

<b>01 - Name of processing</b>	<b>Outside activities and assignments – Declaration of possible conflict of interests of ERA staff</b>
02 - Reference	34
03 - Submission Date	24-04-12
04 - Last update	19-06-20
05a - Controller	DOPPELBAUER Josef
05b - Unit-Sector	Executive Director
05c - Controller's email	josef.doppelbauer@era.europa.eu
06 - DPO	DataProtectionOfficer@era.europa.eu 120 Rue Marc Lefrancq, 59300 Valenciennes, France Tel.+33 (0) 32 70 96 500
07 - Name and contact details of joint controller (where applicable)	Andrei Lixandruethics@era.europa.eu
08a - Who is actually conducting the processing? (Article 31.1(a))	The data is processed by ERA (responsible unit) itself
08b - Name and contact details of processor (where applicable)	Andrei Lixandruethics@era.europa.eu

## 09 - Purpose of processing

Generally, the processing operations with regard to the personal data contained in the aforementioned Declaration Form aims to identify and manage conflict of interests cases, thus ensuring ERA staff members' integrity and preventing any circumstances of biased decision making.

The primary aim of the Framework of Good Administrative Behaviour FGAB adopted by MB DEC 199 and the rules on outside activities adopted by MB DEC 182 is to provide reasonable assurance to the Executive Director that key decision-making processes are carried out, and are seen to be carried out, on proper grounds, for legitimate reasons and without bias. The purpose of managing conflicts of interest within the Agency is, therefore, to support the achievement of these key objectives and to build public confidence among stakeholders in the integrity, objectivity and independence of the Agency's staff.

*The rules raison d'être relies in the corporate conviction about the need to adapt (i.e. make more effective for the Agency) the existing legal framework on ethics and Col which appears fragmented and is, often, little known by staff. On the other hand, Col's risk is able to trigger a wide spectrum of material threats for an organisation, ranging from critical deterioration of image and reputation to significant underperformance of business processes.*

*From this perspective, the ERA Conflict of Interests Policy represents a concrete managerial act from the Authorising Officer aimed at moving from mere compliance to effective implementation of the core principles enunciated in the Founding Regulation of the Agency (Regulation (EC) No. 881/2004 and the revised version No 796/2016) and other regulatory framework applicable to staff.*

## 10a - Data Subjects

ERA staff, SNEs, trainees

10b - Personal data

Applicants – Data subjects fill in a paper form specifying, among others, the following personal data: surname, first name, personnel number, administrative status (temporary, contract staff, SNE, trainee), grade, position, unit, short description of duties at the Agency, as well as of the planned activity that might impair the staff member’s impartiality, stating the nature of and procedure involved in the matter on which they are called on to decide –or deal with– in the performance of their duties at the Agency and in the outcome –or handling– of which they may have a personal interest such as to impair their independence and the reasons why their independence may be impaired by such planned activity.

11 - Time limit for keeping the data

The request/notification forms – Appointing Authority’s Decision are kept in each official’s electronic personal file. Personal data contained therein are kept for as long as the other documents contained in staff members’ personal files are also kept, since they form an integral part of a specific staff member’s file.

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

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

12 - Recipients of the data

Recipients of the processing are the following persons: the Head of Unit, the Ethics Officer and the Appointing Authority (the Executive Director).

13 - Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?

N/A

14 - How is data stored? What are the security measures implemented?

Access to the paper files and the computer drive is restricted and granted only to the aforementioned recipients of the processing.

15 - For more information, including how to exercise your rights to access, rectification, object and data portability (where applicable) see the data protection notice

a) Upon recruitment, all staff members, including SNEs and trainees, are informed of the ERA Col Policy; a declaration signed by the staff member concerned serves as a proof that this staff member has been made aware of the existing Col policy and provided with all documents pertaining thereto. New staff members are informed during a special induction session, whereas regular info days or training are scheduled to refresh the matter. Moreover, there is a Privacy Statement accompanying the above-mentioned Declaration Form, which sets out the whole procedure and prescribes the rights of the data subjects.

b) The data subjects may exercise their rights of access, verification and rectification of their data by contacting the person responsible for handling each processing operation, namely the Head of each Unit. The person responsible for the management of the whole processing operation is the Head of the Directorate and may be contacted at [ethics@europa.eu](mailto:ethics@europa.eu).

In case the data subjects have any further questions and/or concerns, they are given notice, through the Privacy Statement, of the following persons they may contact in connection with personal data protection issues:

- the ERA's Data Protection Officer (DPO): [dataprotectionofficer@era.europa.eu](mailto:dataprotectionofficer@era.europa.eu).
- In the event of a dispute, complaints should be addressed to the European Data Protection Supervisor: [edps@edps.europa.eu](mailto:edps@edps.europa.eu).

## 16 - Legal Basis

Annex ("ERA Management Standards") to the Decision No. 116 of the ERA AB adopting the ERA management standards and repealing AB Decisions No. 23 and 81, in particular standard on Ethical and Organisational Values;#135;#Commission Decision No. 85-2004 on Outside Activities and Assignments (Brussels, 28.4.2004, C(2004) 1597);#138;#Decision No. 457/2012 of the ERA ED Adopting a Conflict of Interests (COI) Policy;#139;#Decision No. 93 of the ERA AB adopting the financial regulation of the Agency (art. 41);#133;#Decision No. 96 of the ERA AB laying down detailed rules for the implementation of the Financial Regulation of the European Railway Agency (art. 19);#134;#Decision of the ERA ED on the adoption of implementing rules to the staff regulation of 1 May 2014 (16.6.2005);#137;#Decision of the ERA ED regarding the Guidelines on gifts and hospitality for staff members (No. 0471/05/2012);#140;#European Commission Guidelines on Gifts and Hospitality for the staff members (Brussels, 7.3.2012, SEC(2012) 167 final);#141;#Staff Regulations of Officials and Conditions of Employment of Other Servants of the European Communities (art. 11, 11a, 12, 12b, 13, 16, 17, 22, 22a, 22b);#136

17 - Lawfulness of processing

The processing is necessary for the performance of ERA's tasks carried out in the public interest on the basis of the Agency Regulation (Regulation (EC) No. 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European railway agency) and as the Staff Regulations and CEOS require (see, in particular, art.11, 11a, 12, 12b, 13, 16, 17, 22, 22a and 22b).

Therefore, the processing is lawful under art. 5(a) of the 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.

ERA is expected to live up to the highest standards of professional ethics and to remain independent at all times. In fact, European citizens expect that all public-funded entities will perform their duties in a fair and unbiased way and that the decisions they make are not affected by private interest, private affiliations, or the likelihood of personal gain or loss of public officials. The integrity of individual officials within public-funded organisations is vital in order to build the necessary community's confidence whose main foundations are transparency, accountability and ethical values.

The Agency's founding Regulation (EC) No. 881/2004 is indeed inherently permeated with these key values which are recalled in a significant number of instances. Knowing how to identify and manage conflicts of interest is not only an effective way to prevent corruption and misconduct in the public sector, but it also represents for the European Railway Agency an important management tool to build positive confidence among stakeholders and to provide reasonable assurance

18 - Data minimisation

N/A

19 - Accuracy

20 - Access and other rights of persons whose data is processed

21 - Special category data

N/A

22 - DPIA

N/A

23 - Link to the Threshold assessment-Risks

24 - Other related documents