



Eurojust record of processing activity

Record of processing personal data activity, 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

Part I –Article 31 Record (this part is publicly available)

Nr.	Item	Description
Processing of personal data in the context of requests or complaints submitted under Article 90 of the Staff Regulations		
1.	Last update of this record	June 2020
2.	Reference number	AD-01- June (2020)
3.	Name and contact details of controller	Administrative Director of Eurojust Postal address: <i>P.O. Box 16183 – 2500 BD The Hague The Netherlands</i> Office address: <i>Johan de Wittlaan, 9 2517 JR The Hague The Netherlands</i> Email: adconfidential@eurojust.europa.eu
4.	Name and contact details of DPO	dpo@eurojust.europa.eu
5.	Name and contact details of joint controller (where applicable)	N/A
6.	Name and contact details of processor (where applicable) [If you use a processor (contractor) to process personal data on your behalf, please indicate so (e.g. 360° evaluations, outsourced IT services or pre-employment medical checks).]	Staff responsible for handling the request or complaint in the Legal Affairs Unit (ls-admin-external@eurojust.europa.eu) and in the Human Resources Unit (hohrconfidential@eurojust.europa.eu).

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7.	<p>Purpose of the processing</p> <p>[Very concise description of what you intend to achieve; if you do this on a specific legal basis, mention it as well (e.g. staff regulations for selection procedures).]</p>	<p>In accordance with Article 5(1)(b) of Regulation 2018/1725, processing is necessary for compliance with a legal obligation to which the controller is subject; the data is processed for the handling of requests or complaints submitted under Article 90 of the Staff Regulations before the Administrative Director.</p> <p>In accordance with Article 90(1) of the Staff Regulations, 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.</p> <p>In accordance with Article 90(2) of the Staff Regulations, 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.</p> <p><u>Short description of the processing operation:</u></p> <p>Requests or complaints under Article 90 of the Staff Regulations are submitted for the attention of the Administrative Director, who then forwards them electronically to the Head of Human Resources Unit (HRU) and the Head of Legal Affairs Unit (LAU) for information and further handling.</p> <p>Within LAU, the file is allocated to a specific staff member who may need to liaise with HRU for the verification of the factual background and who shall perform a legal analysis for the consideration of the Administrative Director. Access to the data in the personal file may be necessary in which case authorised staff of HRU shall access the file and provide only the necessary information to the staff member of LAU handling the request or complaint. Should external advice be required, personal data that appears in the complaint or request shall be anonymised.</p> <p>In the event that the Administrative Director rejects the complaint or request, the staff member affected may appeal to the Court of Justice of the EU or have recourse to the European Ombudsman within the prescribed time limits.</p>

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8.	<p>Description of categories of persons whose data are processed and list of data categories</p> <p>[In case data categories differ between different categories of persons, please explain as well.]</p>	<p><u>Categories of persons:</u> Any person to whom the Staff Regulations apply, such as Eurojust staff members, former staff members and candidates for vacant posts.</p> <p><u>Data categories:</u></p> <ul style="list-style-type: none"> - Identification data - Job title - Office address and telephone - Private address - Office and/or private Email address - Description or subject of the request or complaint - Act which is the subject of the complaint (not for requests for a decision under Article 90(1) of the Staff Regulations) - Date and signature
9.	<p>Time limit for keeping the data</p> <p>[Indicate your administrative retention period including its starting point; differentiate between categories of persons or data where needed (e.g. in selection procedures: candidates who made it onto the reserve list vs. those who did not).]</p>	<p>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.</p>
10.	<p>Recipients of the data</p> <p>[Who will have access to the data within Eurojust? Who outside Eurojust will have access? Note: no need to mention entities that may have access in the course of a particular investigation (e.g. OLAF, EO, EDPS).]</p>	<ul style="list-style-type: none"> - Human Resources Unit; - Legal Affairs Unit - Eurojust DPO, Court of Auditors and Court of Justice where necessary.
11.	<p>Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which</p>	<p>No</p>

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	<p>safeguards?</p> <p>[E.g. processor in a third country using standard contractual clauses, a third-country public authority you cooperate with based on a treaty. If needed, consult DPO for more information on how to ensure safeguards.]</p>	
12.	<p>General description of security measures, where possible.</p> <p>[Include a general description of your security measures that you could also provide to the public.]</p>	<p>All processing operations are carried out pursuant to existing policies describing access control to different Eurojust applications.</p> <p>Organisational measures include restricting access to the personal data solely to authorized persons of the Legal Affairs Unit with a legitimate need to know for the purposes of processing the Article 90 complaints.</p> <p>The final decision and the complaint are stored in the 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.</p>
13.	<p>For more information, including how to exercise your rights to access, rectification, object and data portability (where applicable), see the data protection notice:</p> <p>[While publishing the data protection notice is not strictly speaking part of the record, doing so increases transparency and adds no administrative burden, since it already exists.]</p>	<p>Please refer to data protection notice.</p>