



**Record of personal data processing activity**  
**Preliminary assessments, administrative inquiries and (pre-)disciplinary proceedings**

<b>Last update of the record</b>	06/03/2023
<b>Reference number of the record</b>	2020/30
<b>Data controller &amp; contact details</b>	<p>Executive Director of the European Union Agency for Asylum (hereinafter ‘the EUAA’ or ‘the Agency’)</p> <p>Contact details:</p> <p>European Union Agency for Asylum MTC Block, Winemakers Wharf Grand Harbour, Valletta MRS 1917 Malta</p> <p>Tel: +356 2248 7500 E-mail: <a href="mailto:edsecretariat@euaa.europa.eu">edsecretariat@euaa.europa.eu</a></p>
<b>Joint controller &amp; contact details (if applicable)</b>	N/A
<b>Data processor &amp; contact details (if applicable)</b>	Whenever external provider(s) of legal services are requested by the EUAA to provide support in the context of preliminary assessments, administrative inquiries and/or (pre-)disciplinary proceedings, the said provider(s) may act as Data Processor(s) with regard to any personal data shared with them in this context.
<b>Data Protection Officer &amp; contact details</b>	<p>Data Protection Officer of the EUAA</p> <p>Contact details:</p> <p>European Union Agency for Asylum MTC Block, Winemakers Wharf Grand Harbour, Valletta MRS 1917 Malta</p> <p>Tel: +356 2248 7500 E-mail: <a href="mailto:dpo@euaa.europa.eu">dpo@euaa.europa.eu</a></p>
<b>Purpose(s) of the personal data activity processing</b>	The purpose of this personal data processing activity is to conduct preliminary assessments (pre-inquiries) of requests for assistance filed under Article 24 of the



	<p><a href="#">Staff Regulations</a><sup>1</sup>, including with regard to cases of (sexual or psychological) harassment, as well as, where appropriate, for further follow-up of the relevant cases by means of administrative inquiries (investigations) and (pre-)disciplinary proceedings, including proceedings regarding the suspension of the staff members concerned from their duties (hereinafter ‘suspension proceedings’).</p> <p>The purpose of this personal data processing activity also extends to the conduct of administrative inquiries launched upon a request of the European Commission’s Office for the Administration and Payment of Individual Entitlements (PMO) with regard to requests for recognition of an occupational disease within the meaning of Article 73(1) of the Staff Regulations.</p>
<p><b>Legal bases and lawfulness of the personal data processing activity</b></p>	<p>Personal data are processed on the basis of Article 60(1) and (3) of <a href="#">Regulation (EU) 2021/2303</a><sup>2</sup> (hereinafter ‘the EUAA Regulation’) according to which the Staff Regulations and the CEOS, as well as the implementing rules to the Staff Regulations and the CEOS shall apply to the Agency’s staff, whereas the Agency shall exercise the powers of the Authority Empowered to Conclude Contracts of Employment (AECE) in respect of its own staff.</p> <p>Reference is also made in particular to Articles 12a, 24, 73, 86, 90 and Annex IX to the Staff Regulations, as well as the first paragraph of Article 11, Articles 28, 46, 50a, 81, 117 and 119 of CEOS.</p> <p>As far as the implementing rules to the Staff Regulations and the CEOS are concerned, reference must be made to the Decision No 69 of the Agency’s Management Board dated 25 September 2020 on the application of the European Commission general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings<sup>3</sup> (hereinafter ‘the MB Decision No 69’) and, in particular with regard to cases of (sexual or psychological) harassment, to the Decision No 50 of the Agency’s Management Board dated 16 July 2019 on its policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment<sup>4</sup> (hereinafter ‘the MB Decision No 50’).</p> <p>In particular with regard to the administrative inquiries launched at the PMO’s request, as a follow-up to requests for recognition of an occupational disease submitted by insured persons, reference must also be made to the Common Rules on the insurance of officials of the EU against the risk of accident and occupational disease (the Common Rules), and in particular Articles 1, 3 and 16 thereof.</p>

<sup>1</sup>. Staff Regulations of Officials of the European Union (‘Staff Regulations’) and Conditions of Employment of Other Servants of the European Union (‘CEOS’), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68 (OJ L 56, 4.3.1968, p. 1-7), 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. 15-62.

