Nr.	Item	Pay and Pensions
1	Name of the Controller	Head of Resources Department: hr.helpdesk@esma.europa.eu
1.1	Address of the Controller	ESMA, 103 Rue de Grenelle, 75007 Paris
1.2	ESMA Parts Entrusted with Processing	ESMA/RES/Human Resources
1.3	Processors (if any)	PMO (Pay Master Office) Brussels, Belgium
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)	PMO (Pay Master Office) Brussels, Belgium
5	Purpose of the processing	Personal data of ESMA staff, SNEs and contractors are collected and processed for the purposes of social security benefits, pensions, allowances, individual rights (salary, vacation, personal file). Personnel administration - processing of the administrative and financial data related to the individual rights of staff members (e.g. the administration of personal files and salaries). - Collection, management, storage, consultation, disclosure, monitoring of the use and processing of data in relation to their individual rights/entitlements and salary processing; - For compliance with the EU Staff Regulations and respective implementing rules, policies or procedures on staff management, see the legal basis for the processing operation: Main Legal Basis: - Regulation (EU) No 1095/2010 of the European Parliament and the Council of 24 November 2010 establishing ESMA, amended by the Decision No 716/2009/EC. - Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community Processing of personal data is considered necessary for the execution of the staff's rights provided in the EU Staff Regulations. Additionally, that processing is necessary for the performance of a task carried out in the public interest. - Probationary reports – Art. 34 of the EU Staff Regulations (SR) and Art. 14 and 83 of Conditions of Employment of Other Servants (CEOS) - Managerial probationary reports – Art. 44-46 of the SR - Performance appraisals – Art. 43 of the SR and Art.15(2) of the CEOS - Reclassification/promotion – Art. 10(3) and 15 of the CEOS - Leave in general – Chapter 2 of Title IV (Articles 57-60) - Annual leave – Art. 57 of the SR, Special leave (Annex V of the SR), Maternity leave (Article 58 of the SR), Sick leave/family leave (Article 59 of the SR), Leave on personal grounds and unpaid leave (Article 15,37 and 40 of the SR). Furthermore, respectively Articles 11,16 to 18, 58, 81 and 91 of the CEOS. - Pre-employment medicals: Art. 28-33 of the SR and Art. 12(d), 13(2) and 83(2) of the CEOS.
6	Description of categories of persons whose data ESMA processes and list of data categories	- ESMA statutory staff members (temporary and contract agents). - External staff members (trainees and Seconded National Experts) for the limited HR rights administration (only in relation to contract management, legal and financial identification forms).The list of the administrative and financial data related to the individual rights of the recruited staff members (personal files and salaries): I - PERSONAL DATA IDENTIFICATION (financial form, legal entity form & information on the change of address) II - RECRUITMENT (CV/motivation letter, education degrees, work certificates, medical aptitude, military service certificate, no- criminal record, declaration of interests). III – EVALUATION/CONTRACTS AND CAREER (contracts of employment, amendments of contracts (including for reclassifications), job descriptions, objectives, probationary period reports, performance appraisal reports, contract renewal reports, training, documents related to the administrative status (e.g. transfers, secondments), documents related to the termination of service). IV - DETERMINATION OF RIGHTS/SALARY INFORMATION (entitlement of rights form, birth certificates, nationality certificate, documents for the household allowance (a marriage certificate and if necessary payslip(s) of the spouse or declaration of honour of unemployment), documents related to dependent child allowances, education allowance, schooling support, documents for determination of place of origin, installation/daily allowance documents (rental contracts), removal documents, relocation documents, travel expenses documents, requests for part time leave, long term sickness, maternity leave or unpaid leave). V - SOCIAL SECURITY BENEFITS (Joint Sickness Insurance Scheme's documents, requests for unemployment or pension transfer in/out) VI - APPEALS AND DISCIPLINARY MATTERS Special (sensitive) categories of data are considered as: - The evaluation data (assessment of staffs' performance by their hierarchical superiors with regards to ability, efficiency and conduct in service). - The data related to the health of the data subject, in the context of sick leave, maternity leave and parental leave. As in line with the Article 4 (c) of Regulation EU 2018/1725, Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation'). The data subject must provide to the HR a medical certificate of sick leave or medical appointment's presence during the working hours. The specialisation of the doctor may appear on this certificate. No other information about the actual diagnosis of the data subject shall be provided on any medical document/certificate. (refer to the health record for more details). - The data related to the status of third parties (relatives of the data subject), while requesting for instance the adoption of a disabled child, health cures, serious illness of spouse, and other types of special leave. Additionally, in case of parental and family leave, further processing of health related data takes place. In case of application for the household allowance, the data which could reveal the sexual orientation of a staff member (eg gender of the spouse) are also processed. - Data related to "no criminal record" of newly recruited staff: ESMA does not keep original/copies of these documents. Though, the staff member should present the original document to HR, and on this basis the acknowledgement form is signed by HR and included in the personal file. - The data (administrative and financial) related to the processing of salary entitlements. - The data related to the appeals/complaints or disciplinary measures of staff members. All personal data, which are processed manually, are stored in hard copies in the staff member's personal file, in locked cupboards, with restricted access only to HR staff. Moreover, some of the documents are also scanned and/or saved (uploaded) in the automated HR-database "Allegro", under specific modules.
7	Time limit for keeping the data	The personal data are stored on paper (hard copies), in the personal file of the concerned staff member. The personal files are locked in a special cabinet with restricted access rights to the HR staff. Personal data is also stored in the application "paperless" and "Allegro" where some transactions are part of the personal file. Personal files are kept in line with recommendations made by the EU Commission, period counted from the birth date of the concerned staff member (by taking into account any potential appeals of staff member, pension claims or pension transfers etc.). The health data (e.g. medical certificates to justify absences and requests for reimbursement of annual medicals performed by a private practitioner) are stored on paper (hard copies) in the designated HR folder, locked in a special cabinet with restricted access rights. They are stored until the end of year N+2 (i.e. for max 3 years period of time). Some staff members send health data to hr.helpdesk@esma.europa.eu, where the data is registered and stored in the project "HR" within the ticketing tracking application called "JIRA".
8	Recipients of the data	The access rights to the personal data of data subject are restricted to HR staff. Recipients within Authority: - HR staff members, - Head of Resources Department, - Executive Director of ESMA (Appointing Authority), - Internal Control Officer (for audit purposes), - Data subjects themselves, for the data that concerns them individually. Recipients outside Authority, if requested (European Union institutional bodies): - Medical service of the European Commission (for possible advice when foreseen in the Staff Regulations), - Court of Auditors (for audit purposes), - OLAF, - Court of Justice of the European Union, - European Ombudsman, - Office for the settlement of individual rights Pay Master Office (PMO)
9	Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?	not applicable
10	General description of security measures, where possible.	ESMA applies security controls aligned with security policies and procedures. Notably aligned with the Information Security Specification ISO/IEC 27001
11	For more information, including how to exercise your rights to access, rectification, object and data portability (where applicable), see the privacy statement:	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