



## NOTIFICATION

### FOR DATA PROCESSING OPERATIONS

Date of registration: 28.6.2011

Register No: HR8

#### 1. Name of the data processing operation

Complaints and appeals according to Article 90, §1 and 2 of the Staff Regulations

#### 2. Data Controller

Programme or Group:	ADS 1/Human Resources Management
Function:	Head of Group
Contact person:	Catia Marigo, <a href="mailto:catia.marigo@eea.europa.eu">catia.marigo@eea.europa.eu</a>

#### 3. Description of the processing operation

##### 3.1. Area of activity in which the processing is carried out

ADS 1 group in charge of complaint and appeal will collect personal data only to the extent necessary to compile a response to the staff member or applicant who has submitted a complaint against an act adversely affecting him/her, either where the Appointing Authority has taken a decision or where it has failed to adopt a measure prescribed by the Staff Regulations.

The personal data processed within the complaint/appeal does not fall under Article 27 of Regulation (EC) No 45/2001; No confidential data is stored.

##### 3.2. Modalities for the processing operation

<input checked="" type="checkbox"/> Manual processing	Personal data is processed manually for the purpose of management and administration of complaint and/or appeals (e.g. contacts and written communications with the person concerned).
<input type="checkbox"/> Automated processing	

##### 3.3. Are the Personal data processed by an entity external to EEA ('processor')

Yes

No

#### 4. Lawfulness and purpose of the processing

##### 4.1. Legal basis

Staff regulation of Officials and Conditions of employment of other servants of the European Communities, and in particular Article 90 thereof

##### 4.2. Grounds for lawfulness

- Processing is necessary for the performance of a task carried out in the public interest by the Community institutions and bodies which includes the processing of personal data necessary for the management and functioning of those institutions and bodies (Article 5(a) of Regulation (EC) No 45/2001);
- Processing is necessary for compliance with a legal obligation (obligation to reply) to which the data controller is subject (Article 5(b) of Regulation (EC) No 45/2001);
- The data subject has unambiguously given his/her consent when lodging the complaint/appeal (Article 5(d) of Regulation (EC) No 45/2001).

##### 4.3. Purpose of the processing

Management and administration of complaint and appeal files in view of establishing the facts and, where appropriate, determine whether there has been a failure to comply with the Staff Regulations. This implies the constitution of complaint and/or appeal files (paper and electronic files), and lists of opened and completed cases. Based on the established facts the Appointing Authority will notify the data subject of its reasoned decision.

#### 5. Features of the processing operation

##### 5.1. Categories of data subjects concerned

All EEA statutory staff members (including officials, temporary agents, contract agents, special advisers), trainees, seconded national experts and candidates applying for a position within the EEA.

##### 5.2. Categories of data

Any personal data pertaining to the complaint/appeal lodged by the data subject against a decision or the failure to adopt a measure by the Appointing authority be it in relation to a selection procedure, a recruitment, etc...

#### 6. Retention practice of personal data

The complaint and appeal files are kept by ADS1 group for a period of 5 years with the purpose of comparing similar cases and guarantying a uniform and consistent application of the Staff Regulations.

### 7. Personal data processed for historical, statistical or scientific purposes

Purpose	Categories of data	Storage media
<input type="checkbox"/> Historical	Not applicable	<input type="checkbox"/> Anonymous <input type="checkbox"/> Encrypted
<input type="checkbox"/> Statistical	Not applicable	<input type="checkbox"/> Anonymous <input type="checkbox"/> Encrypted
<input type="checkbox"/> Scientific	Not applicable	<input type="checkbox"/> Anonymous <input type="checkbox"/> Encrypted

### 8. Recipients or categories of recipients to whom the data might be disclosed

The complaint/appeal file is submitted to the legal services for advice and to the Appointing Authority, i.e. the EEA's Executive Director, for its final decision. The formal letter signed by the Executive Director, or the Head of Administration in the case of complaints in relation to selection procedure, is transferred to the complainant and a copy is transferred to the HRM group, for filing and inclusion in the complaint and appeal file.

### 9. Proposed transfer of personal data to third countries or international organisations (Please tick whichever is applicable or indicate 'n/a' (not applicable))

Yes  No transfer of personal data to third party countries or international organisations.

### 10. Information given to the data subjects as described in Articles 11 & 12 of the Regulation (EC) No 45/2001)

The HRM group addresses a letter to the data subject acknowledging receipt of the complaint/appeal and informing him/her about the case reference No, the applicable time limits and his/her rights pursuant to Regulation (EC) No 45/2001 (see annex 1 attached to this notification).

### 11. Procedures to enable data subjects to exercise their rights (as indicated in Articles 13 to 19 of the Regulation (EC) No 45/2001, i.e. access, rectification, blocking, erasure, objection)

The personnel data are disclosed by the complainant him/herself who, in doing so, consents to the processing operations of his/her personal data for the purpose of the administration and management of his/her complaint/appeal. The data subject may assess at any time any additional data that is collected with a view to establish the facts and define the decision of the Appointing Authority.

### 13. Time limits for blocking and erasure of the different categories of personal data

Categories of data	Blocking	Erasure
Data related to a complaint and/or appeal against a decision of the Appointing Authority	For each justified request to block the data submitted by the applicant within the scope of a recruitment procedure at the EEA, the reply is transmitted within 10 working days upon reception of the request according to the Code of Good Administrative Behaviour.	For each justified request to erase the data submitted by the applicant within the scope of a recruitment procedure at the EEA, the reply is transmitted within 10 working days upon reception of the request according to the Code of Good Administrative Behaviour.