

Data Protection Notice

on Article 90 of the Staff Regulations

Requests or Complaints

1. Introduction

Personal data provided in the course of requests or complaint procedures submitted under the Article 90 of the Staff Regulations are processed in accordance with [Regulation \(EU\) 2018/1725 of the European Parliament and of the Council 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](#) (or Regulation (EU) 2018/1725)¹.

The Head of Human Resources is the staff member responsible for this processing operation on behalf of the data controller (i.e. Eurofound).

2. Why do we process your personal data?

Personal data are processed in order to establish the relevant facts and to assess them from a legal point of view, in order to provide the person who submits the request / complaint with a decision on his/her complaint or request.

3. Which personal data do we collect and process?

The following personal data may be processed:

- a) 'Hard data' (i.e., administrative data) which may include:
- Identification data of the complainant: last name, first name, gender, unit and function group (incl. hierarchical link);
 - Categorisation of the problem/conflict/situation;
 - Kind of intervention/action foreseen or taken; and

¹. OJ L 295 21.11.2018, p. 39-98.

- History of career progression.
- b) ‘Soft data’ (declarations and allegations made), which may include special categories of personal data² or data related to disciplinary matters and the personnel file:
- Declarations from witnesses; and
 - Any kind of supporting documentation provided by the complainant.

In some cases, depending on the subject matter of the complaint/request, medical information related to disciplinary matters might be processed.

4. What is the legal basis for processing your personal data?

The processing of personal data is necessary to comply with legal obligations Eurofound is subject³, namely:

- Article 90(1) and 90(2) of the [Staff Regulations](#); and
- Articles 46 and 138 of the [Conditions of Employment of Other Servants](#).

5. Who has access to your personal data and to whom is it disclosed?

Access to your personal data will be given on a need-to-know basis to the following categories of recipients:

- Executive Director;
- Members of the Committee on Staff Matters;
- Eurofound staff dealing with the case, including members of the Human Resources Unit and the Legal Officer;
- Members of the DG HR Legal Service⁴;
- Where the facts lead to the lodging of a court case, access to personal data will be given to Eurofound’s external lawyers; and

² As defined in Article 10(1) of Regulation (EU) 2018/1725: *personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation.*

³ Article 5(1) (b) of Regulation (EU) 2018/1725.

⁴ The DG HR Legal Service acts as a data processor. A Service Level Agreement, including a Data Processing Agreement, was concluded between both parties in 2017.

- On a need-to-know basis and in compliance with the relevant current legislation, bodies charged with monitoring or inspection tasks in application of EU law (e.g. EC internal audit, Court of Auditors, the European Ombudsman, the European Data Protection Supervisor) and the Court of Justice of the European Union, where applicable.

No other third parties will have access to your personal data, except if required by law.

6. How long do we keep your personal data?

Data are kept for a period of five years from the closure of the case. Files may be retained for a longer period of time in case an appeal is lodged before the Court of Justice of the European Union. In this case, data will be kept until there is no more possibility of appeal and the final decision has been ruled by the Court.

7. How do we protect and safeguard your data?

All documents relevant to complaint cases are stored in both:

- A paper form. The paper file is stored in a box with a combination lock, stored in a cupboard located in the HR office and whose only key is kept by HR. The combination lock is only known to the staff members assigned to the request or complaint case; and
- In an electronic version. The electronic version is stored in a secure container in Content Manager. Each complaint has a specific secure container whose access is granted only to the appropriate individuals involved in the case. Files are named in such a way as to minimise disclosure of personal data.

8. Do we transfer any of your personal data to third countries or international organisations (outside the EU/EEA)?

No.

9. Does this processing involve automated decision-making, including profiling?

No decision is taken by Eurofound in the context of this processing activity solely on the basis of an automated processing of your personal data (i.e. processing without human intervention).

10. What are your rights as a data subject and how can you exercise them?

Within the limits set by Regulation (EU) 2018/1725, you have the right to access, rectify, erase and/or port your personal data, as well as to restrict or object to the processing of your personal data.

In order to exercise your rights, please contact the Head of the Human Resources (Frank.vanBoven@eurofound.europa.eu) whereby you shall specify your claim (i.e. the right(s) you wish to exercise). The exercise of your rights is free of charge. If your request is manifestly unfounded or excessive, Eurofound may refuse to act on it.

11. Can your rights be restricted?

Pursuant to the Decision no. 21 of the Management Board of Eurofound adopting internal rules concerning restrictions of certain rights of data subjects in relation to the processing of personal data in the framework of the functioning of Eurofound⁵, your rights can be restricted for the following purposes:

- Important objectives of general public interest of the Union or of a Member State, in particular the objectives of the common foreign and security policy of the Union or an important economic or financial interest of the Union or of a Member State, including monetary, budgetary and taxation matters, public health and social security⁶;
- Protection of judicial independence and judicial proceedings⁷;
- Monitoring, inspection or regulatory function connected, even occasionally, to the exercise of official authority in the cases referred to in points (a) to (c) of paragraph 1 of Article 25 of Regulation (EU) 2018/1725⁸; and

⁵ Adopted 20 December 2019.

⁶ Article 25(1) (c) of Regulation (EU) 2018/1725.

⁷ Article 25(1) (e) of Regulation (EU) 2018/1725.

⁸ Article 25(1) (g) of Regulation (EU) 2018/1725.

- Protection of the data subject or the rights and freedoms of others⁹.

The above restrictions may apply to the following rights: right of information to be provided to the data subject, right of access, rectification and erasure of personal data and right of restriction to the processing of personal data.

The restrictions can also apply to the obligation imposed upon Eurofound of communicating a personal data breach to the data subjects affected¹⁰, as well to the obligation of ensuring the confidentiality of electronic communications¹¹.

12. Right of recourse

Should you feel that the processing infringes the data protection rules, you are entitled to raise a [complaint with the European Data Protection Supervisor](#).

13. Who shall I contact in case of doubts?

Should you have any question or doubt on this processing operation, you should contact the Head of the Human Resources (Frank.vanBoven@eurofound.europa.eu).

You may always submit queries, remarks or complaints relating to the processing of your personal data to Eurofound's Data Protection Officer (dataprotectionofficer@eurofound.europa.eu).

⁹ Article 25(1) (h) of Regulation (EU) 2018/1725.

¹⁰ Article 35 of Regulation (EU) 2018/1725.

¹¹ Article 36 of Regulation (EU) 2018/1725.