

*(To be filled out in the EDPS' office)*

**REGISTER NUMBER: 1250**

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### NOTIFICATION FOR PRIOR CHECKING

**DATE OF SUBMISSION: 05/06/2014**

**CASE NUMBER: 2014-0612**

**INSTITUTION: EUSC**

**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

EU SATCEN (BASE AÉREA DE TORREJÓN ARDOZ, AVENIDA DE CÁDIZ S/N, EDIFICIO 457, 28850, TORREJÓN DE ARDOZ, MADRID, SPAIN) (DIRECTOR - MR. TOMAŽ LOVREN I )

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

Administration Division (Head of Administration)

3/ NAME OF THE PROCESSING

Administrative investigations and disciplinary procedures

4/ PURPOSE OR PURPOSES OF THE PROCESSING

To assess whether a staff member has committed fraud or not related to his obligations under the EU SatCen Staff Regulations.

Any failure by a staff member or former staff member to comply with his obligations under these Staff Regulations, whether intentionally or through negligence on his part shall make him liable to disciplinary action. Where the Director becomes aware of evidence of failure, he may launch administrative investigations to verify whether such failure has occurred.

The Agency already carried out one disciplinary procedure in 2011.

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

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

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Permanent and temporary staff, local staff, SNEs, trainees, victims, witnesses, whistleblowers and informants.

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA

*(including, if applicable, special categories of data (Article 10) and/or origin of data)*

The precise content of an investigation file will vary according to the purpose of the particular case. For example, administrative data, data related to conduct, emails exchanged by the data subject with the Staff Committee, data related to health, data related to security measures, data related to alleged harassment, etc.

All investigators are instructed to collect necessary and proportionate data to the purpose of the investigation. This principle is also applied to the reports on administrative and disciplinary investigations as well as to the Disciplinary Board reports.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

The Deputy Director should inform all data subjects and persons whose personal data may be processed, of the existence of an administrative inquire and disciplinary procedure, of the opening and closing of an inquiry, of the charges and choice of procedure.

A Privacy Notice is available on the EU SatCen ATLAS intranet under Administration (link below disciplinary proceedings).

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

*(Rights of access, to rectify, to block, to erase, to object)*

Right of access: in principle, all data subjects have access to any information relating to them that are processed by the Agency; they receive a copy of the conclusion of the investigation and on request of all documents directly linked to the allegations made.

However, in the course of a disciplinary procedure, the right of access of data subjects may be restricted within the limits of the possible exemptions set out in Art.20. These exemptions are strictly applied in light of necessity and they are balanced in relation with the right of defence.

In the case of witnesses, whistleblowers and informants, any restrictions to the right of access to these persons are in line with Art.20 of the Regulation. The identity of whistleblowers is kept confidential in as much as this would not contravene national rules regarding judicial procedures.

Right of rectification: data subjects are allowed to add their comments to their reports and to include recourse or appeal decisions in their files. Exemptions of Art.20 may be applied on a case by case basis.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Both manual and automated: emails, letters, reports, final decision.

10/ STORAGE MEDIA OF DATA

Hard copies of all the data processed are stored in a locked archive and electronic copies stored on server in a folder entitled “Disciplinary”.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Annex IX, Disciplinary proceedings, Section 1 to Section 8 of the Staff Regulation of the EU SatCen (see attached) published on 25 August 2009 (OJ) 11765/09 (see attached).

Draft on implementing rules on Administrative investigations and disciplinary procedures (see attached).

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

Director, Deputy Director and Head of Administration on a need to know basis.

Members of the Disciplinary Board (two from the EU SatCen and one from any EU Institutions or bodies);

Possibly Appeals Board (Article 28 of the EU SatCen Staff Regulations);

Possibly European Ombudsman.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Copy of the final decision is stored in the personal file of each staff member for 10 years after the termination of employment or the last pension rights.

In cases where the decision imposes no charges on the staff member concerned there are no traces of the decision in the personal file unless the staff member request so.

According to Article 21, Section 8 of the Agency Staff Regulations, certain disciplinary penalties may be removed from the personal file at the discretion of the Director. In case of denial of deletion, the Director has to motivate his decision.

All disciplinary documents are stored in a disciplinary file for a maximum period of 20 years, taking into account the time limit for appeal.

The Agency does not process data related to Internet connections and the use of email or the telephone.

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)

Within a month of delay after receipt of the request

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)*

NO

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

NO

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

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

PLACE AND DATE: TORREJON DE ARDOZ

DATA PROTECTION OFFICER: JEAN- BAPTISTE TAUPIN

INSTITUTION OR BODY: EUROPEAN UNION SATELLITE CENTRE