



European Economic
and Social Committee

Record of processing activity Part 1

Name of the data processing:	Pre-litigation and litigation procedures
Created on	27/04/2020
Last update	28/08/2020
Reference number	073
Year	2020
1. Controller:	European Economic and Social Committee
2.a) Service responsible	E3 STA
2b) contact details	Directorate E – Human Resources and Finance – unit E.3. STA – Working conditions, Rights and Obligations, Pensions
3. Joint controller	Not applicable
4. DPO: contact details	data.protection@eesc.europa.eu
5. Processor(s) (where applicable)	Not applicable
6. Purpose(s) of the data processing	Handling pre-litigation and litigation files of the European civil service (complaints under Article 90(2) of the Staff Regulations and requests under Article 90(1) and (24) of the Staff Regulations) (by analogy, Article 46 of the Conditions of Employment of Other Servants).

<p>7. Description of the categories of persons whose data are processed</p>	<p>Any person covered by the Staff Regulations, members and former members, trainees, seconded national experts</p> <p>Any person concerned by a statutory decision such as dependants of staff members (spouse, descendants, etc.)</p> <p>Applicants for a job or traineeship with the EESC</p>
<p>8. Description of data categories processed</p>	<p>All data necessary to respond to a request or complaint, namely:</p> <ul style="list-style-type: none"> • data brought to the attention of the processing department by the applicant/complainant • data in the personal file (paper, Sysper and Sysper NDP), Sysper, including data on the household, personal situation of the official/agent and their professional background and information concerning management of working time • CV • probation and staff reports • disciplinary proceedings, if any • other requests and complaints • data concerning health, where applicable and as provided by the medical and social service, with due regard for medical confidentiality-
<p>9. Time limit for retaining the data</p>	<p>Paper and electronic files are retained for a period of 15 years to meet two objectives:</p> <ul style="list-style-type: none"> • to ensure that a request or complaint does not have the same purpose as a previous request/complaint made by the same person, it is necessary to keep files of responses to requests and complaints for a sufficient and reasonable period; • to make it possible to trace the decision-making practice in order to provide uniform application of the Staff Regulations.
<p>10. Recipients of the data</p>	<p>The data may be sent to the Legal Service and departments involved in the response, to the ADI service responsible for document retention, and to the managers of the head of the E3.STA unit who are involved in the response circuit.</p> <p>If a lawyer is involved in the proceedings, they may also receive the information.</p> <p>As a matter of principle, data are not communicated outside the EESC. Where proportionate and necessary for processing the request or complaint, data are transmitted to other EU institutions or bodies or third parties. (= EDPS copy).</p>

11. Transfers of personal data to a third country or an international organisation	Data will not be given to a third country or international organisation.
12. General description of security measures, where possible	<p>Paper documents are kept in a locked cupboard with the file manager and/or in the secretariat safe until the request/complaint has been fully processed and until all procedural deadlines have passed (access limited to four persons). The documents are then kept in the archives.</p> <p>Compiling a file in electronic form, on a drive that is shared between persons responsible for examining requests/complaints within the E.3.STA unit and Legal Service. Access to the drive is limited to a list of persons whose computers are password-protected.</p>
13. Privacy statement	Pre-litigation and litigation procedures
Part 2 Compliance check and risk screening	
1.a) Legal basis and reason for processing	<p>necessary for the performance of a task carried out in the public interest</p> <p><input type="checkbox"/> (a) or in the exercise of official authority vested in the Union institution or body</p> <p><input checked="" type="checkbox"/> (b) necessary for compliance with a legal obligation to which the controller is subject (see point 1b) below)</p> <p>processing is necessary for the performance of a contract to which the</p> <p><input type="checkbox"/> (c) data subject is party or in order to take steps at the request of the data subject prior to entering into a contract</p> <p><input type="checkbox"/> (d) the data subject has given consent to the processing of his or her personal data for one or more specific purposes</p> <p><input type="checkbox"/> (e) necessary in order to protect the vital interests of the data subject or of another natural person</p> <p>[Tick (at least) one of the boxes]</p>
1b) Legal basis	<p>Article 90(1) and (2), Article 24 of the Staff Regulations and Article 46 of the Conditions of Employment of Other Servants. Processing of personal data by the unit is essential for processing requests and complaints submitted on the basis of the Staff Regulations.</p>
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	The information shall not be processed for other purposes.

incompatible with the initial purpose(s)?	
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?	If an anomaly is detected, the person concerned is contacted. Automatically upon having verified the information with the data subject
6. How do you rectify inaccurate information?	Automatically after checking the information with the person concerned
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 available on the intranet
10. Access and other rights of persons whose data are processed	You have the right to access your personal data, to rectify any inaccurate or incomplete personal data, to restrict (under certain conditions) the processing of your personal data, to object to the processing of your data and to request the deletion of your personal data (if processed unlawfully). Where applicable, you have the right to receive your personal data provided to the controller or to have your personal data transmitted directly to another controller (data portability).
11. Does this process involve any of the following?	<input type="checkbox"/> (a) data relating to health, (suspected) criminal offences or other special categories of personal data <input type="checkbox"/> (b) evaluation, automated decision-making or profiling <input type="checkbox"/> (c) monitoring data subjects <input type="checkbox"/> (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