Background:

Mr Dean Clumsy, Head of Unit, knew that something was wrong when he recruited Ms Shootingstar. He was not convinced that she was the appropriate person for the job at the Agency EU-in-heaven. Nevertheless the other members of the jury very much liked her; he could agree with them that she was convincing when she did an interview.

Very soon Mr Clumsy saw that there were issues with her performance: Ms Shootingstar did not work particularly hard and her opinions were of poor quality. Mr Clumsy had wondered if she was a real lawyer. Then, at that party, he met Mr Thunderstorm who happened to know Ms Shootingstar from the school days. Mr Thunderstorm explained that they lived in the same neighbourhood; their parents had been great friends. Mr Thunderstorm expressed his astonishment that Ms Shootingstar was working for the EU: 'she never finished her studies' he affirmed 'I know it because her parents were very annoyed.'

Now Mr Clumsy is really worried about his new recruitment and soon he will have to issue a report on her probationary period. Mr Clumsy goes to HR and requests to have a quick look into Ms Shootingstar's personal file. There he discovers some blurred letters in her law diploma. Mr Clumsy has now serious doubts.

After a quick talk with his director, Mr Clumsy decides to use, for the very first time, the Service Level Agreement (SLA) that EU-in-heaven has signed with the Investigation and Disciplinary Office of the Commission (IDOC) and requests an administrative inquiry to be done into Ms Shootingstar. Ms Clumsy decides that it is not a good idea, for the sake of the investigation, to inform Ms Shootingstar of this transfer of data to IDOC.

 Fortunately, his Agency has just adopted new internal rules on restricting the rights of data subjects.

General questions:

1. Can Mr Clumsy impose restrictions?
2. What are the steps that he has to undertake before imposing a restriction?
3. On what basis would he impose a restriction and which rights could be affected?
4. For how long can he impose a restriction?
5. What is the role of the DPO in this process?

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[1] * This is a fictive case study with no relation with the reality

Specific questions on the right to access:

Now IDOC is conducting an investigation on Ms Shootingstar and the preliminary steps have now been completed. Ms Shootingstar is informed that she is under investigation and she will have to respond to some questions.

At this point in time:

1. What are the obligations of the controller (together with IDOC)?
2. If Ms Shootingstar requests access, what will be IDOC response?

Specific questions on the right to rectification:

Now let's imagine that you are Ms Shootingstar and you have already had access to your personal data. You know now that your diploma is being investigated, as the one you gave in law was a fake one. In fact you do have a diploma on nutrition and food safety which happens to be real. The only thing is that you are not sure if this diploma would allow you to work in the EU, and probably not as a legal officer. Still you decide to try your chance (better a real diploma than a fake one!). So you decide to request rectification of the previous diploma, which should now be replaced by the new one.

1. If you request rectification what would the controller answer?

This story does not have a happy end. IDOC performed its investigation and it resulted that Ms Shootingstar did not have the diploma she claimed to have. She had provided a falsified diploma and she may now face a disciplinary proceeding with sanctions imposed. Ms Shootingstar has admitted that the diploma is not real; despite this she is not happy with the way that restrictions have been imposed. She believes that the right of access was given too late and the reasons to still restrict some data were not convincing.

1. What can Ms Shooting star do to have an examination whether the restrictions was correctly applied?