

## **DATA PROTECTION NOTICE**

### **regarding the processing of personal data in the context of requests or complaints submitted under Article 90 of the Staff Regulations**

#### **1. Context and Controller**

As Eurojust collects and further processes personal data in the context of requests or complaints submitted under Article 90 of the Staff Regulations<sup>1</sup>, it is subject to Regulation (EU) 2018/1725 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.

Collection and processing of personal data in the context of requests or complaints submitted under Article 90 of the Staff Regulations are under the responsibility of the Controller, who is the Administrative Director and can be contacted at [adconfidential@eurojust.europa.eu](mailto:adconfidential@eurojust.europa.eu).

#### **2. What personal information do we collect, for what purpose, under which legal bases and through which technical means?**

##### ***Legal basis of the processing***

Article 5(1)(b) of Regulation EU 2018/1725: processing is necessary for the compliance with a legal obligation to which the controller is subject under Article 90 of the Staff Regulations:

- Requests under Article 90(1): any person to whom the Staff Regulations apply may submit to the appointing authority a request that it take a decision relating to him/her.
- Complaints under Article 90(2): any person to whom the Staff Regulations apply may submit to the appointing authority a complaint against an act affecting him/her adversely, either where the said authority has taken a decision or where it has failed to adopt a measure prescribed by the Staff Regulations.

##### ***Purpose of the processing***

The data is processed for the handling of requests or complaints submitted under Article 90 of the Staff Regulations before the Administrative Director.

##### ***Technical means***

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<sup>1</sup> Council Regulation (EEC, Euratom, ECSC) No 259/68, OJ L 56, 4.3.1968, p. 1, as amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 (OJ L 287, 29.10.2013, p. 15).

Limited amount of staff are involved on a need-to-know basis when handling your complaint or request.

Technical measures include storing the files electronically in a restricted area of the Document Management System of the Legal Affairs Unit. All processing operations are carried out pursuant to existing policies describing access control to different Eurojust applications.

The final decision and your complaint are stored in your personal file. This paper file is stored in a cupboard in a locked office to which only a restricted number of staff from the Human Resources Unit have access on a need-to-know basis.

The staff dealing with your request or complaint applies strict measures to ensure that your personal data is not accessed by anybody else. This includes the use of locked closets, confidential settings in the emails and printing with badging.

### *Types of personal data*

Eurojust may process your name, your job title, contact details such as your office email and telephone number, private address and email, signature, sensitive data (such as data concerning health, e-mails exchanged by the affected individuals with trade unions or with the EU Sickness insurance scheme, etc.) if necessary. In addition, Eurojust processes any personal data that may appear in the description or subject of your request or complaint.

### **3. To whom is your personal data disclosed?**

Eurojust staff members dealing with the request will have access to the file containing your personal data on a need-to-know basis. The recipients of your personal data inside Eurojust are:

- The Legal Affairs Unit
- The Human Resources Unit
- The Data Protection Officer of Eurojust

On a need to know basis and in compliance with the relevant current legislation, bodies charged with monitoring or inspection tasks in application of EU law (e.g. EC internal audit, Court of Auditors, the European Ombudsman, the European Data Protection Supervisor) and the Court of Justice of the European Union, where applicable.

### **4. How can you verify, modify or delete your information?**

You have the right of access to your personal data and to relevant information concerning how we use it. You have the right to rectify your personal data. Under certain conditions, you have the right to ask that we delete your personal data or restrict their use. You have the right to object to our processing of your personal data, on grounds relating to your particular situation, at any time. We will consider your request, take a decision and communicate it to you. For more information, please see Articles 14 to 21, 23 and 24 of Regulation (EU) 2018/1725. Please note that in some cases restrictions under Article 25 of Regulation (EU) 2018/1725 may apply.

If you wish to exercise your data subject rights, any such request should be directed to the Administrative Director of Eurojust at [adconfidential@eurojust.europa.eu](mailto:adconfidential@eurojust.europa.eu).  
You may also contact the Data Protection Officer at Eurojust at [dpo@eurojust.europa.eu](mailto:dpo@eurojust.europa.eu)

## 5. How long do we keep your personal data?

Data relating to Article 90 procedures are to be retained by Eurojust in electronic and paper files for as long as necessary subject to a maximum period of 10 years after the closure of the case. Should the Legal Affairs Unit consider it necessary to retain the electronic files beyond the 10 years in order to allow a harmonised application of the Staff Regulations, personal data contained in those files shall be anonymised.

## 6. Contact information

You have the right to access, rectify or erase or restrict the processing of your personal data or, where applicable, the right to object to processing or the right to data portability in line with Regulation (EU) 2018/1725.

Any such request should be directed to the Controller, by using the following email address:

[adconfidential@eurojust.europa.eu](mailto:adconfidential@eurojust.europa.eu), and by explicitly specifying your request.

You may also contact the Data Protection Office of the Eurojust ([dpo@eurojust.europa.eu](mailto:dpo@eurojust.europa.eu)).

## 7. Recourse

You have the right to lodge a complaint to the European Data Protection Supervisor ([https://edps.europa.eu/data-protection/our-role-supervisor/complaints\\_en](https://edps.europa.eu/data-protection/our-role-supervisor/complaints_en)) if you consider that your rights under the Eurojust Regulations and/or Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data or seek a judicial remedy before the Court of Justice.