



PRIVACY STATEMENT REGARDING DEALING WITH COMPLAINTS UNDER ARTICLE 90(2) OF THE STAFF REGULATIONS AGAINST DECISIONS OF THE EIT DIRECTOR BY THE APPEALS COMMITTEE

This privacy statement provides information on the processing of personal data by the European Institute of Innovation and Technology (hereinafter referred to as EIT) in handling complaints submitted under Article 90(2) of the Staff Regulations to the Appeals Committee against decisions of the Director of the EIT.

The processing of personal data follows the provisions of Regulation (EU) 2018/1725¹ 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 (hereinafter “Regulation”).

What is personal data and what is a personal data processing operation?

Personal data shall mean any information relating to an identified or identifiable natural person (‘data subject’). An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Processing means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automatic means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Who are the data subjects?

The data subjects are EIT staff members or other persons to whom the Staff Regulations apply such as former EIT staff members or candidates for a vacant position published by the EIT who filed a complaint to the Appeals Committee of the EIT against a decision or against a failure to adopt a measure prescribed by the Staff Regulations for which the EIT Director is responsible.

Who is the controller of the data processing?

The data controller is the Appeals Committee of the EIT.

What is the purpose of the personal data processing?

The purpose of processing personal data is to adopt decisions by the Appeals Committee on behalf of the Governing Board of the EIT against complaints lodged under Article 90(2) of the Staff Regulations when the contested decision was taken at the level of the Director of the EIT.²

¹ OJ L 295, 21.11.2018, p. 39–98

² Where decisions are taken by a lower hierarchical level than the Director by virtue of a sub-delegation decision, a complaint under Article 90(2) SR against those decisions shall be decided by the Director. The processing of personal data contained in such complaints



The data processing operations include the collection, recording, organisation, storage, consultation, use, disclosure by transmission, erasure and destruction of personal data. In particular, the personal information of the candidates contained in their application are accessed, evaluated, stored and eventually destroyed.

What types of personal data are processed?

The following types of personal data may be processed for the above-mentioned purposes in accordance with the Regulation:

- Full name of complainant;
- Personal number of the complainant;
- Grade, function, and category of the complainant;
- Data related to the personal file of the complainant:
 - Recruitment (including the criminal record for Temporary and Contract staff, Seconded National Experts);
 - Contractual matters (including transfers);
 - Job description, objectives, training maps, language certificates;
 - Evaluation data (e.g. probationary report, appraisal reports);
 - Administrative career (e.g. documents relating to reclassification);
 - Entitlements and individual rights;
 - Social security and pension;
 - Diplomatic matters;
 - Termination of service;
 - Other relevant data (e.g. employment certificates, disciplinary matters, harassment procedures etc.).
- Unit of the complainant; name of Line manager;
- Contact information of the complainant (email address; office address & private address if retired);
- Subject of the complaint, the grounds and arguments on which the complaint is based, information regarding the career, allegations, declarations, etc;
- Sensitive data (such as data concerning health, e-mails exchanged by the affected individuals with trade unions or with the EU Sickness insurance scheme) if necessary.

Who has access to the personal data of data subjects and to whom can they be disclosed?

Within the EIT:

The personal data of the data subjects are processed by the Members of the Appeals Committee and the EIT authorised staff entrusted with the task of providing support to the Appeals Committee when handling Article 90(2) complaints: assigned Legal Officer(s) within the EIT's Legal Section, Head of Administration Unit and Head of the Human Resources Section.

The personal data may be disclosed to the responsible Head of Unit and any other staff responsible for the subject matter on a case-by-case basis.

is not covered by this Privacy Statement.



Also, access to the functional mailbox AppealsCommittee@eit.europa.eu may be granted to other EIT staff on a need-to-know basis and upon agreement of the Chair of the Appeals Committee.

Access will be given to the Internal Auditor of the EIT by request if necessary for the performance of the duties of the Internal Auditor.

Within the Commission and other EU institutions/bodies/agencies:

The authorized staff that may have access to relevant personal data for audit control or investigation purposes: Court of Auditors, Internal Audit Service of the European Commission, European Anti-Fraud Office (OLAF).

