

**REGISTER NUMBER: 9**

**NOTIFICATION FOR PRIOR CHECKING**

**DATE OF SUBMISSION: 21 DECEMBER 2004**

**CASE NUMBER: 2004-198**

**NOTIFICATION OF: EUROPEAN PARLIAMENT**

**LEGAL BASIS: ARTICLE 27-5 OF THE REGULATION CE N° 45/2001<sup>(1)</sup>**

**INFORMATION TO BE GIVEN<sup>2</sup>**

1/ NAME AND ADDRESS OF THE CONTROLLER

**MR MANFRED PETER, DIRECTOR FOR PERSONNEL  
KAD 2A002, EUROPEAN PARLIAMENT, LUXEMBOURG**

2/ ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA

**ADMINISTRATIVE STATUS UNIT , DG PERSONNEL**

3/ NAME OF THE PROCESSING

**"Dossiers disciplinaires et enquêtes administratives"**

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<sup>1</sup> OJ L 8, 12.01.2001.

<sup>2</sup> **Please attach all necessary backup documents**

4/ PURPOSE OR PURPOSES OF THE PROCESSING

**Processing of disciplinary cases in accordance with Staff Regulations, as well as executing preliminary investigations.**

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

**OFFICIALS OF THE EP, INCLUDING RETIRED OFFICIALS  
TEMPORARY STAFF, BY VIRTUE OF ART. 49 OF CONDITIONS OF EMPLOYMENT  
AUXILIARY STAFF, BY VIRTUE OF ART. 76 CE  
CONTRACT STAFF, BY VIRTUE OF ART. 119 CE**

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA (*including, if applicable, special categories of data (Article 10) and/or origin of data*).

**Data include:  
    details of alleged offences  
    possible mitigating factors**

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

**There are general references in the Staff Regulations and the Code of Conduct (Guide to the Obligations of Officials and Other Servants of the EP) of 11 March 2002.**

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

**The contradictory nature of proceedings is guaranteed by Articles 1 and 11 of Annex IX SR. Other provisions cover the entries to be made in or removed from the personal file, notably Article 27 of Annex IX. See also Articles 3, 6, 13, 14 and 16 of Annex IX.**

9/ AUTOMATED / MANUAL PROCESSING OPERATION

**Manual**

10/ LEGAL BASIS OF THE PROCESSING OPERATION

**Staff Regulations: Article 86 and Annex IX.  
General Implementing Provisions governing disciplinary proceedings and administrative investigations of 18 May 2004.**

11/ THE RECIPIENTS OR CATEGORIES OF RECIPIENT TO WHOM THE DATA MIGHT BE DISCLOSED

**Data are routinely furnished to the Disciplinary Board by DG Personnel on a case-by-case basis. The Legal Service advises on disciplinary cases.**

**Data may be given to other institutions in the course of an investigation: evidence of fraud may be communicated to OLAF.**

**Data have been disclosed to officials of the Court of Auditors in the context of an audit of this function which took place in 2001-2002.**

12/ GENERAL INDICATION OF THE TIME LIMITS

FOR BLOCKING: -----

AND/OR

FOR ERASING: -----

OF THE DIFFERENT CATEGORIES OF DATA (*Please, specify the time limits for every category, if applicable*)

**NONE ENVISAGED.**

13/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES

*If you store data for longer periods than mentioned above, please specify, if applicable, why the data must be kept under a form which permits identification.*

**IT COULD BE CONSIDERED THAT ARTICLE 10 (I) OF ANNEX IX SR IMPLIES A DUTY ON THE PART OF THE APPOINTING AUTHORITY TO MAINTAIN RECORDS ON THE CONDUCT OF AN OFFICIAL THROUGHOUT THE COURSE OF HIS OR HER CAREER.**

14/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

**NONE**

15/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING (*Please describe*):

**ANY BREACH OF OBLIGATIONS UNDER SR MAY GIVE RISE TO DISCIPLINARY PROCEEDINGS. ARTICLE 10 OF ANNEX IX IMPLIES A REQUIREMENT TO ASSESS THE GENERAL CONDUCT OF AN OFFICIAL. SANCTIONS MAY INCLUDE REMOVAL FROM POST OR REDUCTION OF PENSION.**

AS FORESEEN IN:

í Article 27.2.(a) ✓

*Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,*

í Article 27.2.(b) ✓

*Processing operations intended to evaluate personal aspects relating to the data subject,*

í Article 27.2.(c)

*Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,*

í Article 27.2.(d) ✓

*Processing operations for the purpose of excluding individuals from a right, benefit or contract,*

í Other (general concept in Article 27.1)

16/ COMMENTS

PLACE AND DATE: **LUXEMBOURG, 14 DECEMBER 2004**

DATA PROTECTION OFFICER: **JONATHAN STEELE**

INSTITUTION OR BODY: **EUROPEAN PARLIAMENT**