



EUROPEAN RESEARCH EXECUTIVE AGENCY (REA)

DATA PROTECTION NOTICE

REGARDING THE PROCESSING OF PERSONAL DATA IN THE CONTEXT OF ADMINISTRATIVE INQUIRIES AND DISCIPLINARY PROCEEDINGS

In accordance with 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 (Regulation), the European Research Executive Agency (Agency or REA) collects personal data only to the extent necessary to fulfil a precise purpose related to our tasks.

1. WHY DO WE COLLECT YOUR PERSONAL DATA?

The purpose of the data processing is to allow the European Research Executive Agency (REA, the Agency) and the Investigation and Disciplinary Office of the European Commission (IDOC), on behalf of the Agency, to evaluate on the basis of information gathered via inquiries if there was a breach by a staff member of his or her obligations under the [Staff Regulations](#), and, if necessary, to issue a disciplinary penalty.

IDOC conducts administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings on behalf of the Agency (pursuant to a Service Level Agreement, SLA). IDOC collects and processes personal data within this mandate. It also takes part in inquiries carried out to assess whether the professional environment of staff member(s) contributed to an occupational disease.

If requested by IDOC, REA provides the data for the preliminary assessment stage (pre-inquiry): when the Agency is informed of a situation with a possible disciplinary dimension. IDOC then conducts its assessment.

The data subjects who may be affected by this processing activity include Statutory staff (Contract Agents, Temporary Agents, Seconded Officials), the person under investigation, witnesses, third parties (persons indicated in the file), members of the Disciplinary Board and alleged victims (if any).

Based on the investigation report, the Authority Empowered to Conclude Contracts / l'Autorité Habilitée à conclure des contrats d'engagement ('AHCC') may decide to initiate disciplinary proceedings before the Disciplinary Board. The composition of the REA Disciplinary Board is based on two common inter-Executive Agency Lists of candidates to fill the positions as permanent members and their alternates (List A), and additional members (List B) for the enlargement of the Disciplinary Boards of the Executive Agencies (EA). The identification data of members of the constituted Disciplinary Board will be shared with the person(s) concerned and their legal representative(s). These lists are updated on an annual basis.

The data processed always depend upon the stage of the disciplinary procedure, nature and severity of the disciplinary investigation whilst applying the data minimisation principle at all times. Depending on the reason or action forming the basis of the investigation and disciplinary action, REA may also need to process special categories of personal data.

2. WHO IS RESPONSIBLE FOR THIS PROCESS?

The data controller is REA, represented by the Director¹.

Pursuant to the Service Level Agreement signed between REA and European Commission Directorate General ‘Human Resources and Security’, REA has assigned to IDOC the role of “full case handling service” including the stages of administrative inquiries and disciplinary procedures (“the data processor”).

Email DG HR IDOC: HR-MAIL-IDOC@ec.europa.eu

Email DG DIGIT for “ICT services” (ARES/HAN, functional mailboxes, etc.): DIGITMOU@ec.europa.eu

3. WHAT IS THE LEGAL BASIS TO COLLECT YOUR DATA?

Lawfulness of processing in accordance with Article 5 (1) (a), (b) and (d) of the Regulation:

- The processing is necessary for the performance of tasks carried out in the public interest or in the exercise of official authority vested in the Union institution or body (Article 5(1)(a) and Recital 22 of the Regulation).
- The processing is necessary for compliance with a legal obligation to which the controller is subject (Article 5(1)(b) of the Regulation):
- All legal acts are listed in the respective [Data Protection Record](#) published on the REA website.
- Processing based on consent under Article 5(1)(d): Nominated candidates provided their explicit consent to be included in the inter-Agency candidate lists (A and/or B) and were requested to provide their agreement to be included on specific disciplinary boards.

The Agency may also process special categories of personal data under Articles 10(2) of the Regulation in cases where:

- the processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law insofar as it is authorised by Union law providing for appropriate safeguards for the fundamental rights and the interests of the data subject (Article 10(2)(b)).
- the processing relates to personal data which are manifestly made public by the data subject (Article 10(2)(e)).
- the processing is necessary for the establishment, exercise or defence of legal claims or whenever the Court of Justice is acting in its judicial capacity (Article 10(2)(f)).
- the processing is necessary for reasons of substantial public interest, on the basis of Union law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject (Article 10(2)(g)).

4. WHICH PERSONAL DATA ARE COLLECTED?

The data processed are case-specific and the data processed adhere to the data minimisation principle in that they are adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed. In addition, any data is only processed strictly on a need-to-know basis.

