



### 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
<b>Processing of personal data in the context of administrative inquiries and disciplinary proceedings for which the Administrative Director is the Appointing Authority</b>		
1.	<b>Last update of this record</b>	July 2023
2.	<b>Reference number</b> [For tracking, please contact the DP Office for obtaining a reference number.]	<b>AD-02</b>
3.	<b>Name and contact details of controller</b> [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 <b>Postal address:</b> P.O. Box 16183 – 2500 BD The Hague The Netherlands <b>Office address:</b> Johan de Wittlaan, 9 2517 JR The Hague The Netherlands <b>Email:</b> <a href="mailto:administrative.director@eurojust.europa.eu">administrative.director@eurojust.europa.eu</a>
4.	<b>Name and contact details of DPO</b>	<a href="mailto:dpo@eurojust.europa.eu">dpo@eurojust.europa.eu</a>
5.	<b>Name and contact details of joint controller (where applicable)</b> [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	N/A

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	address for their queries.]	
6.	<p><b>Name and contact details of processor (where applicable)</b></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>Authorised Eurojust staff members from the Units mentioned below may have access to the file containing personal data on a need-to-know basis:</p> <p>The Legal Affairs Unit (<a href="mailto:ls-admin-external@eurojust.europa.eu">ls-admin-external@eurojust.europa.eu</a>)  The Human Resources Unit. <a href="mailto:hohrconfidential@eurojust.europa.eu">hohrconfidential@eurojust.europa.eu</a>.</p> <p>Personal data processed in the context of administrative inquiries and disciplinary proceedings may be processed by the inquiry team which may include external investigators and by the members of the Disciplinary Board.</p> <p>The controller may decide to make use of the services of the Directorate Investigation &amp; Disciplinary Office (IDOC) who will act as a Helpdesk for advice on procedural aspects of Disciplinary matters on the basis of the Service Level Agreement signed with Eurojust (Ref. Ares(2018)429477 - 24/01/2018 as amended, Appendix IDOC).</p>
7.	<p><b>Purpose of the processing</b></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 (EU) 2018/1725, processing is necessary for compliance with a legal obligation to which the controller is subject</p> <p>If a staff member has allegedly acted in bad faith either intentionally or through negligence, he or she may be confronted with a potential breach of the Staff Regulations. Eurojust may launch an administrative inquiry in order to verify whether there has been serious misconduct, fraud or any other irregularity affecting the financial or other interests of the EU.</p> <p>Eurojust processes personal data at the preliminary assessment stage (pre-inquiry), when the Administrative Director is informed of a situation with a possible disciplinary dimension. Such a preliminary assessment is normally undertaken internally by authorized staff members in the Legal Affairs Unit but could exceptionally be carried out externally by an independent investigator (e.g. from the inter-agency pool of investigators) where the circumstances so require (e.g. cases of conflict of interests). This might require transmitting certain information and accompanying evidence (where relevant, necessary and proportionate) to an independent (external) investigator on the basis of Article 5(1)(a) of the Regulation 2018/1725. In such cases, Eurojust may need to restrict the application of Articles 14 to 22 (e.g.</p>

