



Record ¹ of processing activities Regarding processing personal data in administrative inquiries and disciplinary proceedings at the EIT		
Nr	Item	Description
1	Reference number	DPO-11
2	Name of the data controller, the data protection officer and processor ² , if applicable and contact details	<p>The data controller is the EIT Director.</p> <p>Contact e-mail: EIT-Director@eit.europa.eu</p> <p>Contact e-mail of the Data Protection Officer: EIT-DPO@eit.europa.eu</p>
3	Purposes of the processing	<p>The purposes of processing personal data are:</p> <ul style="list-style-type: none"> - to analyse and assess the collected information and accompanying evidence in order to establish the facts and circumstances of the case, with a view to determining whether there is a breach of the obligations under the Staff Regulations; - to define your role in a case as a person concerned, a witness/third party or alleged victim; - to evaluate the information received in order determine the appropriate follow-up/decision: close a case without imposing any penalty/open an administrative inquiry/open a pre-disciplinary/disciplinary proceeding, impose penalties, address a warning to a person concerned, suspend a staff member, etc.

¹ In line with article 31 of Regulation (EU) 2018/1725 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 October 2018 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC

² For more information., please see below (categories of data recipients).



		Please note that hindering an administrative inquiry or a disciplinary proceeding may have possible disciplinary consequences, for example, if a witness maliciously makes a false witness statement or wilfully withhold or destroy evidence it could serve as a ground for a separate inquiry and proceeding.
4	Categories of data subjects	The data subjects are staff members being investigated (the persons concerned), witnesses, third parties (persons merely quoted in the file) and alleged victims.
5	Categories of the personal data processed	<p>The following categories of personal data may be processed:</p> <p>Personal data relating to all data subjects (i.e. person concerned by the case and other participating in the inquiry):</p> <ul style="list-style-type: none"> • staff member's basic personal information (name, surname, age, rank and personal staff number); • staff member's contact details and other personal data concerning the recruitment or the evaluation of the staff member (name of line manager, hiring date, contractual category and grade, organisational entity to which one belongs); • Events, facts and witness testimonies referring to the staff member involved in the case about the situation with a possible disciplinary dimension; • Names of the investigators, inquiry team members and members of the Disciplinary Board. <p>Personal data relating to data subjects who are the subject of the particular case (which may be revealed during the inquiry directly from the concerned staff member(s) or indirectly from informants or witnesses or from documents containing personal data used as evidence):</p> <ul style="list-style-type: none"> • personal data related to absences, leave, missions, learning and development and generally to the working performance, economic and social behaviour where relevant to the performance of the staff member's tasks; • personal data related to the private sphere and life of the staff member (social activities, behaviour), additional data related to the staff member's identity and personal status (gender, age), comments on the abilities and efficiency of the concerned staff member(s); • only when necessary and related to the case: special categories of personal data (sensitive data) concerning the staff member: health data, religion (or opinions on religion), political opinions (or



		<p>opinions on political status/opinions), philosophical beliefs (or opinions on philosophical beliefs), or trade union membership ((or opinions on trade union membership) sex life or sexual orientation (or opinion on sex life or sexual orientation), race or ethnic origin (or opinion on race or ethics origin);</p> <ul style="list-style-type: none"> • personal data relating to criminal convictions and offences. <p>The EIT adheres to the principles of data minimisation, necessity, and proportionality regarding the personal data to be collected, the means and steps of the investigation. The collection of personal data will be limited to what is directly and strictly relevant and necessary to the purpose of the inquiry and of the disciplinary proceeding.</p>
6	Categories of data recipients	<p>Within the EIT:</p> <p>The data collected will only be disclosed to the absolute minimum of persons involved on a need-to-know basis. This could involve the Director of the EIT, the Anti-Fraud Coordinator, the Ethics Officer, Advisory Committee on Conflict of Interest, the Head of Administration, Human Resources staff, the investigator(s), the person(s) designated to hold the hearing, the members of the Disciplinary Board (including Secretariat), the Data Protection Officer, or any other person involved in the procedure. All internal recipients of the data shall be required to sign a specific confidentiality declaration.</p> <p>The inquiry team (composed of one or more members) may request assistance from other specialist departments/units of the EIT, in particular the Administration Unit. For example, the IT officers may be involved and authorised to process such information on a strictly need-to-know basis and with strong limitations, is necessary and relevant for the inquiry or proceeding on question - the investigators' request should be specific so that the IT service will extract only specific and relevant information.</p> <p>The complete disciplinary file is submitted to the Appointing Authority, i.e. the EIT Director, and to the disciplinary board members in the event where a Disciplinary Board is set up. The administrative inquiry and/or the disciplinary procedure may also be disclosed to staff members</p>



