Approval process	01/12/2018

Best practice: Structure (1)

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DP Register

Processing Activities

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Data subject categories

[Tenderers' and applicants' data \(in case of legal entities, their representatives\)](#)[Experts \(in case of legal entities, their representatives\)](#)[Candidates applying for open S2R JU vacancies \(TA, CA, and SNE\)](#)[Trainees recruited by the European Commission \('EU BlueBlook trainees'\)](#)[Interim staff selected via an external contractor on behalf of the European Commission](#)[Spontaneous applicants](#)[Registrants/Attendees of Shift2Rail events](#)[Recipients \("general public"\) having requested or explicitly consented to remain in the S2R JU database and to continue receiving emails, invitations to events, alerts, e-newsletters, etc.](#)[Registrants or attendees sent through the EU Survey tool](#)[S2R JU staff](#)[Visitors and other persons entering into the S2R JU premises outside regular working hours](#)[JU Staff: temporary](#)[JU Staff: contractual](#)[External staff: trainees and interim staff](#)[Relatives of the data subject](#)[Members of the Governing Board](#)[Members of States Representatives Group](#)[Members of the Innovation Programmes' Steering Committees](#)[Members of working groups](#)[Other participant, observer or expert invited to the meetings of the bodies of the S2R JU](#)[Any natural person acting on a private basis or on behalf of a legal person submitting a request for a meeting with the Executive Director or S2R JU staff](#)

Best practice: Structure (2)



	Themes	Emerging risks	Publications	Facts & Figures	Legislation	Campaigns & A
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Register of records

EU-OSHA has to keep a register of records of all its processing activities involving personal data (Article 31 of [Regulation 2018/1725](#)) for each processing operation:

Related Resources:

Client Relationship Management

 [Client Relationship Management - Newsletters.pdf](#)

 [Client Relationship Management - Personal data stored in the agency's Client Relationship Management \(CRM\).pdf](#)

Documentation

 [Documentation - EU-OSHA registry - custody of the Document Management System.pdf](#)

Events and meetings

 [Events and meetings - Events, conferences and other meetings.pdf](#)

 [Events and meetings - Management and Executive Boards.pdf](#)

Best practice:

RECORD OF A PERSONAL DATA PROCESSING ACTIVITY

according to Article 31 of Regulation (EU) 2018/1725

Title
<i>Please provide a meaningful title of the processing operation involving personal data (e.g. staff recruitment, stakeholder relations)</i>
Conduct of administrative inquiries and disciplinary proceedings at EFSA

1	Controller(s) ¹ of data processing operation (Article 31.1(a))
EFSA unit in charge of the processing activity: Human Capital (HUCAP)	
EFSA Data Protection Officer (DPO): DataProtectionOfficer@efsa.europa.eu	
Is EFSA a co-controller? No ☒ Yes ☐	
If yes, indicate who is EFSA's co-controller:	

2	Who is actually conducting the processing? (Article 31.1(a))
☒ The data is processed by EFSA itself	
<i>Indicate the EFSA units or teams involved in the data processing:</i>	
- Only authorized staff of the HUCAP and LA Unit	
- Members of the inquiry team, Investigation Panel or Disciplinary Board	
☐ The processing operation is conducted together with an external party (e.g. a procurement contractor, Member States organisations)	
<i>Please provide below details on the external involvement:</i>	

¹ The controller decides on the purposes and means of the data processing. In case of joint controllership (e.g. systems of the European Commission applied by EFSA or jointly with another agency), EFSA is a co-controller.

3) Purpose of the processing (Article 31.1(b))
<i>Why are personal data being processed? Specify the rationale and underlying reason for the processing and describe each step of the processing.</i>
Processing of personal data, including personal data of a sensitive nature, in the context of administrative inquiries and disciplinary proceedings carried out at EFSA in compliance with the applicable rules.

4) Legal basis and lawfulness of the processing (Article 5(a)–(d)):
<i>Processing necessary for:</i>
(a) a task carried out in the public interest or in the exercise of official authority vested in EFSA ☒ (Meant are tasks clearly covered by the mandate of EFSA and carried out in the exercise of EFSA's official authority in accordance with the Founding Regulation (EC) No 178/2002. This also includes data processing necessary from the management and functioning of EFSA as an EU agency.)
(b) compliance with a legal obligation to which EFSA is subject ☐ (e.g. the application of the Staff Regulations or the Financial Regulation or an explicit reference in EFSA's Founding Regulation)
(c) performance of a contract with the data subject or to prepare such contract ☐
Important Note Consent may not be the most appropriate legal basis, in particular in the EFSA employment context. If you wish to rely on consent as legal basis, it shall meet the following requirements: Consent must be freely given on beforehand in an explicit way, it must be specific, informed and unambiguous. The data subject also may withdraw previously given consent anytime. The controller shall document consent and withdrawals for audit and control purposes. As needed, please contact the DPO.
(d) The data subject has given consent (ex ante, explicit, informed) ☐ (In case of consent collection, indicate where the proof of consent will be stored)

The remote inspection: Next phase

- Has already been launched;
- Content of the records;
- Coverage of processing operations comprehensive? (plausibility test).