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		<p>right to be informed) (see Article 25 of 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 and Article 2(1)(a) and (e) of College Decision 2020-04 of 15 July 2020 on internal rules concerning restrictions of certain data subject rights in relation to the processing of personal data in the framework of activities carried out by Eurojust). Such exceptional cases shall be assessed and documented as it is foreseen in Article 2 paragraphs 2 to 5, and Articles 4 to 6 of College Decision 2020-04 of 15 July 2020 on internal rules concerning restrictions of certain data subject rights in relation to the processing of personal data in the framework of activities carried out by Eurojust. The appointment of an external investigator in the phase of a preliminary assessment requires a decision of the Administrative Director of the College and will be duly documented.</p> <p>The preliminary assessment is aimed at evaluating the information received in order to determine the appropriate follow-up. In this context, where required, the authorized the authorized staff member of the Legal Affairs Unit or the investigator may request from the relevant entity at Eurojust or from the source of the initial information, complementary factual information which is adequate, <u>directly relevant</u> and strictly necessary to conduct the preliminary assessment.</p> <p>Following the preliminary assessment done by Eurojust, an administrative inquiry may be opened by the Administrative Director/Appointing Authority to establish the facts.</p> <p>Annex IX to the Staff Regulations provides that the appointing authority shall open an administratively enquire and initiate disciplinary proceedings if justified. Executive Board Decision 2022-03 of 13 June 2022 laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings sets forth the legal basis for the conduct of administrative inquiries and disciplinary proceedings. Once the Appointing Authority decides to open an inquiry, an inquiry team composed of one or more investigators (from among staff members of Eurojust or from outside) is appointed to carry out an inquiry. An inquiry file is created collecting facts and where necessary witness statements of the events.</p> <p>The inquiry team shall have the power to request documents and other data relevant to the case in any format, summon any staff member or other persons to provide information, and carry out on-the-spot verifications. At all stages of the proceedings, the inquiry team shall use the least intrusive means for the collection of personal information; shall collect</p>

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		<p>and process only personal information, which is adequate, <u>directly relevant</u> and strictly necessary to the purpose of the particular administrative inquiry.</p> <p>The inquiry team shall transmit the report to the Appointing Authority in accordance with Administrative Director Decision 2021 adopting rules on the transmission of administrative personal data by email to external recipients and internally within Eurojust and may raise recommendations on the appropriate follow-up.</p> <p>On the basis of the report produced by the investigator(s), the Administrative Director may decide to initiate disciplinary proceedings before the Disciplinary Board. Article 86 of the Staff Regulations and its Annex IX, as well as Articles 50a and 119 of the Conditions of Employment of Other Servants and Chapters VII to IX of Executive Board Decision 2022-03 of 13 June 2022 laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings set forth the legal basis of the disciplinary proceedings. The Disciplinary Board shall be assisted in administrative matters by a Secretary appointed by the Administrative Director/Appointing Authority. Once the Disciplinary Board is established, the information processed at this stage is stored only by the Disciplinary Board and the Secretary to the Board.</p> <p>The members of the inquiry team and of the Disciplinary Board shall sign a declaration of absence of conflict of interests and of confidentiality.</p>
8.	<p><b>Description of categories of persons whose data are processed and list of data categories</b></p> <p>[In case data categories differ between different categories of persons, please explain as well.]</p>	<p><u>Categories of staff:</u></p> <p>All staff members involved in events with a possible disciplinary dimension (including the person being investigated, witnesses, and alleged victims) and any other persons quoted in the file.</p> <p><u>Data categories:</u></p> <p>Basic personal information about the staff member concerned and other staff members involved, such as surname, first name, gender, age, hiring date, contractual category and grade, organisational entity;</p> <p>Allegations, declarations;</p> <p>Sensitive data (such as data concerning health, etc.) (Article 10 of Regulation (EU) 2018/1725);</p> <p>Emails exchanged by the affected individuals;</p> <p>Witness statements;</p> <p>Names of the administrative investigator(s) and of the</p>

