

To be filled out in the EDPS' office

REGISTER NUMBER: 1366

NOTIFICATION FOR PRIOR CHECKING

Date of 09/03/2016

Case number: 2016-0262

Institution: GSA

Legal basis: Article 27-5 of the regulation CE 45/2001

INFORMATION TO BE GIVEN(2)

(2) Please attach all necessary backup documents

1/ Name and adress of the controller

European GNSS Agency, Janovskeho 438/2, 170 00 Prague, Czech Republic.

2/ Organisational parts of the institution or body entrusted with the processing of personal data

Human Resources Department

3/ Name of the processing

Administrative inquiries and disciplinary proceedings.

4/ Purpose or purposes of the processing

Management and administration of administrative inquiries, opened at the request of the Executive Director, in view of establishing the facts and, where appropriate, determine whether there has been a failure to comply with the obligations incumbent on GSA staff members and open a disciplinary procedure.

5/ Description of the category or categories of data subjects

Permanent staff, temporary agents, contractual agents, seconded national experts and trainees (possibly subject to an investigation carried out) and possibly third parties (such as witnesses or informants).

6/ Description of the data or categories of data(including, if applicable, special categories of data (article 10) and/or origin of data)

- Title, first name, surname, date of birth and function;
- The behaviour, action or inaction of the person subject to an administrative inquiry and/or a disciplinary procedure;
- The personal liability of the person concerned including financial liability;
- As the case may be, the penalty imposed on the person concerned;
- Information regarding third parties (witnesses, informants).

In exceptional circumstances, data within Article 10(1) of Regulation (EC) 45/2001 (such as e-mails exchanged by the data subject with trade unions or with the EU Sickness insurance scheme) may be processed in the framework of an administrative inquiry and/or disciplinary procedure as long as any of the exceptions foreseen in Article 10(2) of Regulation (EC) 45/2001 apply.

Administrative investigation files and disciplinary files are likely to contain data relating to offences, criminal convictions or security measures. Processing of such data is subject to authorisation in accordance with Article 10(5) of Regulation (EC) 45/2001. Article 86 of the Staff Regulations and Articles 49 and 50 and 119 of the Conditions of Employment of Other Servants of the European Union (CEOS) shall be regarded as an authorisation to process these data.

7/ Information to be given to data subjects

The Executive Director informs all data subjects of the existence of an administrative or disciplinary proceeding, its opening and closing where appropriate, the hearing and its outcome.

A privacy statement regarding the protection of the personal data is available to all data subject in the GSA Intranet. The privacy statement contains the following information: identity of the controller, purpose of the processing, data concerned, legal basis, lawfulness of the processing, recipients of the personal data, information on the retention period of personal data, rights of access, rectification and appeal and contact information.

8/ Procedures to grant rights of data subjects(rights of access, to rectify, to block, to erase, to object)

Data subjects can exercise their rights at any time by sending a request addressed to the Head of Human Resources Department at HR-Info@gsa.europa.eu. Requests shall be dealt with within two weeks.

However, the exercise of these rights might be restricted within the limits of the possible exemptions of Article 20 of Regulation (EC) 45/2001. These exemptions shall be applied in a restrictive manner.

9/ Automated / Manual processing operation

Manual: personal data are processed manually for the purpose of management and administration of the administrative inquiry and/or disciplinary procedure (e.g. contacts with the person concerned/witness/informant during the investigation and written communications to the person concerned upon completion of the investigation).

10/ Storage media of data

All documents related to this processing are stored in a disciplinary file. The only disciplinary decisions kept in personal file of the staff member will be those in which the data can have an impact on the employment relations of the data subject with the GSA agency (e.g. final disciplinary decisions).

11/ Legal basis and lawfulness of the processing operation

Articles 22 86 and Annex IX to the Staff Regulations and Articles 49, 50 and 119 of the CEOS.

12/ The recipients or categories of recipient to whom the data might be disclosed

- GSA Executive Director and the Head of Administration;
- Disciplinary board, in the event where a disciplinary procedure is opened;
- Staff of the Human Resources Department, for filing and including the final disciplinary decision in the personal file.

Any recipient of the data shall be reminded of their obligation not to use the data received for other purposes than the one for which they were transmitted.

13/ Retention policy of (categories of) personal data

Files relating to administrative inquiries and to disciplinary procedures shall be kept for a maximum period of 20 years from the date the administrative inquiry was closed or from the date of the final disciplinary decision. The files may only be consulted by the staff members concerned or the disciplinary board members.

In case where an administrative inquiry is closed without a disciplinary follow-up, the file shall be kept for a maximum period of 5 years from the date the administrative inquiry was closed.

Only the final disciplinary decision shall be kept in the personal file of the person concerned. Requests for the deletion of all reference to the disciplinary decision from the personal file can be requested after three years in the case of a written warning or reprimand or after six years in the case of any other penalty. The Executive Director shall decide to grant such request.

If the Executive Director decides to close the case without imposing a disciplinary penalty, he/she shall inform the person concerned accordingly in writing without delay. There shall be no traces of this decision in the personal file of the data subject unless he/she requests so.

13 a/ time limits for blocking and erasure of the different categories of data

(on justified legitimate request from the data subject)

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

Blocking: within maximum 5 working days from the receipt of the request

Erasure: within maximum 5 working days from the 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 personal data is kept for historical, statistical or scientific purposes. Only aggregated data(e.g. list of open and completed cases) will be used for statistic purpose.

15/ Proposed transfers of data to third countries or international organisations

No transfers.

16/ The processing operation presents specific risk which justifies prior checking (please describe):

The processing is intended to evaluate personal aspects relating to data subjects, including in particular their conduct and it may concern data related to suspected offences, criminal convictions or security measures.

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

Notification in compliance with the EDPS guidelines concerning the processing of personal data in administrative inquiries and disciplinary procedures by European institutions and bodies.

PLACE AND DATE: 18 December 2015, Prague.

DATA PROTECTION OFFICER: Triinu Volmer

INSTITUTION OR BODY: European GNSS Agency