1. Name of the Controller

ESMA's Data Protection Officer (DPO): dpo@esma.europa.eu

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-Isère, 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 to make a decision on promotion/reclassification. The legal bases for this processing operation is Regulation (EU) No 1095/2010, as it may be further amended, replaced or repealed, the Staff Regulations and Implementing Rules: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) Performance evaluation: Art. 43 of the Staff Regulations and Implementing Rules (SR) and Art. 14 and 24 of Conditions of Employment of Other Servants (CEOS), Article 44-46 of the SR (Management of probationary periods).

b) Contract renewals: Art. 8 and 85 of CEOS.

c) Performance evaluation: Article 43 of the SR and Art. 15(2) of the CEOS, Implementing Rules laying down specific 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) 2013/8985).

d) Promotion/reclassification: Article 54 and 87(3) of the CEOS, Implementing Rules "laying down specific provisions for implementing Article 45 of the Staff Regulations" of 16 December 2013 (C) 2013/8985).

6. Description of categories of persons whose data ESMA processes and list of data categories


What is kept:

- Personal data is kept:

  a) for probationary period objectives and b) for reports: personal number, grade, name of appeal assessment, name of Joint Appeal Committee.

b) Contract renewals: Name, contract type, organisation entity, personal number, grade, manager's name, evaluation of staff's performance, staff comments on evaluation.

c) Performance evaluation: as above plus business experience and training information, names and addresses of coassessors when performance evaluation is non-satisfactory, in case of appeal by staff: name of appeal assessor, decision of appeal assessor.

d) Promotion/reclassification: Names, contract type, organisation entity, personal number, grade, names of reporting officer, unit in grade, in case of appeal and upon request of the Joint Reclassification Committee.

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) for reports: staff member, HR staff in charge, HR team leader and staff member's team leader, staff member's manager, Head of Resources Department.

b) for performance evaluation/appraisal: see a) (b) and c) Staff member's manager, Head of Resources Department.

c) Contract renewals and promotions: see a) (b) and c) (d) and e) Joint Reclassification Committee.

d) Performance evaluation: see a) (b) and c) (d) and e) Joint Reclassification Committee.

e) Promotion/reclassification: see a) (b) and c) (d) and e) 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 Information Networking - DI07720, Section II.9.3 "Processing of Personal Data" requires the contractor to meet the EU data protection regulation. Adequate agreements are in place to ensure compliance with ESMA's data protection obligations. Adequate agreements (pilot) are in place for staff and service providers that meet the ESMA IT infrastructure.

10. General description of security measures, where possible.

ESMA's IT infrastructure is protected by physical and logical security measures: the servers are installed in 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 obligations for ESMA staff and service providers maintaining the equipment and systems to have signed non-disclosure and confidentiality agreements. Adequate agreements exist to ensure ESMA's data protection obligations, particularly in relation to the former's prompt response to requests for access, blocking, rectification and deletion from the data subjects exercising their data protection rights according to GDPR (Regulation EU 2016/679) and 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.)

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.

f) You have the right to lodge a complaint with the General Data Protection Supervisor (sgp@cdgp.europa.eu) if you consider that your rights under the Regulation (EU) 2016/679 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