

Joint Supervisory Body of Eurojust**Decision****Appeal no. EJ-JSB-18/01**

The Joint Supervisory Body of Eurojust hereby decides to close the appeal made by Ms C to the JSB on 22 March 2018, against the decision of the Administrative Director of Eurojust of 14 March 2018 on her request for access to her personal information.

Summary of facts

On 22 March 2018, Ms C (the appellant) submitted her appeal to the JSB, challenging the decision of the Administrative Director of Eurojust of 14 March 2018 which denied her request for access to her personal information. The appellant requested access to all personal information relating to her, including those which would have been looked at/discussed by a Disciplinary Board established by the Administrative Director of Eurojust.

On 23 April 2018, the JSB wrote to the applicant informing her that her appeal was admissible and that it would be dealt with in accordance with the procedure outlined in the Act of the JSB.¹

On 20 April 2018, the JSB wrote to the College of Eurojust, requesting its observations on the appeal and to nominate a representative for the appeal case.

On 25 May 2018, Eurojust wrote to the JSB informing that the Administrative Director had been nominated as the representative for the appeal case. It requested an extension of a further two weeks to provide its comments.

On 1 June 2018 the Administrative Director wrote to the JSB informing that he had decided to reconsider his decision of 14 March 2018 and to provide the requested information to the appellant.

¹ Act of the Joint Supervisory Body of Eurojust of 23 June 2009 laying down its rules of procedure, OJ C 182/03, 7.7.2010, available at: [http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/jsb/jsb/Act%20of%20the%20Joint%20Supervisory%20Body%20of%20Eurojust%20\(2009\)/JSB-Act-2009-06-23-EN.pdf](http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/jsb/jsb/Act%20of%20the%20Joint%20Supervisory%20Body%20of%20Eurojust%20(2009)/JSB-Act-2009-06-23-EN.pdf)

On 8 June 2018 the appellant wrote to the JSB, claiming that Eurojust's reply of 1 June 2018 was not complete as it did not provide any reference/documents relating to the deliberations of the Disciplinary Board itself nor had any explanation been given as to why these deliberations were not provided to her even though they concerned her. She sought the support of the JSB in requesting the Administrative Director to provide her with all the additional material of the Disciplinary Board in which her personal data appeared.

On 12 June 2018, the JSB requested Eurojust to provide a reply to the appellant in accordance with Article 17(1) of the JSB Act as to the remaining part of her request as soon as possible.

On 14 June 2018 the Administrative Director informed the JSB that he had written back to the appellant informing that the deliberation of the Disciplinary Board was an oral process and that the deliberations and proceedings of the Disciplinary Board should be secret as provided for in Article 8(2) of Annex IX to the Staff Regulations.

On 14 June 2018 the applicant wrote to the JSB expressing her dissatisfaction with the Administrative Director's reply, stating that whilst the deliberations of the Disciplinary Board were secret in principle, the deliberations relating to her should – except in very specific circumstances – be disclosed when they related directly to her personal data.

On 18 July 2018, the JSB contacted the Chair of the Disciplinary Board as data owner to consider the request of Ms C to have access to her own personal data included in the minutes of meetings, proceedings and deliberations of the Disciplinary Board, pursuant to Article 19 of the Eurojust decision.

On 27 July 2018 the Chair of the Disciplinary Board replied that the deliberations and proceedings of the Disciplinary Board were secret as was provided for in Article 8(2) of Annex IX to the Staff Regulations. It was not therefore possible to accede to Ms C's request.

On 23 August 2018, the JSB wrote to Ms C informing her of the decision of the Chair of the Disciplinary Board, setting a time limit of 30 days for her to appeal this decision in accordance with Article 15(1) of the Act of the JSB.

As the time limit has expired and Ms C has not appealed against the decision of the Chair of the Disciplinary Board, the JSB now considers this case closed.



Mr Wilbert Tomesen

Chair of Joint Supervisory Body of Eurojust

24 September 2018