

## **PRIVACY NOTICE-**

### **Administrative Inquiries and Disciplinary Proceedings**

The European Institute for Gender Equality (EIGE) informs you about processing your personal data in compliance with Regulation 2018/1725 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.

#### **Purpose of processing of personal data**

The purpose of this processing operation is analysis of the collected information to establish the facts and circumstances of the case, with a view to determining whether there is a breach of the obligations under the Staff Regulations.

#### **Legal basis**

I. Regulation EU 2018/1725, in particular Article 5(1)(b);

II. Establishment Regulation of EIGE (EC) No 1922/2006;

III. Articles 50, 86, 110 and 119 of the Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union.

#### **Lawfulness of processing**

EIGE processes your personal data based on 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. The following information is provided as established in Articles 15 and 16 of Regulation (EU) 2018/1725.

#### **Data categories**

I. Personal data collected and further processed are, in particular:

- Identification data (name, surname, age)
- Pers. No (hiring date) and information regarding data subject's career
- Name of line manager
- Office address & Telephone
- Allegations, declarations, sensitive data (such as data concerning health, e-mails exchanged by the affected individuals with trade unions or with the EU Sickness insurance scheme, etc.) if necessary
- Home address
- Email address and other contact details
- Personal data concerning other person who could bring information relevant to the case (such as witnesses)
- Names of the administrative investigator and of the members of the Disciplinary Board.

### **Data Controller**

EIGE is the legal entity responsible for the processing of your personal data and determines the objective of this processing activity. The Data Processor is primarily the Human Resources Officer, supervised by the Data Controller, Head of Administration.

### **Access and storage of the data**

Recipients of the data are the designated appointing authority, the Director, staff members to whom the appointing authority has delegated responsibility (HR officer), and in case of transfer to another Institution, the official in charge of personal files in this Institution. In addition, the access may be granted to the investigator(s), the person(s) designated to hold the hearing, the members of the Disciplinary Board (including Secretariat), the Data Protection Officer. All internal recipients of the data shall be required to sign a specific confidentiality declaration.

The Agency has several security controls in place to protect personal data from unauthorised access, use or disclosure. EIGE keeps the data stored on computer systems with limited access to a specified audience only. Any subsequent amendments or corrections of these documents are inserted in this file and to the electronic version.

EIGE does not intend to share data with Third Countries/International Organisations.

### **Date when processing starts**

Date of the submission of the request and/or the complaint.

### **Retention policy**

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.

In determining the maximum retention periods, EIGE has taken into account the nature of the sanction, possible legal recourses, legal, auditing, archiving and reporting obligations. Documents of administrative inquiry proceedings without a disciplinary follow-up or where there is no charge against the staff member are held for five years from the date of the last document on the file. Documents of the disciplinary board are retained for ten years from the date of the last document inserted to the file. Where a disciplinary penalty other than dismissal has been made, the decision is notified to the data subject in writing and the original decision is inserted in the personal file. After three years in the case of a written warning or reprimand or after six years in the case of any other penalty, you may request deletion from your personal file of all reference to the measure.

### **The data subject has specific rights as a 'data subject' under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725**

**Right to access data** – data subjects have the right to access data at any time by sending an email request to [EIGE.HR@eige.europa.eu](mailto:EIGE.HR@eige.europa.eu).

**Right to rectify** – data subjects have the right to rectify their data without delay of inaccurate or incomplete personal data.

**Right to restrict** – data subjects have the right to restrict the processing at any moment by sending an email request to [EIGE.HR@eige.europa.eu](mailto:EIGE.HR@eige.europa.eu); and the right to be informed before personal data are disclosed for the first time to third parties or before they are used on their behalf for the purposes of direct marketing. Inaccurate objective data should be rectified without delay upon the data subject's request made to the controller in accordance with Article 18 of Regulation (EU) 2018/1725. This does not only refer to factual inaccuracies, but also to the fact that affected individuals should be allowed to add second opinions and include their comments as well as any additional testimonies, or other relevant documents to their inquiry file (i.e., a legal recourse or appeal decision).

**Right to erasure** – data subjects have the right to obtain from the controller the erasure of data if their processing is unlawful by sending an e-mail to [EIGE.HR@eige.europa.eu](mailto:EIGE.HR@eige.europa.eu).

If the data subjects have any queries concerning the processing of their personal data, they may address them to the Data Protection Officer or to the Data Controller of EIGE by contacting information at [dpo@eige.europa.eu](mailto:dpo@eige.europa.eu).

**Other rights** – Where applicable, you also have the right to object to the processing or the right to data portability. You have the right to object to the processing of your personal data, which is lawfully carried out pursuant to Article 5 (1)(a) on legitimate compelling grounds by sending an e-mail to [dpo@eige.europa.eu](mailto:dpo@eige.europa.eu).

Data subjects are also entitled to have recourse at any time to the European Data Protection Supervisor:

Website: <http://www.edps.europa.eu>

Email: [edps@edps.europa.eu](mailto:edps@edps.europa.eu)

Data subjects' rights can be restricted only in the cases foreseen in the Director's Decision No. 253 of 28 June 2022 on Internal rules concerning restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of the European Institute for Gender Equality (EIGE). Such decisions will be taken strictly on a case by case basis. EIGE will document the reasons for taking such decision to demonstrate that the restriction is proportionate and necessary in line with the provisions of Regulation 2018/1725.

### **Contact information**

EIGE's Data Protection Officer, e-mail [dpo@eige.europa.eu](mailto:dpo@eige.europa.eu)

EIGE HR, e-mail [EIGE.HR@eige.europa.eu](mailto:EIGE.HR@eige.europa.eu)