



[REDACTED]
DEPUTY HEAD OF UNIT
SUPERVISION AND ENFORCEMENT UNIT

Ms [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Brussels, 27 August 2020

[REDACTED] / D(2020) 1885 C 2019-0857
Please use edps@edps.europa.eu for all
correspondence

CONFIDENTIAL

**Subject: EDPS decision regarding complaint against the Council of the European
Union- Case 2019-0857**

Dear Ms [REDACTED],

We are writing in the context of the complaint you had submitted to the EDPS with case number 2019-0857. With our 20 May 2020 email, we had informed you that we would proceed with the investigation of your case.

In the preliminary stages of our investigation, and in order to gain as much information as possible on the matter, we contacted the controller requesting his comments on your case. This is an established complaint handling practice within the EDPS, which ensures that the issue is clarified as much as possible in the early stages, without any disproportionate efforts.

The controller put forward the following arguments regarding the processing of personal data in the context of registering additional working hours in GCS; firstly, every staff member has access to their own personal data in the Flexitime system, where working hours are registered. Secondly, staff can register themselves any additional working hours, and finally, staff members also have the possibility to check and rectify inaccurate data in the Flexitime system.

Therefore, in the controller's view, the system is designed in a way that respects and allows for the respect of the principle of data accuracy.

Following a careful examination of the information you had provided, as well as the arguments of the controller regarding the case, that the EDPS has decided that while your complaint is admissible, there are insufficient grounds for further investigation.

In light of all the information and arguments provided in this case, we consider that indeed, as we have informed you in our message of 20 December 2019, while there are some data protection elements to your complaint, the predominant issue seems to be the alleged mismanagement of human resources by the Council's administration. Further investigation of your complaint could potentially uncover some minor data protection issues, which, however, in the opinion of the EDPS, would not be particularly helpful to secure your objectives.

Should you feel that the Council's actions amount to maladministration, you may wish to submit your complaint to the European Ombudsman, who might be in a better position to handle your case.

The EDPS will therefore close the case 2019-0857.

Please be informed that you can request that the EDPS review his decision within one month. The request for revision should be lodged with the EDPS in writing and contain new factual elements or legal arguments which so far have not been taken into account by the EDPS.

You may also bring an action for annulment against this decision before the Court of Justice of the European Union, within two months from the adoption of the present decision and according to the conditions laid down in Article 263 TFEU. Please note that any request for revision of the present decision lodged with the EDPS does not interrupt this deadline.

Yours sincerely,



Data Protection Notice

According to Articles 15 and 16 of Regulation (EU) 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, please be informed that your personal data will be processed by the EDPS, where proportionate and necessary, for the purpose of investigating your complaint. The legal basis for this processing operation is Article 57(1)(e) of Regulation (EU) 2018/1725. The data processed will have been submitted by you, or from other sources during the inquiry of your complaint, and this may include sensitive data. Your data will only be transferred to other EU institutions and bodies or to third parties when it is necessary to ensure the appropriate investigation or follow up of your complaint. Your data will be stored by the EDPS in electronic and paper files for up to ten years (five years for prima facie inadmissible complaints) after the case closure, unless legal proceedings require us to keep them for a longer period. You have the right to access your personal data held by the

EDPS and to obtain the rectification thereof, if necessary. Any such request should be addressed to the EDPS at edps@edps.europa.eu. Your data might be transferred to other EU institutions and bodies or to any third parties only where necessary to ensure the appropriate handling of your request. You may also contact the data protection officer of the EDPS (EDPS-DPO@edps.europa.eu), if you have any remarks or complaints regarding the way we process your personal data. You can find the full version of our data protection notice on complaint handling at: https://edps.europa.eu/data-protection/our-role-supervisor/complaints-handling-data-protection-notice_en.