<sup>2</sup>. Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010, OJ L 468, 30.12.2021, p. 1-54.

<sup>3</sup>. Ref. number EASO/MB/2020/170.

<sup>4</sup>. Ref. number: EASO/MB/2019/169.

	Consequently, this personal data processing activity is lawful under Article 5(1) points (a) and (b) of <a href="#">Regulation (EU) 2018/1725</a> <sup>5</sup> (hereinafter 'the EUDPR') given that it is necessary for the functioning of the EUAA as well as for compliance with legal obligations to which the Agency is subject by virtue of the Staff Regulations and the CEOS, the relevant implementing rules and the Common Rules.
<b>Description of (categories of) personal data processed</b>	<p>The following (categories of) personal data may be processed:</p> <ul style="list-style-type: none"> <li>• Identification and administrative data of the individuals concerned (i.e., 'objective' or 'hard' data);</li> <li>• Personal data included in allegations or statements made in requests, written or oral (witness) testimonies or other declarations of the individuals concerned by or otherwise involved in the preliminary assessments, administrative inquiries and/or (pre-)disciplinary proceedings (i.e., 'subjective' data or 'hard' data);</li> <li>• Sensitive data (e.g., data concerning health, political opinions and trade union membership).</li> </ul> <p>Any personal data which may be revealed during the preliminary assessments, administrative inquiries and/or (pre-)disciplinary proceedings either directly by the individuals concerned or indirectly by informants or witnesses or by documents used as evidence may also be processed.</p> <p>Moreover, objective and subjective data related to the investigator(s), the members of the Disciplinary Board and any other person involved in the preliminary assessments, administrative inquiries and/or (pre-)disciplinary proceedings may be processed as well.</p>
<b>Description of (categories of) data subjects concerned</b>	<ul style="list-style-type: none"> <li>• EUAA statutory staff<sup>6</sup> (temporary agents and contract agents) concerned by preliminary assessments, administrative inquiries and/or (pre-)disciplinary proceedings, including suspension proceedings;</li> <li>• Investigator(s), members of the Disciplinary Board and any other person involved in the preliminary assessments, administrative inquiries and/or (pre-)disciplinary proceedings (e.g., informants or witnesses).</li> </ul>
<b>Applicable retention period(s)</b>	<p>Upon conclusion of the preliminary assessment and if the case is closed (non-case), personal data are kept for a maximum period of 2 years from the closure of the case.</p> <p>If an administrative inquiry is launched, a maximum retention period of 5 years from the closure of the inquiry applies. If the administrative inquiry is closed without further action, personal data are kept for a maximum period of 5 years from the closure of the inquiry.</p>

<sup>5</sup>. 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, OJ L 295, 21.11.2018, p. 39-98.

<sup>6</sup>. Including former EUAA statutory staff (in line with Articles 50a and 119 of the CEOS, as well as Article 2(1) of the Annex to the MB Decision No 69, read in light of Article 3(3) point (a) thereof.