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.

Third parties subject to the GDPR³ and third parties not subject to the GDPR:

Exceptionally and if necessary, personal data concerning the complaint lodged under article 90(2) of the Staff Regulations may be disclosed to an external legal services provider if the Appeals Committee considers it necessary to consult an external lawyer to advise on the complaint and/or to prepare a reply.

How long do we keep your data?

The EIT only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for 5 years after the closure of the case.⁴

What are the rights of the data subject?

In accordance with Articles 15, 17, 18, 19 of the Data Protection Regulation of European Institutions the data subjects have the **right for information**, the **right of access**, the **right of rectification** in case their personal data is not complete or not accurate and the **right to erasure** (“right to be forgotten”).

The data subjects have the right to obtain the **erasure** of their personal data in accordance with Article 19 of the Regulation and in particular in the cases when the personal data are no longer necessary in relation to the purposes for which they were collected, if the data subject withdraws its consent, or in case of unlawful processing.

³ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation, OJ L 119, 4.5.2016, p. 1–88)

⁴ Pursuant to point EIT. 3.1.1 of the Specific Retention List annexed (annex III) to EIT Decision No 35/2021 on the document management implementing rules at the EIT



Data subjects have also the **right to restriction** of processing of personal data in accordance with Article 20 of the Regulation, and the **right to object** on grounds listed in Article 23 of the Regulation.

The rights can be only exercised by sending a request in a written form to the AppealsCommittee@eit.europa.eu. As a general rule, the requests for information, access, rectification, erasure restriction are handled without undue delay and in any event within one month of receipt of the request; this period may be extended by further two months where necessary, taking into account the complexity and number of requests. In case the data subject contests the accuracy of the data, upon request, the data is restricted immediately for the period of verification of the accuracy of the data, not exceeding one month.

Restrictions to the rights of data subjects may be applied by the EIT, in accordance with Article 25 of the Data Protection Regulation of the European institutions and the EIT internal rules on restrictions⁵.

Who should be contacted in case of queries or complaints?

If you have any queries concerning the processing of your personal data, you may address them to the following email: AppealsCommittee@eit.europa.eu.

You have the right of recourse at any time to the EIT's Data Protection Officer (EIT-DPO@eit.europa.eu) and to the European Data Protection Supervisor (EDPS@edps.europa.eu) or contact the site: <http://www.edps.europa.eu/EDPSWEB/>.

Legal basis of the processing operation

General legal basis:

- 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 (EU) 2021/819 on the European Institute of Innovation and Technology (recast) (Annex I, Section 2, 3 (b) of the Statutes annexed to the EIT Regulation);
- Staff Regulations of Officials ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS') laid down by Council Regulation (EEC, Euratom, ECSC) No 259/681 (Article 90(2) of the Staff Regulations);

Specific EIT legal basis:

- Decision 14/2022 of the Governing Board of the European Institute of Innovation and Technology on the establishment of the Governing Board 'Appeals Committee';
- Decision of the Appeals Committee on the adoption of the Rules of Procedure on the functioning of the appeals committee dealing with complaints under article 90(2) Staff Regulations against decisions of the Director of EIT;

⁵ Currently under adoption. The final version will be published at the following link: <https://eit.europa.eu/who-we-are/legal-framework/data-protection>



- Decision 20/2021 of the Governing Board of the European Institute of Innovation and Technology ('EIT') of the powers conferred by the Staff Regulations on the appointing authority and by the Conditions of Employment of other servants on the authority authorised to conclude contracts of employment (Article 2(1) and 2(4));
- Decision No 35/2021 of the EIT Director on the document management implementing rules at the EIT.

Grounds for lawfulness

In line with Article 5(a) of Regulation No. (EU) 2018/1725, the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the EIT. Furthermore, processing complaints filed to the Appeals Committee of the EIT aids the independent and impartial operations of the EIT by allowing persons to whom the Staff Regulations apply to submit a complaint against a decision taken at the level of the Director of the Institute.