

**Record of processing activity
Part 1**

Name of the data processing:

Created on

Last update

Reference number

Year

1. Controller: European Economic and Social Committee

2.a) Service responsible

2b) contact details Unit E.3 STA Working Conditions, Rights and Obligations,
Rue Belliard 99, 1040 Brussels, Belgium
(sta-obligations@eesc.europa.eu)

3. Joint controller

4. DPO: contact details data.protection@eesc.europa.eu

5. Processor(s) (where applicable)

6. Purpose(s) of the data processing The purpose of processing data is to put together a file enabling the Appointing Authority to determine whether an official or other agent has failed to fulfil their obligations under the Staff Regulations and, where appropriate, to issue a warning or impose a disciplinary penalty in accordance with the Staff Regulations.

7. Description of the categories of persons whose data are processed

Officials, temporary agents and contract agents

8. Description of data categories processed

Data relating to:

- (1) the behaviour, action or failure to act on the part of the persons under investigation and/or subject to an administrative investigation and disciplinary proceedings;
- (2) the legal definition of such action or failure to act with regard to the Staff Regulations and to other obligations by which the persons in question are bound;
- (3) the data subjects' personal, including financial, liability (Article 22 of the Staff Regulations);
- (4) any disciplinary and criminal penalties imposed on the persons concerned.

The special categories of personal data referred to in Article 10 of Regulation (EU) 2018/1725 (i.e. data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership and data concerning health and sex life) are, a priori and in principle, neither collected nor taken into account in connection with administrative investigations and disciplinary proceedings. However, in exceptional circumstances and in accordance with Article 10 of Regulation (EU) 2018/1725, it might become necessary to collect and take into account certain data specific to a person who is the subject of an investigation or disciplinary proceedings (for example, data concerning health) for the purpose of processing that particular case.

9. Time limit for retaining the data

Files that are considered not to be cases following the preliminary assessment will be stored for five years dating from the decision not to open an administrative investigation. The length of this period of storage is justified by the need to detect possible instances of repeat infringements. A single instance would not give rise to the opening of an administrative investigation, but an investigation could be launched if several such instances were to recur over time.

When disciplinary files (administrative investigations and/or disciplinary proceedings) are closed, the paper files are sent to the archives department of the Human Resources and Finance Directorate to be placed, as appropriate, in the official's personal file or for filing.

These disciplinary files (administrative investigations and/or disciplinary proceedings) are stored not only in paper format in the archives of the Directorate for Human Resources and Finance, but also electronically on the confidential drive of the E.3.STA unit under "disciplinary measures", with access limited to the persons mentioned in point 5 (b) and (e) above, for the following periods:

- Files which have given rise to an administrative investigation that has been closed without any action are stored for 10 years dating from the closure of the investigation, as are files which have given rise to a procedure under Article 3 of Annex IX to the Staff Regulations where the procedure has not been followed by disciplinary proceedings.
- Files where an administrative investigation has given rise to the opening of disciplinary proceedings are transferred to the disciplinary file and stored for a period of 20 years dating from the final decision by the Appointing Authority. The length of this period of storage is justified by the obligation, where disciplinary penalties have been imposed, to take note of possible repeat infringements and of the official's behaviour throughout the rest of his or her career (Article 10 (h) and (i) of Annex IX to the Staff Regulations).

Even in the event of the penalty recorded in a personal file being withdrawn through the application of Article 27 of Annex IX to the Staff Regulations, the penalty would continue to be recorded in the disciplinary file (administrative investigation and/or disciplinary proceedings) archived (in paper or electronic format) for the duration of the periods set out above.

Depending on the purposes for which they are collected, all or part of your personal data may be passed between different units and individuals at the EESC:

- a) the Appointing Authority and people tasked with assisting it (usually one administrator and one assistant);
- b) officials delegated by the Appointing Authority whose duties require them to have knowledge of administrative enquiries, and
- c) disciplinary files: Head of Unit, Working Conditions Rights and Obligations and Pensions
- d) (STA), his/her assistant, an administrator and the unit's legal assistant;
- e) certain members of the legal service (JUR): the head of unit, his/her assistant
- f) an administrator advising on administrative matters;
- g) (where appropriate) members of the Disciplinary Board;
- h) the Director for Human Resources and Finance, one of his/her assistants and his/her advisor;
- i) the director of the directorate to which you are assigned;
- j) the Administrative Documentation and Information (ADI) sector for the placing of any disciplinary decisions in your personal file.

Should it prove necessary, files could be forwarded – in part or in their entirety – to other bodies of the European Union or to other official bodies: the European Data Protection Supervisor, the European Anti-Fraud Office (OLAF), the Court of Justice of the European Union (CJEU), the European Ombudsman and the Court of Brussels.

11. Transfers of personal data to a third country or an international organisation

Personal data will not be transferred to third countries or to international organisations.

12. General description of security measures, where possible

Within Unit E.3.STA., the paper file is kept in the course of processing during the working day in a locked cupboard in the office of the lawyer in Unit E.3.STA responsible for the file. It is placed in the unit secretariat's safe at the end of the day or between two processing stages. Only the head of unit, the head of sector dealing with rights and obligations, the legal assistant and the secretary to the head of unit have access codes. The paper file that circulates is sent to the persons responsible for following up the file outside the unit in a sealed envelope stamped "confidential".

The investigators in charge of the file are required to lock all documents and transfer all documents to Unit E.3 STA as soon as their investigation is closed and their report has been sent to the Appointing Authority. The paper file is placed in a safe by the Appointing Authority.

The electronic version of the file is saved on a shared drive, with access limited to staff directly responsible for handling these requests, with the exception of investigators.

Part 2
Compliance check and risk screening

1.a) Legal basis and reason for processing

- necessary for the performance of a task carried out in the public interest
- (a) or in the exercise of official authority vested in the Union institution or body
 - (b) necessary for compliance with a legal obligation to which the controller is subject (see point 1b) below)
 - (c) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract
 - (d) the data subject has given consent to the processing of his or her personal data for one or more specific purposes
 - (e) necessary in order to protect the vital interests of the data subject or of another natural person

[Tick (at least) one of the boxes]

1b) Legal basis

Article 86 and Annex IX of the Staff Regulations and EESC Decision No 635/05 laying down general implementing provisions on disciplinary proceedings and administrative investigations.

2. Are the purposes specified, explicit and legitimate?

Yes

3. Where information is also processed for other purposes, are you sure that these are not incompatible with the initial purpose(s)?

Yes

4. Do you really need all the data items you plan to collect?

Yes

5. How do you ensure that the information you process is accurate?

6. How do you rectify inaccurate information?

7. Are they limited according to the maxim "as long as necessary, as short as possible"?

Yes

8. If you need to store certain information for

longer, can you split the storage periods?

9 How do you inform data subjects?

Privacy statement

10. Access and other rights of persons whose data are processed

11. Does this process involve any of the following?

- (a) data relating to health, (suspected) criminal offences or other special categories of personal data
- (b) evaluation, automated decision-making or profiling
- (c) monitoring data subjects
- (d) new technologies that may be considered intrusive

Part 3 Linked documentation

1. Links to threshold assessment and DPIA (where applicable)



No hyperlink inserted

2. Where are your information security measures documented?



No hyperlink inserted

3. Links to other documentation



No hyperlink inserted

4. Other relevant documents

[Privacy statement in FR](#)