



Record of processing activity No 27 - Administrative inquiries and disciplinary proceedings

Title	Administrative inquiries and disciplinary proceedings
Name and contact details of controller	ECCC, People and Resources Unit – Corporate Services Sector – Human Resources (hr[at] eccc.europa.eu)
Name and contact details of DPO	ECCC Data Protection Officer: data-protection [at] eccc.europa.eu
Name and contact details of Joint Controller	N/A
Name and contact details of processor	• Directorate-General for Informatics (DG DIGIT) may act as processor for IT services supporting case handling, including Ares/HAN, functional mailboxes or other Commission IT tools, where applicable. • Where relevant supporting documents or communications are processed in ECCC Microsoft 365 services, Microsoft Ireland Operations Ltd acts as processor for the provision of M365 services acquired by ECCC under SLA DIGIT-073-00. • Where an inquiry team member, external investigator is appointed from outside ECCC, the appointee acts as processor on behalf of ECCC.
Purpose of the processing	The purpose of this processing operation is the management of personal data dealt with during administrative inquiries and disciplinary procedures within ECCC, in line with ECCC DECISION No GB/2022/18.
Description of data subjects	ECCC statutory staff and former statutory staff, including temporary agents and contract agents; seconded national experts; intra-muros experts, trainees, interim staff, other persons employed under private law contracts working on the Centre's premises; witnesses; person under investigation, third parties (indicated in the file) and alleged victims (if any); Legal representative or accompanying person of the data subject; members of the Disciplinary Board or other persons involved in the procedure.
Description of data categories	Identification and contact data: name, surname, date and place of birth, nationality, personnel number or other identification number, professional and private contact details where necessary. Professional, contract and career data: staff category, contract type, grade, step, seniority, function, unit, duties, job description, appraisal or career-related information, salary/allowance information where relevant to the case. Case-related/procedural data: allegations, declarations, complaints, requests for assistance, background information, evidence, correspondence, notes, hearing records, investigation reports, disciplinary-board documents, decisions, recommendations, appeals, follow-up measures and information on individual responsibility, including possible financial liability. Behaviour/conduct data: information used to assess actions, omissions, conduct, behaviour, efficiency, ability, compliance with obligations and legal qualification of the facts under the Staff Regulations/CEOS or other applicable rules.

	Special categories of personal data or data relating to suspected offences, offences, criminal convictions or security measures may be processed only where strictly necessary, relevant and proportionate in the specific case. Other data, where necessary and proportionate: electronic communications, internet/telephone traffic data, access/control logs, images, voice recordings or other technical evidence, social media information, family or private-sphere information and medical/occupational-disease information, where relevant to the inquiry or proceedings. Non-relevant non-mandatory personal data shall be disregarded.
Time limits (for the erasure of data)	The ECCC applies the principles and retention periods indicated in the Common-Level Retention List for European Commission Files by analogy, as detailed below: Administrative investigations: Files containing documents for which a decision has been taken not to launch an administrative investigation are retained for a period of 5 years before being destroyed. Investigations with disciplinary consequences: Files containing the investigation report, instruments of the disciplinary procedure, correspondence with the person(s) concerned, the decision imposing disciplinary measures and any follow-up (appeals) are retained for a period of 15 years before being transferred to the historical archives for permanent preservation. Investigations without disciplinary consequences: Files containing the investigation report and the documents for which the decision was taken to open a disciplinary procedure are retained for a period of 15 years before being destroyed or transferred to the historical archives for permanent preservation if the lead department is OLAF. Disciplinary procedures: Files containing documents for which the decision was taken to open a disciplinary procedure, including the instruments of the disciplinary procedure, correspondence with the person(s) concerned, the decision imposing disciplinary measures and any follow-up (appeals) are retained for a period of 20 years before being destroyed. Cooperation in investigations and disciplinary procedures: Files created by ECCC cooperating with OLAF during these investigations and disciplinary procedures are retained for a period of 15 years and 5 years by ECCC before being destroyed. Files covering complaints to the administration under Article 90(2) of the SR 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. Records in Personal files: - In accordance with Article 22(2) of Annex IX of the SR, if the AECC 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 SR 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 AECC shall decide whether to grant this request. – Personal data will be kept beyond the time-limits indicated above where they may be required for consultation in the context of legal or administrative procedures (for example claims for damages, requests by the Ombudsman, appeals to the Court of Justice of the EU etc.) which are still pending when the time-limit expires. The personal data may be further processed for historical, statistical or scientific purposes and statistical analyses may be kept to improve the quality of the processes and the management of human resources.
Data recipients	Within ECCC, on a strict need-to-know basis: the Authority Authorised to Conclude Contracts of Employment/Appointing Authority, Executive Director or delegated authority, Head of People and Resources/Corporate Services, competent managers, HR staff, Legal staff, Data Protection Officer, Internal Control/Compliance staff, investigator(s), persons designated to conduct hearings, Disciplinary Board members and secretariat where applicable, and the persons concerned or their representatives where required by procedural rights. Outside ECCC, where necessary: Members of the inquiry team or of the Disciplinary Board, DG DIGIT or relevant IT support; PMO, Commission Medical Service, doctors or medical committees where relevant; OLAF, EPPO, European Court of Auditors, Internal Audit Service/internal audit, EDPS, European Ombudsman, Court of Justice of the EU/General Court, Financial Irregularities Panel, competent national authorities or courts where applicable. Recipients must use the data only for the purpose for which they were transmitted. Any recipient of the data shall be reminded of their obligation not to use the data received for other purposes than the one for which they were transmitted.
Transfers to third countries	No transfer of personal data outside the EU/EEA or to international organisations is foreseen. If a transfer to a competent national authority or court is required in a specific case, it must be assessed separately and documented under the applicable rules of Regulation (EU) 2018/1725.
Security measures – General description	Access is restricted to authorised persons with a legitimate need to know. Electronic files are stored in secure ECCC or Commission systems subject to access controls, authentication, logging and applicable security rules. Case files are stored in restricted-access folders and, where appropriate, encrypted repositories. Hard-copy files are to be kept in locked cabinets or secure archives accessible only to authorised staff. Communications containing sensitive case material use secure channels, such as SECEN-encrypted communication where appropriate. Staff involved in the process are bound by confidentiality and professional secrecy obligations. Where ECCC Microsoft 365 services are used for supporting documents or communications, ECCC applies

	the technical and organisational security measures applicable to M365 E5 and its internal information security policies.
Privacy statement	A dedicated Data Protection Notice for administrative inquiries and disciplinary proceedings is available to staff via the ECCC intranet.