

DATA PROTECTION NOTICE

regarding the processing of personal data in the context of complaints submitted to the Complaints Committee under Article 90(2) of the Staff Regulations against decisions of the Administrative Director

1. Context and Controller

As Eurojust collects and further processes personal data in the context of complaints submitted to the Complaints Committee under Article 90(2) of the Staff Regulations against decisions of the Administrative Director taken at his/her level (not by delegation), 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 this context are under the responsibility of the Controller, who is the Chair of the Complaints Committee composed of three members from the Executive Board and can be contacted at CCConfidential@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

The legal bases for the processing activities are:

- Article 5(1)(b) of Regulation EU 2018/1725
- Article 90 of the Staff Regulations¹;
- Articles 46 and 117 of the Conditions of Employment of Other Servants;
- Executive Board decision 2021-04 of 25 May 2021 on the delegation of the powers conferred by the Staff Regulations of Officials of the European Union on the appointing authority and by the Conditions of Employment of Other Servants of the European Union on the authority authorised to conclude contracts of employment to the Administrative Director of Eurojust (Article 2(3));
- Executive Board Decision 2021-08 of 5 July 2021 on the adoption of Guidelines for the setting up and functioning of the Complaints Committee.

Purpose of the processing

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. In accordance with the European Commission guidance, when the contested decision was taken at the level of the Administrative Director (not by delegation), the

¹ 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).



complaint is dealt with by a Complaints Committee of three persons from the Executive Board. The data is processed for the handling of complaints submitted under Article 90(2) of the Staff Regulations before the Complaints Committee, against decisions of the Administrative Director.

Technical means

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.

Limited amount of staff with a legitimate ‘need to know’ for the purposes of processing the Article 90(2) complaints will have access to your personal data. Organisational measures include the use of locked closets, confidential settings in the emails (e.g. no use of cc/bcc options, emails are password protected/encrypted) and printing with badging.

The final decision and your complaint will be 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.

Types of personal data

The following of your personal data may be processed: name, surname, address, hiring date, name of line manager, office address and telephone number, private address, office and/or private email address, information regarding your career, allegations, declarations, sensitive data (such as data concerning health, e-mails exchanged by the affected individuals with trade unions or with the EU Sickness insurance scheme) if necessary. Eurojust processes any personal data that may appear in the description or subject of your complaint.

3. To whom is your personal data disclosed?

Authorised Eurojust staff members assisting the Complaints Committee will have access to the file containing your personal data on a need-to-know basis::

- The Legal Affairs Unit
- The Human Resources Unit

The Complaints Committee may decide to make use of the services of the Directorate-General for Human Resources and Security of the European Commission, Unit HRE.2 – Appeals & Case monitoring on the basis of a Service Level Agreement signed with Eurojust (Ref. Ares (2021) 1768484 – 11/03/21), in which case the information will be sent password protected and personal data that appears in the complaint and related documents shall be anonymised.

On a need to know basis and in compliance with the relevant current legislation, the data may be disclosed to the 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 long do we keep your personal data?

Data relating to Article 90(2) 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 harmonized application of the Staff Regulations at Eurojust, personal data contained in those files shall be anonymised.



5. 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:

CCConfidential@eurojust.europa.eu, and by explicitly specifying your request.

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

6. Recourse

You have the right to lodge a complaint to the European Data Protection Supervisor via email: edps@edps.europa.eu or following the link: https://edps.europa.eu/data-protection/our-role-supervisor/complaints_en if you consider that your rights under the Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data.