

*(To be filled out in the EDPS' office)*  
REGISTER NUMBER: 935

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**NOTIFICATION FOR PRIOR CHECKING**

**DATE OF SUBMISSION: 19/12/2012**

**CASE NUMBER: 2012-1088**

**INSTITUTION: ECDC**

**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

Ms JESSICA MANNHEIM, HEAD OF THE HUMAN RESOURCES  
SECTION, ECDC, TOMTEBODAVÄGEN 11A SE-171 83 STOCKHOLM

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

Human Resources Section, Resources Management and Coordination Unit

3/ NAME OF THE PROCESSING

Administrative enquiries and disciplinary proceedings at ECDC

<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

The purpose of the data processing is to put together a file to enable the Appointing Authority to determine whether an ECDC staff member has failed to fulfil his/her obligations under the Staff Regulations and, where appropriate, impose a disciplinary penalty in accordance with the Staff Regulations.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

ECDC statutory staff members (Temporary Agents, Contract Agents)

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

For a detailed description of the process, please see attached document (Annex I).

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

A Data Protection notice has been developed and will be included on the intranet (see Annex II).

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

ACCESS (in accordance with Article 13 of Regulation (EC) 45/2001): data subjects may request access from the controller directly, to be granted, depending on the wish of the data subject.

RECTIFICATION (in accordance with Article 14 of Regulation (EC) 45/2001): data subjects may request rectification from the controller directly.

BLOCKING (in accordance with Article 15 of Regulation (EC) 45/2001), ERASURE (in accordance with Article 16 of Regulation (EC) 45/2001), OBJECTION (in accordance with Article 18 of Regulation (EC) 45/2001): Upon written request to the controller, the data subject shall have the right to obtain from the controller the blocking of data, erasure of their personal data, as well as the right to object to the use of the personal data used during the procedure, under the conditions laid down in the Regulation (e.g. processing unlawful).

However, the rights of access and rectification granted to data subjects may be restricted within the limits of the possible exemptions set out in Article 20 of the Regulation. Data subjects are informed about possible restriction of their rights in the privacy statement.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

This is a manual processing operation, and the data will from part of a physical disciplinary file.

10/ STORAGE MEDIA OF DATA

The decisions on disciplinary matters taken by the Director shall be kept in a confidential file. The disciplinary files are stored in secure cupboards within the Human Resources Section accessible only to authorised staff from the HR Section. Any electronic files created and managed by the investigator (s), relevant HR case managers and/or the Director, will be stored only in the personal drives of the individuals.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Legal basis for this processing operation is found in the Staff Regulations (SR), in particular Articles 2(3) and 30 of Annex IX as well as in the Conditions of Employment of Other Servants of the European Union (CEOS), namely Articles 49 and 119.

The ECDC has also adopted an Implementing Rule (Annex I of the present notification), in accordance with Article 110 of the SR, with a more detailed description of the process.

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

Data in the context of administrative inquiries and disciplinary proceedings may be disclosed to:

- The ECDC Director
- the investigator (s)
- Disciplinary Board
- Selected HR staff
- Witnesses (if any)

Data may be eventually used in court proceedings.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

ALL DOCUMENTS RELATED TO THE DISCIPLINARY PROCEDURES ARE TO BE STORED IN A DISCIPLINARY FILE. THE FILE SHALL BE KEPT UNTIL THE TIME LIMIT TO APPEAL TO THE PARTICULAR DECISIONS BY ANY MEANS HAS PASSED. DATA MAY BE KEPT FOR A LONGER PERIOD DEPENDING ON THE NATURE OF THE DISCIPLINARY MEASURE, FOR INSTANCE IF THE DISCIPLINARY MEASURE HAS AN IMPACT ON THE CALCULATION OF PENSION RIGHTS OF A STAFF MEMBER.

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS

*(Please, specify the time limits for every category, if applicable)*

14/ 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.*

Not applicable

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

No transfer of data is envisaged. However, in case of court proceedings, data may have to be transferred to the relevant national authorities, and in such cases the necessity required under articles 8 and 9 of the Regulation will have to be established.

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

Processing operations likely to present specific risks may include processing of data relating to health and to suspected offences, offences, criminal convictions or security measures and processing operations intended to evaluate personal aspects relating to the data subject

AS FORESEEN IN:

† Article 27.2.(a)

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

† Article 27.2.(b)

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

† Article 27.2.(c)

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

† Article 27.2.(d)

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

† Other (general concept in Article 27.1)

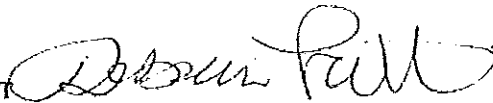
17/ COMMENTS

This notification includes 2 Annexes:

1. Annex I: Implementing rule no 29 on the conduct of administrative enquiries and disciplinary proceedings in the European Centre for Disease Prevention and Control
2. Annex II: data protection notice

PLACE AND DATE: STOCKHOLM, 19/12/2012

DATA PROTECTION OFFICER: REBECCA TROTT



INSTITUTION OR BODY: EUROPEAN CENTRE FOR DISEASE PREVENTION AND CONTROL