



Data Protection Notice on processing of personal data in the context of administrative inquiries, disciplinary proceedings and of the establishment of the Disciplinary Board

The European Health and Digital Executive Agency (HaDEA) processes your personal data¹ in line with [Regulation \(EU\) 2018/1725 of the European Parliament and of the Council of 23 October 2018](#)² on the protection of personal data by the European Union's institutions, bodies and agencies and on the free movement of such data.

What is the purpose(s) of this processing activity?

The purposes of the data processing are to enable HaDEA and the Investigation and Disciplinary Office of the Commission (“IDOC”), as mandated and acting on behalf of HaDEA, to evaluate whether a staff member has breached their obligations under the Staff Regulations³ and, if necessary, to decide on disciplinary measures.

Preliminary assessment: when the Agency is informed of a situation with a possible disciplinary dimension, it forwards the available information to IDOC for assessment. At the end of the preliminary assessment, IDOC issues a recommendation to the Authority Empowered to Conclude Contracts of Employment (AECE), either: not to follow-up a case (to treat it as a "non-case"), to refer the case to OLAF, to open an administrative inquiry, or to organise a preliminary hearing directly.

IDOC conducts administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings on behalf of the Agency based on a specific mandate pursuant to a Service Level Agreement (‘SLA’). IDOC collects and processes personal data in the context of its proceedings in accordance with the following record <https://ec.europa.eu/dpo-register/detail/DPR-EC-01149.4>.

Based on the investigation report the AECE may decide to initiate the disciplinary proceedings provided for in section 4 of Annex IX to the Staff Regulations, i.e. without the involvement of the Disciplinary Board, or initiate disciplinary proceedings before the Disciplinary Board in cases provided for under Article 3 of Annex IX to the Staff Regulations.

In this context, HaDEA⁴ shall establish a Disciplinary Board. Its composition is based on two common inter-Executive Agency Lists of candidates to fill the positions as

¹ **Personal data** shall mean any information relating to an identified or identifiable natural person (‘data subject’). An identifiable natural 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.

² 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 (OJ L295/39 of 21.11.2018).

³ Staff Regulations of Officials of the European Union (hereinafter ‘Staff Regulations’) and Conditions of Employment of Other Servants of the European Union (hereinafter ‘CEOS’), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013, OJ L 287, 29.10.2013, p. 15.

⁴ In compliance with Annex IX of the Staff Regulations.

permanent members and their alternates (List "A"), and additional members (List "B") of the Disciplinary Boards of the Executive Agencies ("EA").

Who is the data controller?

The data controller of the processing operation is the Head of the Unit C.3 "Staff, Communication and Support" of HaDEA.

In case of joint calls for expression of interest to constitute the common inter-Executive Agency Lists of candidates for the Disciplinary Boards of EAs, the Agencies participating in these joint calls act as joint controllers.

When IDOC is mandated by HaDEA, it will process your personal data on HaDEA's behalf pursuant to a Service Level Agreement ('SLA'). IDOC can be contacted via HR-MAIL-IDOC@ec.europa.eu. You may find more information about how your personal data is processed by IDOC here: <https://ec.europa.eu/dpo-register/detail/DPR-EC-01149.4>

Which personal data is collected?

The data processed vary depending on the stage of the disciplinary procedure, nature and severity of the investigation, always adhering to the principle of data minimisation.

The following of your personal data are collected:

Preliminary assessment

- Identification and administrative data of the HaDEA staff member(s) concerned.
- Data concerning allegations. As regards individuals connected with the allegations, affected by the allegations or acting as witnesses, HaDEA may process their data regarding identity, duties, contact details, career, skills, trainings, professional experience, suspected or committed offences, missions and journeys, professional emails or Internet history, social security, private life and any other data relevant to the case. The data may also include information related to behaviour or perception of the facts of the case. When IDOC or the AECE deem it appropriate, the hearing may also be audio recorded or conducted via videoconference.
- Special categories of personal data: depending on the reason or action forming the basis of the investigation and disciplinary action, HaDEA may need to process special categories of personal data, such as data related to racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation.

Administrative inquiry and disciplinary proceedings

During this phase, IDOC may process additional personal data to the personal data received at the preliminary assessment phase in relation with the person subject to the allegations or any related third party. Upon the closure of an inquiry, pre-disciplinary or disciplinary proceedings, personal data in IDOC's file can be communicated to other services on a need-to-know basis only. This is done, for example, because of their role in processing or following up on the disciplinary file. The information may be communicated, upon request, to the EU Courts.

Disciplinary Board

Identification data (name, surname, professional status, seniority, e-mail address) of candidate members of the Disciplinary Board will be visible to the Executive Agencies that are parties to the Memorandum of Understanding (MoU) on common lists of

candidates for the Executive Agencies' Disciplinary Boards [Ares(2024)4725264-01/07/2024].

Identification data of members of the Disciplinary Board will be shared with the person(s) concerned.

The AECE final decision

The AECE final decision is stored in the personal file of the person concerned at HaDEA.

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

Data may be disclosed to the following recipients on a need-to-know basis:

Within HaDEA:

- The AECE;
- Heads of relevant Departments, Units and Sectors;
- Head of Unit C.3 "Staff, Communication and Support" and Head of People Sector;
- HaDEA People Sector (HR staff in charge of the relevant files);
- HaDEA Internal services (i.e. Legal Sector, ex-post, Internal Control and Anti-Fraud Sector staff in charge of the relevant files);
- Head of Unit C.2 "Financial Support and Control";
- HaDEA Disciplinary Board, which may be comprised of (former) staff members from the Commission and other Institutions;
- Witnesses and individuals indicated in the relevant file;
- The staff members concerned as regards identification data of the members of the Disciplinary Board.

Outside HaDEA:

- Directorate General for Human Resources and Security (DG HR);
- IDOC;
- PMO;
- Executive Agencies that are parties to the MoU (only the names of the candidates for the Disciplinary Board and their contact details will be disclosed);
- Medical Service;
- European Anti-Fraud Office (OLAF);
- European Data Protection Supervisor (EDPS);
- European Court of Auditors (ECA);
- European Ombudsman;
- European Public Prosecutor;
- The EU Courts;
- Judicial/competent EU national authority upon request for national proceedings purposes.

Your personal data **will not be transferred** to third countries or international organisations.

The processing of your data will **not include automated decision-making** (such as profiling).

Which is the legal basis for processing your personal data?

The legal basis for the processing activities are:

- Article 5(1)(a) of Regulation EU 2018/1725 because 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 Union institution or body;
- Article 5(1)(b) of Regulation EU 2018/1725, as processing is necessary for compliance with a legal obligation to which the controller is subject.

In particular, the legal bases are the following:

- Articles 22, 26, 73 and 86 and Annex IX to the Staff Regulations and articles 49, 50 and 119 of the Conditions of Employment of Other Servants of the European Communities ("CEOS");
- Commission Decision of 12 June 2019 laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings⁵;
- