



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 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)		
1.	Last update of this record	September 2021
2.	Reference number	EB-02 (September 2021)
3.	Name and contact details of controller	<p>The Chair of the Complaints Committee composed of three members from the Executive Board</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.	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	<p>Staff responsible for handling the request or complaint in the Legal Affairs Unit (LAU) (ls-admin-external@eurojust.europa.eu) and in the Human Resources Unit (HRU) (hohrconfidential@eurojust.europa.eu).</p>

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	services or pre-employment medical checks).]	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 HR.E.2 – Appeals & Case monitoring, (hereinafter referred to as DG HR) on the basis of Amendment 4 to the Service Level Agreement signed with Eurojust, in connection with complaints submitted under Article 90(2) of the Staff Regulations (SR) (Ref. Ares (2021) 1768484 – 11/03/21)
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>Processing is necessary for compliance with a legal obligation to which the controller is subject (Article 5(1)(b) of Regulation 2018/1725).</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. In accordance with the European Commission guidance, when the contested decision was taken at the level of the Administrative Director (not by delegation), the complaint is dealt with by a Complaints Committee of three persons from the Executive Board. The Complaints Committee of the Executive Board acts as an additional instance for the complaints against these decisions of the Administrative Director. The data for the handling of these complaints is processed by the Complaints Committee.</p> <p><u>Short description of the processing operation:</u></p> <ul style="list-style-type: none"> — Such complaints shall be considered as being addressed to the Complaints Committee regardless of the addressee (Eurojust, the Executive Board, the Administrative Director, the College). Upon receipt, the letter from the complainant is forwarded to the Head of LAU. LAU registers the complaint, identifies the applicable statutory deadlines, informs the Complaints Committee of the receipt of the complaint (where necessary) and sends an acknowledgment of receipt to the complainant. The acknowledgement of receipt shall include a Data Protection notification to the complainant on the processing of his personal data. <p>On the basis of the factual information received from the Human Resources Unit, LAU prepares a legal assessment of the case for the consideration of the Complaints Committee. The Complaints Committee shall take a decision within the statutory deadline. Access to the data in the personal file may be necessary in which case authorized staff of HRU shall access the file and provide only relevant and limited information which is necessary to the staff member of LAU handling the complaint. Should external advice be required, personal data that appears in the complaint shall be anonymised. The decision of the Complaints Committee</p>

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		<p>is transmitted to the complainant by LAU by email, on behalf of the Complaints Committee.</p> <p>— The Complaints Committee may request the services of DG HR under Amendment 4 to the SLA referred to in Section 6, in order to draft the reply to a complaint submitted by the staff member under Article 90(2) SR against a decision taken by the Administrative Director at his/her level (not by delegation). In this case, LAU 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 Complaints Committee shall designate a contact point in 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 anonymised). 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 Complaints Committee in the assessment of the draft reply received from DG HR from a legal point of view. The reply to the complainant shall be signed by the Chairperson of the Complaints Committee. LAU shall communicate the reply to the staff member concerned by email on behalf of the Complaints Committee and send an anonymised copy of the signed decision to DG HR so that they can close the file.</p> <p>LAU transmits also a copy of the reply letter to HRU for filing into the complainant's personal file.</p> <p>The members of the Complaints Committee 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 Complaints Committee discusses the file in closed session and may invite the designated member of LAU to their deliberations.</p> <p>In the event that the Complaints Committee rejects the complaint, the staff member affected may appeal to the Court of Justice of the EU or have recourse to the European Ombudsman.</p> <p>After taking a decision, the members of the Complaints Committee shall deliver all documents of the complaint file and the personal file, if applicable, back to LAU and delete any electronic files and copies which they might have produced.</p>
8.	<p>Description of categories of persons whose data are processed and list of data categories</p> <p>[In case data categories differ</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>

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	between different categories of persons, please explain as well.]	<ul style="list-style-type: none"> - Identification data (name, surname) - Job title - Hiring date - Office address and telephone - Private address - Office and/or private email address - Description or subject of the complaint - Act or decision subject of the complaint - Date and signature - Information regarding the complainant's 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.
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 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 LAU consider it necessary to retain the electronic files beyond the 10 years in order to allow a harmonized application of the Staff Regulations, personal data contained in those files shall be anonymized.
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-	No

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	country public authority you cooperate with based on a treaty. If needed, consult DPO for more information on how to ensure safeguards.]	
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>Organizational measures include restricting access to the personal data solely to authorized persons of LAU with a legitimate need to know for the purposes of processing the Article 90(2) 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>