	<p>If, following the administrative inquiry, a disciplinary procedure is initiated, the disciplinary file is stored for a maximum period that is defined as follows:</p> <p>If the case is closed without any penalty being imposed, the final decision is retained in the personal file of the (former) staff member concerned for 10 years after the last pension payment. In accordance with Article 27 of Annex IX to the Staff Regulations, a (former) staff member against whom a disciplinary penalty other than removal from post has been imposed may, after 3 years in the case of a written warning or reprimand, or after 6 years in the case of any other disciplinary penalty, submit a request for the deletion from his/her personal file of any reference to such measure. The AECE shall decide whether to grant this request or not. If the request is granted, the disciplinary file which led to the penalty shall be deleted. If there is no request from the (former) staff member concerned, or if the AECE rejects any such request, the final decision is retained in the personal file for 10 years after the last pension payment.</p>
<b>Description of (categories of) recipients of the personal data processed</b>	<ul style="list-style-type: none"> <li>• The Executive Director (acting as the AECE) and his/her Secretariat;</li> <li>• Personnel of the Human Resources Unit (HRU) and of the Legal Services Unit (LSU) on a need-to-know basis;</li> <li>• Staff members concerned by or otherwise involved in the preliminary assessments, administrative inquiries and/or (pre-)disciplinary proceedings;</li> <li>• Investigator(s)/members of the investigation team and administrative/legal support staff;</li> <li>• Members of the Disciplinary Board;</li> <li>• The Management Board and its Secretariat;</li> <li>• The General Court and/or Court of Justice of the EU in case of appeal;</li> <li>• The European Ombudsman in case of maladministration;</li> <li>• Investigative/audit bodies, such as the European Anti-Fraud Office (OLAF) and the Internal Audit Service (IAS);</li> <li>• External provider(s) of legal services;</li> <li>• The PMO, only in respect of personal data of insured person(s) processed in the context of administrative inquiries launched, at their request, as a follow-up to requests for recognition of an occupational disease.</li> </ul>
<b>Transfers of personal data to third countries and/or international organisations (if applicable)</b>	N/A
<b>Automated decision-making including profiling (if applicable)</b>	N/A
<b>Description of applicable security measures</b>	Any hard copies of documents relevant to the preliminary assessments, administrative inquiries and/or (pre-)disciplinary proceedings, including suspension



	<p>proceedings, are stored in secured cupboards and only accessible to authorised staff. Electronic files are stored in the secure IT systems of the Agency, including its internal document management system (ERDMS/SharePoint), with access restricted to authorised persons.</p> <p>In the context of the above-mentioned procedures, files may also be shared/exchanged via Microsoft (MS) Outlook and/or Microsoft (MS) Teams applications. Files containing sensitive information will be transmitted, where technically feasible, in password-protected form. Online hearings or meetings may also be held and recordings may be produced using MS Teams. More information about the processing of personal data in the context of Microsoft 365 may be found in the dedicated Data Protection Notice <a href="#">here</a>.</p> <p>The EUAA has put in place a number of technical and organisational measures as required under Article 33 of the EUDPR. 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 this personal data processing activity 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 personal data processing activity.</p> <p>All persons authorised to access the data are bound by the obligation of confidentiality. Investigators and other persons authorised to access information pertaining to administrative inquiries and/or (pre-)disciplinary proceedings are required to sign confidentiality declarations. The external providers of legal services with whom the Agency collaborates are also bound by strict confidentiality and data protection requirements, as reflected in the Framework Contracts signed with them.</p> <p>In particular as regards any administrative inquiries launched at the request of the PMO, as mentioned above, copies of final administrative inquiry reports are sent to the PMO in anonymised form barring the personal data of the insured person(s).</p>
<p><b>Means by which data subjects can exercise their rights</b></p>	<p>In case data subjects require further information regarding the processing of their personal data in the context of this personal data processing activity or wish to exercise their rights in this respect, they may contact the competent Data Controller, namely the EUAA Executive Director using the following e-mail address: <a href="mailto:edsecretariat@euaa.europa.eu">edsecretariat@euaa.europa.eu</a>.</p> <p>Data subjects may always submit queries, remarks or complaints relating to the processing of their personal data in the context of this personal data processing activity to the EUAA DPO using the following e-mail address: <a href="mailto:dpo@euaa.europa.eu">dpo@euaa.europa.eu</a></p> <p>In case of conflict, complaints can be addressed to the European Data Protection Supervisor (EDPS) using the following e-mail address: <a href="mailto:edps@edps.europa.eu">edps@edps.europa.eu</a>.</p>