DEPARTMENT FOR RESOURCES

Privacy Statement on the protection of personal data in relation to

Microsoft 365 (M365) Documents/Records management and Collaboration

All personal data are processed in accordance with the provisions 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.

Identity of controller:

The controller is Cedefop and the responsible person is the Head of Department for Resources.

Purpose of processing:

M365 (Microsoft 365) is an online platform offering document and record management as well as collaboration. M365 comes as a replacement of Livelink. Almost all of Cedefop's files and collaboration content is stored on M365.

Cedefop ICT staff is processing the data so as to ensure the good functioning of the service provided. More specifically, the purposes are:

1. ID and access management, i.e. create accounts, provide access or amend who has access where, in a central way, as needed and requested.
2. Technical assistance, support and troubleshooting, including Security incident management
3. Backups of data for security and availability purposes.
4. Assistance to data subjects in exercising their rights

Microsoft is processing so as to provide to Cedefop the M365 online services. More specifically, the purposes are:

1. To provide the platform (delivering functional capabilities as licensed, configured and used), e.g. by storing the data there.
2. For Troubleshooting (preventing, detecting and repairing problems affecting the operation of the services).
3. For Ongoing improvement (installing the latest updates and capabilities, and making improvements to user productivity, reliability, efficacy and security).

Microsoft is also processing a small subset of the data, i.e. the "Service Generated Data", for their own specific 6 business operations:

1. Billing and Account Management;
2. Compensation (e.g. calculating employee commissions and partner incentives);
3. Internal Reporting and Business Modelling;

4. Combatting fraud, Cybercrime, and Cyberattacks that may affect Microsoft or Microsoft Products;
5. Improving Core Functionality of Accessibility, Privacy and Energy Efficiency;
6. Financial Reporting and Compliance with Legal Obligations (subject to the limitations on disclosure of Processed Data).

Data processed:

The data undergoing processing are as follows:

1. Identification data

- Last name, first name, e-mail
- Department, position, staff number
- Business and personal landline phone and mobile

2. Content data

- All of Cedefop's files/documents, records and other collaboration content (e.g. chat messages). The authoritative listing of all specific personal data processed can be found in the individual Data protection records, as per the Annex 5 of Cedefop's M365 Data Protection Impact Assessment (DPIA)[1].

3. Diagnostic / system-generated / connected-experiences data

- Secondary (meta-)data (e.g. diagnostic information and logs files) that are generated through the use of the Microsoft Office applications and the M365 system, could also contain personal data (i.e. personal identifiable information). These include logs of actions such as "Access File", "Create folder", etc., including the pseudonymised username of the user who performed the action and the anonymised IP address. As there is a possibility that these are connected to a specific person, even if the use of other datasets would be needed for this, they are still considered as personal data under the EUDPR.
- The above (meta-)data are retrieved, aggregated and pseudonymized to produce the "Aggregated" system-generated data.

Special categories / Sensitive data:

Some of Cedefop's processing operations using M365 include the handling of sensitive data, including special categories of personal data within the meaning of Article 10 of the EUDPR .

Cedefop operations that could possibly include sensitive personal data and are using M365 are for example the following operations/processes (non-exhaustive list):

- CDFNOT037 Personal files
- CDFNOT038 Traineeship grant
- CDFNOT043 Appeals
- CDFNOT045 Access control to premises
- CDFNOT075 Requests for Teleworking

[1] RB(2022)00117, Data Protection Impact Assessment (DPIA) for the Microsoft 365 (M365) platform at Cedefop, https://livelink.cedefop.europa.eu/livelink/livelink.exe?func=ll&objaction=overview&objid=29584102

- Case No 2008-196 Traineeship selection and traineeships
- Case no 2009-122 Staff Recruitment
- Case No 2010-0001 / 2008-194 Health Data and Medical Files
- Case No 2011-540 Anti-harassment
- 2007-582 – Administrative inquiries and disciplinary procedures at Cedefop

Legal basis / lawfulness:

The lawfulness of the processing is defined by Article 5.1 [a] of Regulation (EU) 2018/1725, stating that: "*processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body*".

The deployment of M365 as replacement of Livelink is foreseen in the "ICT & Digital Strategy 2021-2024", adopted in 13 April 2021[2]

Recipients of data:

For the selected purposes, specific Cedefop personal data in M365, as detailed above, can be accessed by authorised Cedefop staff, Cedefop ICT external contractors and Microsoft staff, according to the "need-to-know" principle[3].

The specific recipients are:

1. Designated Cedefop ICT staff and specific ICT external contractors, subject to signed Non-disclosure and confidentiality agreements
2. Cedefop's Record manager and backup Record manager
3. Microsoft engineers and sub-processors, subject to the detailed Data Protection Agreement[4] under contract "DI7880" - DIGIT.A3/PN/2021/001.
4. Access to the personal data may be granted also to authorized staff in public authorities or audit control or investigation bodies such as: Court of Auditors, Internal Audit Service of the European Commission, European Anti-Fraud Office (OLAF, European Ombudsman, the European Data Protection Supervisor, the General Court or the European Court of Justice.

The retention period of the collected personal data

- The retention periods of "*Identification*" and "*Content*" data are defined in the respective Data protection records (see sections 3.1 and 3.2 of the M365 DPIA)
- The "*Service-generated*" audit data are normally kept for up to 1 year. Should Cedefop so require, they could be kept for up to 10 years.
- The "*Aggregated service-generated data*" are kept for up to 6 months.
- The "*Essential services*" diagnostic data that Microsoft is processing are kept for up to 1 year .
- In case the subscription with Microsoft expires/terminates and Cedefop deletes all data there, they will still stay in Microsoft's servers for up to 180 days. During this period, all contractual obligations still remain valid.

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[2] https://livelink.cedefop.europa.eu/livelink/livelink.exe?func=ll&objaction=overview&objid=29301644

[3] other M365 users could also receive content data when shared with them (on a need-to know basis and with relevant permissions)

[4] The full agreement with Microsoft, 2021, including the Data protection addendum (page 24) https://livelink.cedefop.europa.eu/livelink/livelink.exe?func=ll&objaction=overview&objid=29474821

Data subject's rights:

Data subjects have the right to access and rectify (under specific circumstances) their information, and request their erasure.

Queries and concerns regarding the processing of your personal data may also be addressed to Cedefop's Data Protection Officer at the following email: data-protection-officer@cedefop.europa.eu

Data subjects are also entitled to have recourse at any time to the European Data Protection Supervisor: http://www.edps.europa.eu

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