



Record of data processing activity for administrative inquiries and disciplinary proceedings

Last Update of the record	14 th October 2020
Reference number	2020/30
Data controller	Head of Executive Office/ Legal and Data Protection Sector Contact: AdministrativeInquiries&DisciplinaryProcedures@easo.europa.eu
Joint controller (if applicable)	N/A
Data Processor (if applicable)	N/A
Data Protection Officer	dpo@easo.europa.eu
Name of processing activity	Administrative inquiries and disciplinary proceedings
Purpose of processing	The purpose of the processing aims at determining whether there was a breach by a (former) staff member of his or her obligations under the Staff Regulations. For this purpose, an administrative inquiry might be initiated, as to establish the facts. Based on the outcome of the administrative inquiry the Contracting Authority may decide to initiate disciplinary proceedings.
Data categories	<p>Identification and contact data, financial, HR, social, behavioural data and other types of data specific to the processing operation, such as: legal qualification of the conduct or misconduct according to the Staff Regulations or other obligations; individual responsibility of the person concerned, including financial liability; disciplinary and criminal sanctions imposed to the person concerned.</p> <p>The processing operation concerns one or more of the following special categories of data: Data revealing racial or ethnic origin; Data revealing political opinions; Data revealing religious or philosophical beliefs; Data revealing trade union membership; Genetic data, biometric data for the purpose of uniquely identifying a natural person; Data concerning health; Data concerning a natural person's sex life or sexual orientation;</p> <p>In exceptional cases, EASO may have to treat such data. The data being processed contains sensitive data which falls under Article 11 – criminal convictions and offences.</p>

Description of categories of persons	<p>Staff members and former staff members: officials in active employment, on secondment, on leave on personal grounds, on non-active status, on leave for military service, on parental or family leave; officials on disability and retired officials; temporary staff and former temporary staff; contract staff and former contract staff; national experts; trainees and persons employed under private law contracts working on EASO's premises (Malta headquarters and the operational offices in Italy, Greece, Cyprus and Malta).</p>
Time limit for keeping the data	<p>1.Data category Files closed after a preliminary assessment</p> <p>Retention period 5 years Start date - Date of the appointing authority's decision</p> <p>2.Data category Administrative inquiries with no follow-up and pre-disciplinary proceedings where a reprimand is issued</p> <p>Retention period 15 years Start date - Date of the appointing authority's decision</p> <p>3.Data category Disciplinary proceedings irrespective of the outcome</p> <p>Retention period 20 years Start date - Date of the appointing authority's decision to close the proceedings</p> <p>The non-disciplinary penalty of a warning adopted by the appointing authority after the pre-disciplinary hearing is placed on the personal file of the person concerned for a period of 18 months. The penalties of written warning or reprimand adopted at the end of the disciplinary proceedings are placed in the personal file for a period of 3 years, the other penalties for a period of 6 years. After these periods, the person concerned may submit a request to the appointing authority for the deletion of all reference to the penalty from the personal file. The appointing authority shall decide whether to grant this request. Reasons must be given for any refusal. Decisions of the appointing authority closing the disciplinary proceedings with no follow-up are not placed in the personal file of the person concerned, unless, exceptionally, he or she so requests. Files which have not led to the opening of an administrative inquiry, are kept for 5 years. Files in cases where a warning was issued at the end of the pre-disciplinary procedure, as well as inquiries closed without any follow-up, are kept for 15 years from the date on which the appointing authority decides to take no action or to issue a warning to the person concerned. Files in cases where a decision was taken to open disciplinary proceedings, irrespective of the outcome of those proceedings, are kept for 20 years from the date of the decision of the appointing authority closing the disciplinary proceedings. This period of retention is justified with regard to the obligation to take account, when deciding upon the disciplinary penalty to be imposed, of a possible repeated action or behaviour and the staff members' conduct throughout the course of his/her employment contract (Article 10 (h) and</p>

	<p>(i) of Annex IX to the Staff Regulations). The person concerned is informed that the penalty would continue to be included in the files of EASO for the periods referred to above, even if it should be withdrawn from the personal file pursuant to Article 27 of Annex IX to the Staff Regulations. EASO files may be consulted only by the person concerned or by the disciplinary authority.</p>
<p>Recipients of the data</p>	<p>The complete file of the administrative inquiry, of the pre-disciplinary or of the disciplinary proceedings is sent to the appointing authority in charge of disciplinary matters, so that it may decide on the appropriate follow-up of the case. The file will be sent to the Disciplinary Board where the appointing authority decides to initiate disciplinary proceedings according to section 5 of Annex IX to the Staff Regulations. In cases involving an allegation of financial irregularity, the appointing authority refers the case to the specialized Panel provided for in Article 143 of the EU Financial Regulation (Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018). In case of a non-disciplinary warning or of a disciplinary penalty, the file is sent to the LDPS for its opinion on the draft decision.</p> <p>At the end of the proceedings, the following persons or services may be informed:</p> <ul style="list-style-type: none"> • The Management Board, the Executive Director; • The departments responsible for ensuring the implementation and follow-up of the disciplinary decision; • The service in charge of the personal files; • The LDPS; • OLAF, if the disciplinary proceedings were preceded by an OLAF investigation; • The Disciplinary Board, if it was involved in the disciplinary proceedings. <p>Where an external law firm has received a mandate from EASO to conduct pre-disciplinary or disciplinary proceedings, relevant parts of the file will be shared with this external stakeholder, on a need to know basis, in order for the external law firm to perform the services requested.</p> <p>EASO may disclose the file also to the Court of Justice of the European Union where the person concerned contests the disciplinary decision taken by the appointing authority.</p>
<p>Transfer to third countries or international organisations</p>	<p>N/A</p>
<p>General description of security measures</p>	<p>Personal data will be processed in compliance with all the appropriate technical and organisational measures set to protect personal data against accidental or unlawful destruction, accidental loss or</p>

	unauthorised disclosure, alteration and access or any other unauthorised form of processing.
How data subjects can exercise their rights to access, rectification, object and data portability (where applicable)	<p>Via e-mail to the data controller: AdministrativeInquiries&DisciplinaryProcedures@easo.europa.eu</p> <p>Further information on the processing of your personal data is made available on the Agency’s website at: https://www.easo.europa.eu/legal The link above includes EASO’s General Privacy Statement as well as the privacy statements on specific data processing operations.</p>