



EIOPA-16-371-Rev1

**Record of personal data processing
in the context of Administrative Inquiries &
(formal procedure) and disciplinary proceedings
(Art.31(5) Regulation (EU)1725/2018¹)**

EIOPA's Data Controller

The controller responsible for the processing is EIOPA's Executive Director.

Address and email address of the controller:

Westhafenplatz 1, 60327 Frankfurt am Main, Germany

fausto.parente@eiopa.europa.eu

EIOPA's Data Protection Officer

Westhafenplatz 1, 60327 Frankfurt am Main, Germany

dpo@eiopa.europa.eu

External Processor(s) / Joint Controller(s)

External Investigators

Purpose of the processing

Personal data are processed in order to investigate administrative inquiries and disciplinary proceedings within EIOPA. Administrative inquiries and disciplinary proceedings are investigations within the EU institutions, bodies, offices and agencies for the purpose of investigating a possible failure by staff to comply with their obligations under the Staff Regulations, respectively the Conditions of Employment of Other Servants. Administrative inquiries within EIOPA aim at reporting facts and circumstances of a case to EIOPA's Executive Director and establishing whether the relevant rules and procedures applicable to the situation under investigation have been respected and determining any individual responsibility, having regard to aggravating and extenuating

¹ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC

circumstances. An administrative inquiry can be preceded by a preliminary assessment to determine a beginning of proof of the potential allegation.

Disciplinary proceedings may be opened following administrative inquiries based on established facts and the degree of responsibility of the person concerned.

Categories of data subjects & Personal data collected

During preliminary assessments, administrative inquiries and disciplinary proceedings, the appointed assessor, investigators, the Appointing Authority or the Disciplinary Board may use any of the means legally available to them for collecting identification data, professional data and other personal data relevant for their investigation, including obtaining documents, carrying out on-the-spot investigations (including accessing computer data) and summoning any person subject to the Staff Regulations to provide information. They can also request assistance from any other relevant person.

Data may be used to evaluate the information received and assess whether wrongdoing has occurred. Data comprises information on:

- (1) the behaviour, action, inaction of persons subject of an investigation, a pre-disciplinary or a disciplinary procedure;
- (2) the legal qualification of the behaviour, action, inaction with regard to the Staff Regulations/ CEOS and other obligations;
- (3) the individual responsibility of the person concerned, including his/her financial responsibility (Article 22 Staff Regulations);
- (4) imposed sanctions, including potential disciplinary measures.

Recipients of personal data

The appointed assessor and investigators have access to the information relevant for the administrative inquiry.

In addition, in accordance with the relevant legal provisions, during or after the closure of an inquiry or disciplinary proceedings that may possibly follow, personal data may be communicated on a strict need-to-know basis to:

- other relevant parties such as witnesses (name of parties),
- representatives of the allegator and/or person concerned (name of counterparty),
- the Appointing Authority (Complete file of investigation, pre-disciplinary and disciplinary procedure),
- the Disciplinary Board (Complete file of investigation, pre-disciplinary and disciplinary procedure),
- OLAF (name of the parties and disciplinary decision in case of investigation by OLAF), Ombudsman, Court (European, national), the European Court of Auditors, the Commission Internal Audit Service, the European Data Protection Supervisor
- the Paymaster Office (disciplinary decision if financial impact),
- other relevant EIOPA staff,
- the Management Board/ Board of Supervisors in cases concerning, respectively, the Executive Director or the Chairperson
- external lawyers.

Transfer of personal data to a third country or international organisation. If so, to which ones and with which safeguards?

No personal data are sent to a third country or an international organisation in the context of this processing activity.

Retention period

The administrative inquiry/disciplinary file, and thus any personal data contained in it, is kept in the HR archives for a time period that is necessary in order to take account of it in case of potential repeated misconduct on the part of the person concerned.

In practice, the following rules apply:

a) files in cases where a decision was taken to open disciplinary proceedings are kept for 20 years from the date of the ED's decision closing the disciplinary proceedings;

b) files, in cases where a caution was issued as a result of the inquiry as well as in cases where inquiries were closed without any follow-up, are kept for 5 years from the date on which the Executive Director decides to take no action or to issue a caution to the person concerned;

c) files, which have not led to an inquiry, are kept for 2 years.

Files will not be kept beyond the periods specified above unless the personal data in the disciplinary file is rendered anonymous. In addition, a copy of the decisions taken in the context of administrative inquiries may also be stored in the personal file of the staff member. This includes the copy of the decision to take no further action if the staff member requires so.

Technical & organisational security measures taken

Several technical and organisational measures have been adopted in order to ensure the optimum security of the documents and personal data collected in the context of administrative inquiries and disciplinary procedures. More precisely:

- Paper copies of collected documents are kept in locked cupboards where access can only have persons authorised on a need-to-know basis;
- Electronic files are stored in EIOPA's document management system or EXTRANET with restricted access rights;
- Additional measures such as pseudonymisation and encryption, back-ups, audit trails are also implemented.

Information on how to exercise data subject's rights

Data subjects may exercise the data privacy rights provided in Articles 17 to 24 of the Regulation (EU) 1725/2018.

To exercise these rights, please contact: Human.Resources@eiopa.europa.eu or DPO@eiopa.europa.eu.

For more information on the processing of personal data and on how to exercise the above rights, please refer to EIOPA's Legal Notice: https://www.eiopa.europa.eu/legal-notice_en#PersonalDataProtection