

Record Management

Record of ESMA activities processing personal data, based on Article 31 of 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.

Nr.	Item	Record Information
Record Management		
1	Last update of the record	30/06/2026
2	Reference number	ESMA62-2016690588-207 ¹
3	Name and contact details of controller	<u>Address of the controller:</u> Head of Resources Department European Securities and Markets Authority (ESMA) 201-203 Rue de Bercy 75012 Paris France

¹ Based on Commission Record of Processing "Management and (short- and medium-term) preservation of Commission documents" Reference DPR-EC-00536.4

4	ESMA area entrusted with processing	Hermes-Ares-NomCom (hereafter HAN) is run by EC DG DIGIT. The settings for security, access restriction and retention list management in the system are designed by the EC Secretariat-General e-Domec team. ESMA's Resources Department manages internal use of HAN.
5	Processors (if any)	European Commission Directorate-General DIGIT
6	Name and contact details of DPO	Data Protection Officer (ESMA) dpo@esma.europa.eu
7	Name and contact details of processor (where applicable)	European Commission Directorate-General DIGIT DIGIT-ARES-SUPPORT@ec.europa.eu
8	Purpose of the processing	Description of the purpose of the processing The processing of personal data in the context of records management has the purpose of ensuring that (captured or registered) documents produced and received as part of ESMA's activities are managed according to the principles of good administration, in line with Council Regulation (EEC, Euratom) No 354/83 and in line with ESMA's internal procedures. As such, it is based on Article 5(1)(a) of Regulation (EU) 2018/1725. The management and preservation of documents and related data by ESMA responds to several essential needs of the institution which represent overall purposes of the processing operation: - ensure business continuity and accountability in the context of ESMA's activities by keeping appropriate documentation on them, and contribute to the transparency of ESMA's activities to the citizen; - improve quality of services with document management, collaboration and workflow features; - preserve the institutional memory of ESMA, through long term preservation of certain categories of files for archiving purposes. The processing operation has the following specific purposes:

		1. Ensure that documents are authoritative records of ESMA (According to ISO 15489, the international standard on records management, the four main characteristics of authoritative records are reliability, integrity, usability and authenticity) by accompanying them by metadata (including by means of personal data such as names) that explicitly document their critical characteristics. Personal data contained in the documents are processed as an integral and necessary part of those documents. They form a guarantee for the validity and the integrity of the content of the document in question. 2. Ensure that documents are traceable (including by means of personal data such as names): to make it possible to clearly and definitely identify the documents drawn up or received so they can be traced throughout their lifecycle and managed in the context in which they were drawn up or received, the processing of mandatory minimum metadata in relation to the author and the addressee of a given document is necessary. The processing of these mandatory minimum metadata is laid down in Section 5.4.4. of ESMA's Document and Record Management Policy (ESMA62-443-49). • Enable access management and access control based on the predefined rights of users and owner of documents and on the level of accessibility to the documents themselves: to achieve this purpose, the name of any ESMA staff member may be processed and the ESMA staff member who is granted access rights to the document concerned may access any personal data contained therein. 3. Enable processing for archiving purposes in the public interest by organising and ensuring the transfer of files to the European Union's Historical Archives Service in line with the retention policies set out in ESMA's retention list.
9	Description of categories of persons whose data ESMA processes and list of data categories	• Internal to the organisation Any ESMA staff member. • External to the organisation Every individual who sends or receives documents that need to be captured or registered in line with ESMA's Document and Record Management Policy (ESMA62-443-49) and every individual whose personal data are mentioned in said documents.
10	Time limit for keeping the data	Data categories and their individual retention periods • Personal data in mandatory metadata in relation to any document:

		namely metadata about the author and addressee of a given document (typically name and surname of the respective individuals and the department/body to which they belong), metadata about the title or subject of a given document, metadata about the attachments (brief description) and metadata in relation to the title of the file in which it is filed Retention Period: Indefinitely 1. Personal data in audit trail and workflow data Indefinitely, as to ensure that the authors and participants in major records management actions at the level of metadata, documents, files or procedures can be identified 2. Personal data in access management and control data For as long as the user works for the European Securities and Markets Authority. 3. Personal data in document content Throughout the retention period, as defined in the common retention list, of the file in which the de facto controller has filed the document Comments/additional information on the data retention periods The above-mentioned retention periods for the different categories of personal data processed under this processing operation are necessary for the following reasons: Personal data in mandatory metadata: These data have to be kept indefinitely so that ESMA a) can meet its legal obligations regarding public access to documents and concerning the opening to the public of its historical archives, b) is able to guarantee the validity of the electronic or digitised documents for as long as they are stored, and c) is still able to retrieve the documents' metadata once these documents have been eliminated to explain that the documents have been eliminated and have evidence on the procedure followed. Guarantees are provided by way of the European Commission's Decision (EU) 2021/2121 as the system used by ESMA in the retention of documents and records was established and is managed by the DG DIGIT of the European Commission.
11	Recipients of the data	The origin of the data recipients • Within the EU organisation All ESMA staff (statutory, non-statutory, contractors) that are involved in the processing to achieve the specific purposes of this processing operation (set out in section II.1). • Outside the EU organisation

		All persons outside ESMA that are recipients of documents that have been sent by ESMA in the context of its activities
12	Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?	Data is transferred to countries outside the EU or EEA ESMA may send a document to a recipient residing in any country outside the EU. Apart from the recipient's own personal data, ESMA only discloses personal data to a recipient residing outside the EU if the conditions for an international transfer of Chapter V of Regulation (EU) 2018/1725 are met. It is the responsibility of the (de facto) controller responsible for the specific processing to ensure that the conditions of Chapter V of Regulation (EU) 2018/1725 are met. Data is transferred to international organisation(s) ESMA may send a document to a recipient belonging to an international organisation. Apart from the recipient's own personal data, ESMA only discloses personal data to a recipient belonging to an international organisation if the conditions for an international transfer of Chapter V of Regulation (EU) 2018/1725 are met. It is the responsibility of the (de facto) controller responsible for the specific processing to ensure that the conditions of Chapter V of Regulation (EU) 2018/1725 are met.
13	General description of security measures, where possible.	All personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) recorded via HAN are stored on the servers of the European Commission. DG DIGIT manages the system security and safety. Access to ESMA's registered documents and files (including personal data) is protected by means of a login and access rights which may be limited in accordance with the 'need to know' principle and are based on the duties entrusted to access holders. The usernames and passwords are managed by the European Commission's common authentication service EU Login.
14	Information on how to exercise your rights to access, rectification, object and data portability (where applicable), including recourse right.	The data subjects are informed about their rights and how to exercise them in the form of a privacy statement attached