List of data categories:

¹ [European Research Executive Agency - Organisation chart](#)

- Identification and administrative data (name, surname, personnel number, employment data, grade, function etc.);
- Case-related data (allegations / declarations etc.);
- Special categories of personal data (dependent upon the nature of the case);
- Data relating to personal details of data subject: surname at birth, current surname, forename, street, postcode, place, country, date of birth, town/city of birth, country of birth, gender, nationality(ies), telephone numbers, e-mail address, ISDN number (mobile & data communication), social media relating to the investigation and disciplinary action;
- Data relating to behaviour, action or inaction of the person(s) subject to an administrative inquiry and/or disciplinary proceedings;
- Data relating to legal qualification of that behaviour, action or inaction having regard to the Staff Regulations and other obligations incumbent on the person concerned;
- Data relating to individual responsibility of the person(s) concerned, including financial liability (Article 22 of the Staff Regulations which applies by analogy to the staff of the Agency);
- Data relating to disciplinary measures taken against the person concerned, where appropriate;
- Data relating to suspected offences, committed offences, criminal convictions or security measures;
- Data related to hearings via the written procedure (i.e. whenever the data subject concerned cannot be heard under the provisions of Annex IX of the Staff Regulations);
- Data relating to the legal representative or accompanying person of the data subject: name, surname, postal and email address, telephone number, etc;
- Data relating to witnesses: name, postal and email address, telephone numbers, etc.;
- Data relating to any persons affected or harmed by the data subject (name, surname, medical data, details of behaviour or actions) leading to the disciplinary procedure;
- Data in the form of personal identification numbers (personnel number, department, unit, sector);
- Data relating to the physical characteristics of the data subject (i.e. audio/video recording) in case the hearing is recorded;
- Data concerning the private life of the data subject (external activities, relationship, hobbies, sports, etc.);
- Financial data concerning salary, allowances and bank accounts of data subject;
- Data concerning recruitment and employment contracts of data subject (category of staff, grade, step, duration of the contract, documents relating to the work of the selection committee);
- Data concerning the data subject's family;
- Data concerning missions and journeys of the data subject (dates, destination, minutes, etc.);
- Data concerning social security and pensions of the data subject;
- Data concerning expenses and medical benefits of the data subject;
- Traffic data: Personal data relating to internet connections and/or the use of email or telephone may be processed (for example by IDOC) in the course of an administrative inquiry and/or disciplinary proceedings. In this case, the data minimisation principle (Article 4.1(c) of the Regulation) will be applied and IDOC will process only appropriate, relevant and not excessive traffic data in relation to the purpose for which they are further processed (investigation purpose);
- When IDOC, or where applicable the AHCC consider it appropriate, the hearing may also be audio recorded or held via videoconference (IDOC Guide and Commission Decision C(2019)4231 final);
- Electronic communications: In case the AHCC considers it necessary, data that relate to Internet connections, the use of e-mail or telephone within the context of an administrative inquiry or disciplinary proceeding may be processed: it will do so with due observance of the provisions of the Article 25 of the Regulation and of the [REA Steering Committee Restriction Decision](#);

- Disciplinary Board: Identification data (name, surname, telephone, e-mail address) and career related data (function, professional status, seniority) of Disciplinary Board candidates will be available to authorised personnel in the Executive Agencies.

The data categories listed above are exhaustive, but the listed data fields are non-exhaustive.

Personal data will not be used for an automated decision-making, including profiling.

Personal data are not transferred to third countries nor to international organisations.

5. WHO WILL HAVE ACCESS TO YOUR PERSONAL DATA?

The information REA collects will not be given to any third party, except to the extent and for the purpose REA may be required to do so by law.

Transfers of personal data are always limited to what is strictly necessary to inform the addressee or allow him or her to take appropriate action. The addressees are bound by their obligations under the Staff Regulations or by other applicable provisions on confidentiality.

Data may be disclosed to the following recipients, based on the need-to-know principle:

Within REA:

- Director of the Agency in his/her capacity of Authority Empowered to Conclude Contracts (AHCC);
- Members of REA Disciplinary Board that are on the inter-agency lists;
- Head of Department D;
- Head of Unit "People and Workplace" (HR unit);
- Head of Sector Selection & Recruitment, Staff Regulations and HR Planning & Reporting;
- HR staff in charge of the file and Secretariat to the REA Disciplinary Board;
- REA Internal services (Legal Service, Internal Control);
- Head of Unit "Finance".

Outside REA:

- External legal counsel of the person concerned;
- DG Human Resources and Security (DG HR);
- The Secretariat-General of the Commission (SG);
- The Legal Service of the Commission (SJ);
- Investigations and Disciplinary Office (IDOC);
- Staff from other agencies/institutions that are members of REA Disciplinary Board, also may include former staff that are members of the Active Senior Network (ASN);
- Office for the Administration and Payment of individual Entitlements (PMO);
- Medical Service;
- Doctor(s) Appointed by the Agency;
- Doctor(s) appointed by the data subject concerned;
- Medical Committee.