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		members of the Disciplinary Board.
9.	<p><b>Time limit for keeping the data</b></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>Pre-inquiry file: Files which have not led to the opening of an administrative inquiry are kept for 2 years from the decision of the appointing authority not to open an administrative inquiry,</p> <p>Inquiry and disciplinary files are kept for as long as necessary in case of repeated misconduct, to comply with requests from judicial authorities and to allow a harmonised application of the Staff Regulations, subject to a maximum period of 5 years for inquiry files and 10 years for disciplinary files, counting from the date of the decision of the appointing authority.</p> <p>Where on the basis of the inquiry report no disciplinary proceedings are open but a warning (<i>mise en garde/caution</i>) is issued by the Appointing Authority in accordance with Article 3(1)(b) of Annex IX to the Staff Regulations, this non-disciplinary measure shall be inserted in the personal file of the person concerned. After 18 months of the date of the warning, the person concerned may ask the Appointing Authority to have it removed from his/her personal file. Where no request for removal from the personal file is received, the <i>mise en garde/caution</i> will remain in the personal file for as long as it remains in the inquiry file (a maximum of 5 years from the date of the decision of the Appointing Authority).</p> <p>Where disciplinary proceedings are open without referral to a Disciplinary Board and a written warning or reprimand (disciplinary sanction) is issued by the Appointing Authority (Article 11 of Annex IX of the SR and Articles 28 to 30 of Executive Board Decision 2022-03), this disciplinary sanction shall be placed in the personal file of the person concerned.</p> <p>At the request of the person concerned, the Appointing Authority may decide to remove the sanction from the personal file after 3 years (Article 27 of Annex IX to the Staff Regulations). Where no request for removal from the personal file is made, the written warning or reprimand will remain in the personal file for as long as it remains in the disciplinary file (a maximum of 10 years from the date of the decision of the Appointing Authority).</p> <p>Where as a result of the disciplinary proceedings before the Disciplinary Board no disciplinary sanction is imposed by the Appointing Authority on the staff member concerned, a copy of the disciplinary decision shall not be stored in the personal file, unless the staff member concerned so requests (Article 22 of Annex IX to the Staff Regulations); in that case, the decision will remain in the personal file for a maximum of 10 years (the</p>

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		<p>retention period applicable to the disciplinary file).</p> <p>Where as a result of the disciplinary proceedings before the Disciplinary Board a disciplinary sanction is imposed by the Appointing Authority, a copy of the disciplinary decision is retained in the personal file for a maximum of 10 years unless the person concerned requests deletion from the personal file (after 3 years from the date of the decision of the Appointing Authority (in case of written warning or reprimand) or after 6 years (for any other penalty), in accordance with Article 27 of Annex IX to the Staff Regulations. If the disciplinary sanction was removal from post, the person concerned may not request to delete this sanction from the personal file. If following a request by the person concerned, the disciplinary decision is deleted from the personal file, the related disciplinary file shall also be deleted. Where no request for removal from the personal file is made, the disciplinary sanction will remain in the personal file for as long as it remains in the disciplinary file (a maximum of 10 years from the date of the decision of the Appointing Authority). When the disciplinary file is destroyed or deleted, the disciplinary sanction shall be removed from the personal file.</p>
10.	<p><b>Recipients of the data</b></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>	<p>If the staff member concerned contests the disciplinary decision, the disciplinary file may be referred to the Court of Justice of the European Union. Data may be sent to the European Ombudsman, if the staff member concerned addresses a complaint. However, those entities do not fall under the category of recipients as defined by Article 3(13) of Regulation (EU) 2018/1725.</p>
11.	<p><b>Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?</b></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>	<p>No</p>

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12.	<p><b>General description of security measures, where possible.</b></p> <p>[Include a general description of your security measures that you could also provide to the public.]</p>	<p>Technical and organisational measures include storing the case files electronically in a restricted area of the Document Management System, the use of locked closets, confidential settings in the emails, printing with badging and transmission of personal data in accordance with Administrative Director Decision 2021-28 adopting rules on the transmission of administrative personal data by email to external recipients and internally within Eurojust (including encryption/redaction). All processing operations are carried out pursuant to existing policies describing access control to different Eurojust applications.</p> <p>Only authorised staff members, including the external investigators, with a legitimate ‘need to know’ for the purposes of this processing operation will have access to the personal data while performing their tasks.</p> <p>The inquiry team, including the external investigators, and members of the Disciplinary Board shall sign a declaration of absence of conflict of interests and on confidentiality.</p>
13.	<p><b>For more information, including how to exercise your rights to access, rectification, object and data portability (where applicable), see the data protection notice:</b></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>See Data protection notice available at:</p> <p><a href="#">Data protection notice for processing of personal data in the context of administrative inquiries and disciplinary proceedings   Eurojust   European Union Agency for Criminal Justice Cooperation (europa.eu)</a></p>