		<p>designated/mandated by the EIT Director to carry out the administrative and/or disciplinary proceedings (Head of Administration Unit, Legal Officer).</p> <p>Upon completion of the administrative inquiry and/or disciplinary procedure, the final disciplinary decision is transferred to the Head of HR Section, for filing and inclusion in the personal file, where appropriate.</p> <p>In case of reporting directly to OLAF, your personal data will be processed according to OLAF Privacy Notice available at: https://ec.europa.eu/anti-fraud/system/files/2021-07/privacy_notice_antifraud_information_request_en.pdf.</p> <p>Within the Commission and other EU institutions/bodies/agencies:</p> <p>Access to your personal data may be given on a need-to-know basis and in compliance with the relevant current legislation for audit control or investigation purposes to the Court of Auditors, Internal Audit Service of the European Commission, and European Anti-Fraud Office (OLAF). Where the disciplinary decision entails financial consequences for the staff member concerned, the final disciplinary decision is forwarded to the PMO (salary processing).</p> <p>Access to the personal data may be granted also to the European Ombudsman and the European Data Protection Supervisor upon request, the General Court, and the European Court of Justice to the extent necessary for handling the review procedure and litigation.</p>
7	Time limit storage	<p>Pre-inquiry file: Documents relating to the preliminary assessment of the information collected shall be kept to a maximum of 2 years after the adoption of the decision that no inquiry will be launched.</p> <p>Administrative inquiry file: When the EIT launches an inquiry including the collection of evidence and interviews of individuals, and/or pre-disciplinary hearing, there are three possibilities:</p> <ul style="list-style-type: none"> i) the inquiry is closed without follow-up or ii) a warning is addressed to the staff member or



		<p>iii) the Appointing Authority decides to initiate the disciplinary proceeding.</p> <p>For cases i) and ii), the personal data can be retained for a maximum of 5-year-period from the closure of the investigation, taking into account audit purposes and legal recourses from the affected individuals.</p> <p>In case ii) after 18 months of the date of the warning, a person concerned may ask the appointing authority to have it removed from his or her personal file.</p> <p>For case iii), the EIT transfers the inquiry file to the disciplinary file, as the disciplinary proceeding is launched on the basis of the evidence collected during the administrative inquiry.</p> <p>Disciplinary file: in case the EIT carries out a disciplinary proceeding with the assistance of internal and/or external investigators on the basis of a contract, the maximum retention period shall be determined by the Appointing Authority by taking into consideration the nature of the sanction, possible legal recourses as well as audit purposes: this retention period cannot exceed 15 years after the adoption of the final Decision.</p> <p>The person concerned has a right to submit a request to the EIT Director for the deletion of a written warning or reprimand 3 years after the Decision was adopted or in case of another penalty (except for removal from the post) 6 years after the Decision. After the Appointing Authority granted the request, the disciplinary file which led to the penalty shall also be deleted. If the Decision on the penalty stored in the personal file is deleted, there is no reason to keep the related disciplinary file.</p>
8	If applicable, transfers of personal data to a third country or to international organization (if yes, the identification of that third country or international	No



	organization and the documentation of suitable safeguards)	
9	General description of the technical and organisational security measures	<p>Technical and organisational measures:</p> <ul style="list-style-type: none"> - access to personal data is restricted to recipients specified above; - according to the rules of data storage the related files shall be saved on the EIT devices of the authorized staff personnel during the ongoing administrative inquiry/disciplinary proceeding without using the cloud services and web tools such as ARES, SharePoint as well as personal devices, and shall be stored in the Director's safe during the established retention period after the closure of the procedure.
10	For more information, including how to exercise rights to access, rectification, object and data portability (where applicable), see the privacy statement:	<p>Please see the privacy statement annexed to the record.</p> <p>Please consult the Data Protection page on the EIT's website: https://eit.europa.eu/who-we-are/legal-framework/data-protection</p>

Signature of the data controller

(Approval is given via a workflow in ARES in place of a handwritten signature)

Annex: Privacy statement