

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 for assistance under Article 24 of the Staff Regulations				
1.	Last update of this record	June 2020			
2.	Reference number [For tracking, please contact the DP Office for obtaining a reference number.]	AD – 03 (June 2020)			
3.	Name and contact details of controller [Use functional mailboxes, not personal ones, as far as possible - this saves time when updating records and contributes to business continuity.]	Administrative Director of Eurojust Postal address: P.O. Box 16183 – 2500 BD The Hague The Netherlands Office address: Johan de Wittlaan, 9 2517 JR The Hague The Netherlands 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) [If you are jointly responsible with another EUI or another organisation, please indicate so here (e.g. two EUIs with shared medical service). If this is the case, make sure to mention in the description who is in charge of what and whom people can address for their queries.]	N/A			

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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 for assistance in the Legal Affairs Unit (<u>ls-admin-external@eurojust.europa.eu</u>) and in the Human Resources Unit (<u>hohrconfidential@eurojust.europa.eu</u>).
7.	Purpose of the processing [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).]	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. In accordance with Article 24 of the Staff Regulations, the Union shall assist any official in particular in proceedings against any person perpetrating threats, insulting or defamatory acts or utterances, or any attack to person or property to which he or a member of his family is subjected by reason of his position or duties. The perpetrator of those actions may be a third party or a fellow member of the staff of Eurojust. This includes also harassment within the meaning of Article 12 of the Staff Regulations. A staff member who feels he/she is the victim of psychological or sexual harassment is entitled to initiate a formal procedure under Article 24 of the Staff Regulations without first going through the informal procedure with the assistance of confidential counsellors. Proceeding to the formal procedure implies the automatic closure of any pending informal procedure which may have been initiated with the support of confidential counsellors (Decision of Eurojust on the policy for protecting the dignity of the person and preventing psychological and sexual harassment of 31 January 2012). Exceptional circumstances may oblige the Administration to provide assistance not in reply to an individual request from the individual concerned but on its own initiative. Further to the request for assistance, the Administrative Director will assess whether there is prima facie evidence substantiating the claims made. The existence of this prima facie evidence is necessary in order to trigger a legal obligation to fully and expeditiously launch an administrative inquiry to

establish the full facts of the matter.

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		Eurojust processes personal data at this preliminary assessment stage. Within the Legal Affairs Unit (LAU), the file is allocated to a specific staff member who may need to liaise with the Human Resources Unit (HRU) for the verification of indications and prima facie evidence 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 for assistance. Should external advice be required, personal data that appears in the request shall be anonymised.
		If the Administrative Director considers there is prima facie evidence warranting the launching of an inquiry, the stage of the administrative inquiry begins (he appoints an investigator to carry out an inquiry and a person responsible for the inquiry).
		If the request for assistance is explicitly rejected, the requestor has 3 months to file a complaint under Article 90(2) of the Staff Regulations (or four months in the event of an implicit rejection).
8.	Description of categories of persons whose data are processed and list of data categories [In case data categories differ between different categories of persons, please explain as well.]	<u>Categories of staff</u> :
		Article 24 of the Staff Regulations embodies the duty of assistance of the Eurojust Administration vis-à-vis:
		 Temporary agents (in application of Article 11 CEOS);
		 Contract agents (in application of Article 127 CEOS);
		— Family of staff members;
		— Retired staff members;
		 Staff members on unpaid leave;
		 Staff members having left Eurojust.
		<u>Data categories</u> :
		Basic personal information about the persons mentioned above, such as surname, first name, gender, age, and in case of staff members, name of line manager, hiring date, contractual category and grade, organisational entity;

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9.	Time limit for keeping the data [Indicate your administrative retention period including its	Allegations, declarations; Sensitive data (such as data concerning health, etc.); Emails exchanged by the affected individuals; Witness statements. If the request for assistance is rejected by the Administrative Director, data processed in this context are kept for as long as necessary subject to a
	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).]	maximum of 10 years after the rejection of the request, in order to allow a harmonised application of the Staff Regulations. Should the Legal Affairs Unit consider it necessary to retain the electronic files beyond the 10 years, personal data contained in those files shall be anonymised. If the request for assistance is retained and an
		administrative inquiry is launched, the data processed shall become part of the inquiry file. Data contained in the inquiry and disciplinary files are kept for a maximum of 10 years after the closure of the case in order to allow a harmonised application of the Staff Regulations.
10.	Recipients of the data [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).]	Personal data processed in the context of requests for assistance may be disclosed to the Administrative Director and the staff member responsible for the request for assistance in LAU. Data may also be disclosed to a restricted number of staff in HRU on a need to know basis.
		If the staff member concerned contests a decision rejecting a request for assistance, the file may be referred to the Court of Justice of the European Union. Data may be sent to the Ombudsman, if the staff member concerned addresses a complaint.
11.	Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?	No

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	[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.]	
12.	General description of security measures, where possible. [Include a general description of your security measures that you could also provide to the public.]	Technical measures include storing the case files electronically in a restricted area of the Document Management System. All processing operations are carried out pursuant to existing policies describing access control to different Eurojust applications. Only persons with a legitimate 'need to know' for the purposes of this processing operation have access to the personal data. Organisational measures include the use of locked closets, confidential settings in the emails and printing with badging.
13.	For more information, including how to exercise your rights to access, rectification, object and data portability (where applicable), see the data protection notice:	Please refer to <u>Data protection notice</u>
	[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.]	