



PRIVACY NOTICE

on the processing of personal data in the context of handling requests and complaints under Article 90 of the EU Staff Regulations

1. Introduction

The European Asylum Support Office (hereafter “EASO” of “Agency”) is committed to protect your personal data and to respect your privacy. EASO collects and further processes personal data pursuant to 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 (repealing Regulation (EC) No 45/2001).

This Privacy Notice explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controller with whom you may exercise your rights, the Data Protection Officer and the European Data Protection Supervisor.

2. Why and how do we process your personal data?

The purpose of the processing is to respond to requests received under Article 90(1) and to complaints received under Article 90(2) of the EU Staff Regulations¹.

More precisely, it consists of the analysis of the request or the complaint as well as other relevant documents in order to establish the facts to which the decision of the Authority Empowered to conclude Contracts of Employment (hereinafter ‘AECE’) will refer, in the legal assessment of these facts and in drawing up the decision to be adopted by the AECE in response to the request or complaint.

3. On what legal ground(s) do we process your personal data?

We process your personal data on the basis of Article 5(1)(a) of the Regulation 2018/1725, because processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body.

This form of data processing is also carried out data by virtue of Article 90 of the EU Staff Regulations.

¹ Staff Regulations of Officials of the European Union (hereinafter ‘Staff Regulations’) and Conditions of Employment of Other Servants of the European Union (hereinafter ‘CEOS’), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, OJ L 56, 4.3.1968, p. 1, as last 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.

4. Which personal data do we collect and further process?

The following categories of personal data may be processed:

Identification and contact information of the requester/complainant, (name, address, e-mail, telephone, fax), professional, case involvement data, and information related to the request/complaint. The data are received from the request/complainant and from related EASO files.

5. How long do we keep your personal data?

In line with Article 4(1)(e) of the Regulation, personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.

The files relating to requests / complaints are kept by EASO's LDPS for a period of 15 years in order to allow a comparison of precedents and to guarantee a uniform application of the Staff Regulations. These files are accessible exclusively to LDPS members. Afterwards this period expires the files are archived.

6. How do we protect and safeguard your personal data?

All personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored on EASO ICT infrastructure.

In order to protect your personal data, EASO has put in place a number of technical and organisational measures. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

7. Who has access to your personal data and to whom is it disclosed?

EASO staff members responsible for carrying out this processing operation will have access to your personal data. OLAF, IDOC, IAS and the Court of Auditors may have access to this data on request and limited to what is necessary for official inquiries or for audit purposes. In the case where you wish to take further action (as the requester/complainant), the European Ombudsman, the European Data Protection Supervisor or your appointed legal counsel and the Court, as necessary, will have access to this information.

8. What are your rights and how can you exercise them?

As a data subject (i.e., the living and identifiable individual whose personal data is processed), you have a number of rights:

- **Right to be informed** – You have the right to be informed about the collection and use of your personal data. This Privacy Notice provides information on how EASO collects and uses your personal data.
- **Right to access** – You have the right to access your personal data. You have the right to request and obtain a copy of the personal data processed by EASO.

- **Right to rectification** – You have the right to obtain - without undue delay - the rectification or completion of your personal if it is incorrect or incomplete.
- **Right to erasure** – You have the right to require EASO to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing. In certain cases, your data may be kept to the extent it is necessary, for example, to comply with a legal obligation of the Agency or if it is necessary for reasons of public interest in the area of public health.
- **Right to restrict processing** – In a few, codified cases, you have the right to obtain the restriction of the processing, meaning that your data will only be stored, but not actively processed by the data controller for a limited period of time.

You can exercise your rights by contacting the Data Controller, or in case of conflict the Data Protection Officer. If necessary, you can also address the European Data Protection Supervisor. Their contact information is given under section 9 below.

9. Contact information

The Data Controller

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, please feel free to contact the Data Controller, edsecretariat@easo.europa.eu.

The Data Protection Officer (DPO)

You may contact the EASO's Data Protection Officer (dpo@easo.europa.eu) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

The European Data Protection Supervisor (EDPS)

You have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor (edps@edps.europa.eu) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the Data Controller.