

Nr.	Item	ESMA's staff appraisal and promotion
1	Name of the Controller	Head of Resources Department: hr-helpdesk@esma.europa.eu
1.1	Address of the Controller	201-203 rue de Bercy, 75012 Paris - France
1.2	ESMA Parts Entrusted with Processing	ESMA/RES/Human Resources Management
1.3	Processors (if any)	This data processing relies on Processors: ESMA's staff appraisal reports are processed and stored in an outsourced Human Resource Management IT solution (ALLEGRO)
2	Name and contact details of DPO	ESMA's Data Protection Officer (DPO): dpo@esma.europa.eu
3	Name and contact details of joint controller (where applicable)	Not applicable
4	Name and contact details of processor (where applicable)	Contractor for staff appraisal reports: ADEQUASYS FRANCE - 1 rue Claude Bernard, - 26100 ROMANS-SUR-ISERE, FRANCE. The solution of ADEQUASYS is hosted by OVH SAS (OVH SAS est une filiale de la société OVH Groupe SAS, société immatriculée au RCS de Lille sous le numéro 537 407 926 sise 2, rue Kellermann, 59100 Roubaix - France).
5	Purpose of the processing	Personal data of ESMA staff (Temporary Agents, Contract Agents, Seconded National Experts) is processed to evaluate their performance, take a decision on their contract renewals and take a decision on promotion/reclassification. The legal basis for this processing operation is Regulation (EU) No 1095/2010, as it may be further amended, replaced or repealed, the Staff Regulations and Implementing Rules: a) Probationary period objectives and b) reports: Art. 34 of the EU Staff Regulations (SR) and Art. 14 and 84 of Conditions of Employment of Other Servants (CEOS), Art. 44-46 of the SR (Managerial probationary periods) c) Contract renewals Art. 8 and 85 of CEOS; d) Performance evaluation: Art. 43 of the SR and Art. 15(2) of the CEOS, Implementing rules laying down general provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations" of 16 December 2013 (C) 2013/8965). e) Promotion/reclassification: Art. 54 and 87(3) of the CEOS, Implementing Rules "laying down general provisions for implementing Article 45 of the Staff Regulations" of 16 December 2013 (C/2013) 8968).
6	Description of categories of persons whose data ESMA processes and list of data categories	Who is affected: Temporary Agents, Contract Agents, Seconded National Experts (SNE). Which data is kept: a) Probationary period objectives and b) reports and c) contract renewals: Name, contract type, organisational entity, personal number, grade, manager's name, evaluation of staff's performance, staff's comments on evaluation d) Performance evaluation: as above, plus objectives and training information, name and evaluation of countersigning officer when performance evaluation is non-satisfactory, in case of appeal by staff: name of appeal assessor, decision of appeal assessor e) Promotion/reclassification: Name, contract type, organisational entity, personal number, grade, Name of Reporting officer, seniority in grade, in case of appeal and upon request of the Joint Reclassification Committee: complaint of staff member and the performance evaluations of past three years
7	Time limit for keeping the data	Personal files are kept 120 years after the birth date of a staff member, in line with the current recommendations of the European Commission
8	Recipients of the data	a) for probationary period objectives and b) reports: staff member, HR staff in charge, HR Team Leader and staff member's Team Leader, Staff member's Manager(s), Executive Director c) for contract renewals: see above plus Head of Resources Department d) for performance evaluation/Appeal: see a)-b) HR responsible staff, Appeal Assessor e) Promotion/reclassification/Appeal: a)-b) plus members of the Joint Reclassification Committee
9	Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?	Services are being provided under the scope of the framework contract of the European Commission - Directorate General Informatics NUMBER - DI07720. Section II.9 "Processing of Personal Data" requires the contractor to meet the EU data protection regulation. Safeguards: Allegro / Adequasis uses datacentres which are subcontracted to OVH which is a French cloud computing company that offers cloud, hosting and other web services. OVH is able to provide their services exclusively from/within the European Economic Area (EEA) or from countries with an equivalent level of protection as dictated by the EU Commission. (for more information please refer to: https://www.ovh.com/fr/protection-donnees-personnelles/)
10	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 datacentre with restricted physical access to the machines. Network firewalls protect the logical perimeter of the ESMA IT infrastructure; and the main computer systems holding the data are hardened. Administrative measures include the obligation for ESMA staff and service providers maintaining the equipment and systems to have signed non-disclosure and confidentiality agreements. Adequasis (Allegro) assists ESMA in ensuring compliance with its data protection obligations, in particular regarding the latter's prompt response to requests for access, blocking, rectification and deletion from the data subjects exercising their data protection rights according to REGULATION (EU) 2016/679 (GDPR) and REGULATION (EU) No 2018/1725 (EDPR). OVH SAS (France) complies with different Industry Security Specifications: ISO/IEC 27001, CSA STAR, SOC 1 et II type 2 & PCI DSS. (for more information please refer to: https://www.ovh.com/world/about-us/certifications.xml).
11	For more information, including how to exercise your rights to access, rectification, object and data portability (where applicable), see the privacy statement:	a) You are entitled to access your information relating to your personal data processed by ESMA, verify its accuracy and, if necessary, correct it in case the data is inaccurate or incomplete. b) You have the right to request the erasure of your personal data, if your personal data is no longer needed for the purposes of the processing, if you withdraw your consent or if the processing operation is unlawful. c) You can ask the Data Controller to restrict the personal data processing, under certain circumstances, such as if you contest the accuracy of the processed personal data or if you are not sure if your personal data is lawfully processed. d) You may also object, on compelling legitimate grounds, to the processing of your personal data. e) Additionally, you may have the right to data portability which allows you to make a request to obtain the personal data that the Data Controller holds on you and to transfer it from one Data Controller to another, where technically possible. You may exercise your rights by contacting the Data Controller at hr.helpdesk@esma.europa.eu . In some cases your rights might be restricted in accordance with Article 25 of the Regulation (EU) 2018/1725. In each case, ESMA will assess whether the restriction is appropriate. The restriction should be necessary and provided by law, and will continue only for as long as the reason for the restriction continues to exist. If you have additional questions or concerns you can also contact ESMA's DPO at DPO@esma.europa.eu You have the right to lodge a complaint with the European Data Protection Supervisor (edps@edps.europa.eu) if you consider that your rights under the Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by ESMA. For more information please refer to: https://www.esma.europa.eu/about-esma/data-protection