

## EDPS record of processing activity

Record of EDPS activities processing personal data, 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.

Nr.	Item	Description
		<b>Administrative inquiries and disciplinary proceedings</b>
1.	Last update of this record	<b>27/11/2018</b>
2.	Reference number	<b>09</b>
3.	Name and contact details of controller	<p><a href="#">European Data Protection Supervisor (EDPS)</a>  <b>Postal address:</b> Rue Wiertz 60, B-1047 Brussels  <b>Office address:</b> Rue Montoyer 30, B-1000 Brussels  <b>Telephone:</b> +32 2 283 19 00  <b>Email:</b> <a href="mailto:edps@edps.europa.eu">edps@edps.europa.eu</a></p> <p>Responsible department or role:            HRBA Unit</p> <p>Contact form for enquiries on processing of personal data to be preferably used:  <a href="https://edps.europa.eu/node/759">https://edps.europa.eu/node/759</a></p>
4.	Name and contact details of DPO	<a href="mailto:DPO@edps.europa.eu">DPO@edps.europa.eu</a>
5.	Name and contact details of joint controller (where applicable)	<p>The EDPS signed a Service Level Agreement (SLA) with the service of the European Commission HR.IDOC (Investigation and Disciplinary Office of the Commission). HR.IDOC is carrying out the “operational” part of the procedures.</p> <p><a href="mailto:HR-MAIL-IDOC@ec.europa.eu">HR-MAIL-IDOC@ec.europa.eu</a></p>



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6.	Name and contact details of processor (where applicable)	
7.	Short description and purpose of the processing	The EDPS processes the data for the preliminary assessment stage (pre-inquiry): when the EDPS is informed of a situation with a possible disciplinary dimension, it forwards the available information to HR.IDOC for assessment (see further SLA with HR.IDOC). <a href="#">link to Investigation and disciplinary Office (IDOC)</a>

		<p>1. Preliminary Assessment stage (prior to the formal opening of a case)</p> <p>When the EDPS is informed of a situation with a possible disciplinary dimension, it forwards the available information to HR.IDOC for an assessment. HR IDOC may also be informed of a situation with a possible disciplinary dimension via other sources.</p> <p>At the end of the preliminary assessment, HR.IDOC issues a recommendation to the Appointing Authority (AA) of the EDPS, or the AHCC (Autorité habilitée à conclure des contrats) as appropriate, not to follow-up a case, that is, to treat it as a "non-case", to refer the case to OLAF, to open an administrative inquiry, or to organise a preliminary hearing (Article 3 of Annex IX, 'pre-disciplinary' stage) directly. In the interest of celerity, HR.IDOC will also have the possibility to refer cases directly to OLAF (with the EDPS in copy for information).</p> <p>Recommendations of HR.IDOC are not binding upon the AA of the EDPS.</p> <p>2. Administrative inquiry</p> <p>Once the AA decides to open an inquiry and provides the requisite mandate (drafted by HR.IDOC), HR.IDOC consults OLAF in appropriate cases in order to ensure that this office is not conducting an investigation into the same allegations and has no intention to do so.</p> <p>If the inquiry is opened, HR.IDOC takes the necessary step to inform the person(s) concerned, as soon as appropriate, and, where possible and when there is a need to know, to inform the relevant human resources unit, if this unit is not yet informed. The EDPS will consult HR.IDOC before taking any precautionary measures (reassignment etc).</p> <p>In order to be able to carry out the inquiry, HR.IDOC will have the powers to gather the necessary evidence, to carry out inspections <i>in situ</i>, to summon witnesses and persons</p>
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		<p>The legal basis of the procedure is the <a href="#">Staff Regulations</a> (Article 86) and its Annex IX and the Conditions of Employment of Other Servants of the EU (Article 22) and the EDPS Decision of 23 April 2015 adopting implementing provisions regarding the conduct of administrative inquiries and disciplinary proceedings in case of alleged failure of a staff member to comply with their obligations under the Staff Regulations. The Decision can be found on the EDPS intranet..</p>
8.	Description of categories of persons whose data the EDPS processes and list of data categories	<p>All the EDPS staff.</p> <p>1. Pre-inquiry:</p> <ul style="list-style-type: none"> <li>- Identification and administrative data of the EDPS staff member concerned.</li> <li>- Soft data (allegations, declarations)</li> <li>- Sensitive data (such as data concerning health, e-mails exchanged by the affected individuals with trade unions or with the EU Sickness insurance scheme, information revealing political opinions etc.)</li> </ul> <p>2. Administrative inquiry and disciplinary proceedings: HR.IDOC in charge.</p> <p>3. inquiry reports and disciplinary files will be transferred to the EDPS.</p> <p>4. IDOC final decision, with or without sanctions, will be stored to the personal file of the person concerned.</p>
9.	Time limit for keeping the data	<p>Pre-inquiry:</p> <p>a) In case no inquiry is launched, a maximum of two years after the adoption of this decision.</p> <p>b) In case an inquiry is launched and all data are transferred to IDOC, a maximum of 5 years from the closure of the inquiry.</p> <p>Inquiry reports and disciplinary files: as soon as IDOC adopts its final decision, the EDPS will erase them.</p> <p>Final decision:</p>



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		<p>a) if the decision acquits the staff member, it is retained in the personal file (10 years after the last pension payment).</p> <p>b) If the decision imposes sanctions, the person concerned may ask for deletion under Article 27 of Annex IX to the Staff Regulations, otherwise it is retained in the personal file (10 years after the last pension payment).</p>
10.	Recipients of the data	<p>Within the EDPS, the EDPS Appointing Authority , the Supervisor (if consulted), the Heads of Units/Sectors, as long as it is necessary for the performance of their tasks and on a strict need-to-know basis.</p> <p>Outside the EDPS: IDOC, lawyers, national courts , ECJ if they prove necessity.</p>
11.	Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?	No
12.	General description of security measures, where possible.	<p>The paper files are kept in a locked office, with limited access.</p> <p>The electronic files are saved on a secured drive, with limited access.</p>
13.	For more information, including how to exercise your rights to access, rectification, object and data portability (where	DPN published on the EDPS intranet



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	applicable), see the data protection notice:	