



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 against decisions of the Executive Board as appointing authority		
1.	Last update of this record	
2.	Reference number	EB-01 (March 2021)
3.	Name and contact details of controller	<p>The Chair of Executive Board of Eurojust</p> <p>Postal address: <i>P.O. Box 16183 – 2500 BD The Hague The Netherlands</i></p> <p>Office address: <i>Johan de Wittlaan, 9 2517 JR The Hague The Netherlands</i></p> <p>Email: CCConfidential@eurojust.europa.eu</p>
4.	Name and contact details of DPO	dpo@eurojust.europa.eu
5.	Name and contact details of joint controller (where applicable)	N/A
6.	<p>Name and contact details of processor (where applicable)</p> <p>[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).]</p>	<p>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 (HRU) (hohrconfidential@eurojust.europa.eu).</p> <p>The Executive Board may decide to make use of the services of the Directorate-General for Human Resources and Security of the European Commission, Unit HR.E.2 – Appeals & Case monitoring, (hereinafter referred to as DG HR) on the basis of the Service Level Agreement signed with Eurojust, in connection with complaints submitted under Article 90(2) of the Staff Regulations (SR).</p>

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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>The Executive Board is the appointing authority of the Data Protection Officer and Accounting Officer of Eurojust (hereinafter referred to as ‘the staff members concerned’) by virtue of Article 16(3)(l) of the Eurojust Regulation.</p> <p>Processing is necessary for compliance with a legal obligation to which the controller is subject (Article 5(1)(b) of Regulation 2018/1725). The data is processed to establish the relevant facts and to assess them from a legal point of view in order to reply to the complaint or request, in compliance with Articles 90(1) and 90(2) SR. This entails the analysis of related records necessary to perform legal analysis and advice and records relating to initiating or responding to legal actions presented at European Union Courts. Documents may include legal memos, correspondence, affidavits, court orders and decisions.</p> <p>In accordance with Article 90(1) SR, the staff members concerned may submit to the Executive Board a request that it take a decision relating to him/her.</p> <p>In accordance with Article 90(2) SR, the staff members concerned may submit to the Executive Board a complaint against an act affecting him/her adversely, either where the Executive Board has taken a decision or where it has failed to adopt a measure prescribed by the Staff Regulations. A complaint to a decision taken by the Executive Board as appointing authority shall be decided by the Executive Board.</p> <p><u>Short description of the processing operations and different scenarios:</u></p> <p>— The Executive Board may request the services of DG HR under the SLA signed with the Commission in order to draft the reply to a complaint submitted by the staff member under Article 90(2) SR. In this case, the Executive Board shall inform the staff member concerned of who will handle his/her complaint and provide him/her with the data protection notice at the time when personal data are obtained. The Executive Board shall designate a contact point in the Legal Affairs Unit (LAU) who shall collect and provide DG HR with the necessary information. This information is password protected and sent by email (personal data that appears in the complaint and related documents shall be anonymized). DG HR sends an acknowledgement of receipt to the staff member, on behalf of the Executive Board. Within DG HR, the file is attributed to a lawyer and an assistant who will prepare the draft decision on the complaint. LAU shall assist the Executive Board in the assessment of the draft reply received from DG HR from a legal point of view. The draft reply prepared by DG HR</p>

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		<p>shall be signed by the Executive Board who remains the appointing authority. The Executive Board shall communicate the reply to the staff member concerned and send an anonymised copy of the signed decision to DG HR so that they can close the file.</p> <p>— Should the Executive Board decide not to request the services of DG HR to handle complaints under Article 90(2) SR, the Executive Board shall be assisted by LAU. Requests submitted under Article 90(1) SR shall not be submitted to DG HR and shall always be handled by the Executive Board, with the support of LAU.</p> <p>In this case, the Executive Board forwards the request or complaint electronically to the Head of LAU for further handling. LAU shall send an acknowledgement of receipt and the data protection notice to the staff member concerned. The Head of HRU shall be informed. 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 Executive Board. 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>The members of the Executive Board shall sign a declaration of confidentiality where they undertake to treat and keep in strict confidentiality all information related to the staff cases, and to abide by Regulation (EU) 2018/1725. The Executive Board discusses the file in closed session and may invite the designated member of LAU to their deliberations as required.</p> <p>The decision of the Executive Board is transmitted to the staff member concerned by LAU by email. LAU transmits also a copy of the reply letter to HRU for filing into the staff member's personal file.</p> <p>In the event that the Executive Board rejects the complaint, the staff member affected may appeal to the Court of Justice of the EU or have recourse to the European Ombudsman. Should the decision be challenged in Court, it will be defended by Eurojust, represented by the Head of LAU.</p>
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</p>	<p><u>Categories of persons:</u> Staff members for whom the Executive Board is the appointing authority.</p> <p><u>Data categories:</u></p> <ul style="list-style-type: none"> - Identification data

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	persons, please explain as well.]	<ul style="list-style-type: none"> - Job title - Office address and telephone - Private address - Office and/or private Email address - Description or subject of the request or complaint - Date and signature
9.	Time limit for keeping the data [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).]	Data relating to Article 90 procedures are to be retained by the Executive Board in electronic and paper files for as long as necessary subject to a maximum period of 10 years after the closure of the case, after which the data will be destroyed/deleted. Should LAU 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.
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).]	N/A
11.	Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards? [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.]	No
12.	General description of security measures, where possible. [Include a general description of your security measures that you could also provide to the public.]	All processing operations are carried out pursuant to existing policies describing access control to different Eurojust applications. 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.

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		<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 HRU 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>