In addition, data may be disclosed to public authorities, which are not regarded as recipient but may receive personal data in the frame of a particular inquiry in accordance with Union and Member State law, namely:

- European Anti-Fraud Office (OLAF);
- European Public Prosecutor's Office (EPPO);
- European Data Protection Supervisor (EDPS);
- Financial Irregularities Panel (PIF);
- European Court of Auditors (ECA);
- European Ombudsman;

- The Court of Justice of the European Union (Court of Justice, the General Court of the European Union);
- Judicial/competent EU national authority that requests it for the purposes of national proceeding;
- The European Data Protection Supervisor in accordance with Article 58 of the Regulation.

This transmission is restricted to the information necessary for the legitimate performance of tasks within the competence of the recipient. The recipients of the data are reminded of their obligation not to use the data received for other purposes than the one for which they were transmitted.

6. DESCRIPTION OF THE TECHNICAL AND ORGANISATIONAL SECURITY MEASURES

The personal data are stored in a secured physical and electronic environment, to prevent unlawful or unintended access or transfer of data to persons who do not have a 'need to know'.

Relevant electronic communications are sent via SECEM encrypted email.

The AHCC final decision (not supporting documentary evidence), with or without sanctions, is stored in the personal file of the person concerned in REA.

In order to protect personal data, REA has put in place a number of technical and organisational measures. Technical measures include appropriate actions to address online security, risk of data loss/theft/breach, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need-to-know for the purposes of this processing operation.

The data collected and the documents created by REA which contain the data are stored in the case file, which is encrypted. These files can only be accessed by authorised staff with the necessary access rights.

All hard copy data are kept securely in REA premises and can only be accessed by authorised staff with the necessary access rights.

REA staff apply strict measures to ensure that the personal data are not accessed by unauthorised persons. This includes the use of locked cabinets, encrypted email and printing via presentation of personnel badges.

Access to data is granted only to authorised members of REA staff and Secretariat to the Disciplinary Board as authorised by the AHCC and/or Head of Unit People and Workplace on a strictly need-to-know basis.

7. HOW LONG DO WE KEEP YOUR PERSONAL DATA?

The Agency applies the principles and retention periods indicated in the Common Level Retention List of the Commission by analogy. In addition:

Cooperation in investigations and disciplinary procedures

Files covering complaints to the administration under Article 90(2) of the Staff Regulations and requests for assistance under Article 24 and 90(1), as well as complaints or requests under Article 22(c) are retained for a period of 15 years before being transferred to the historical archive for permanent preservation.

If IDOC requires REA to process personal data/traffic data relating to internet connections and/or the use of e-mail or telephone in the course of an administrative inquiry and/or disciplinary proceedings, these personal data will be erased by the Agency once the file has been transmitted to IDOC. IDOC

may keep the file for a longer period to establish, exercise or defend a right in a legal claim pending before a Court, OLAF and/or the European Ombudsman.

Personal files

In accordance with Article 22(2) of Annex IX of the Staff Regulations, if the AHCC decides to close the case without imposing any disciplinary penalty, and it informs the person concerned accordingly in writing without delay, there shall be no record of this decision in the personal file unless upon request of the person concerned.

Concerning the retention of the disciplinary decision that imposes a penalty/sanction on the staff member concerned, a copy of the decision will be kept in the personal file of the jobholder according to Article 27 of Annex IX of the Staff Regulations that determines the time limits from when the person concerned may request the withdrawal of any mention of the disciplinary measure that figures in the disciplinary file:

- i. 3 years in case of a written warning or reprimand
- ii. 6 years in case of any other penalty.

The Agency applies paragraph 12.4.3 of the Common Retention List by analogy.

The AHCC shall decide whether to grant this request.

Personal data are stored for no longer than is necessary for the achievement of the purposes for which the data was collected or further processed.

8. WHAT ARE YOUR RIGHTS?

You may have access to your personal data and may exercise your right of access / rectification / erasure / restriction / data portability / objection (where applicable) by sending an email to the Director of REA .

Any request from a data subject to exercise a right will be dealt within one month from receipt of the request. This period may be extended pursuant to Article 14(3) of Regulation (EU) 2018/1725.

Your right to information, access, rectification, erasure, restriction or objection to processing, communication of a personal data breach may be restricted or due to the confidentiality of electronic communications, only under certain specific conditions as set out in the [REA Steering Committee Restriction Decision](#) (OJ L 198, 4.6.2021, p.5) in accordance with Article 25 of Regulation (EU) 2018/1725.

9. CONTACT INFORMATION

In case you have any questions about the collection/processing of your personal data, you may contact the Director of REA².

Further to the above, the following instances can be addressed:

REA Data Protection Officer (DPO): REA-DATA-PROTECTION-OFFICER@ec.europa.eu

In case of conflict, complaints can be addressed to the European Data Protection Supervisor: EDPS@edps.europa.eu.

² [European Research Executive Agency - Organisation chart](#)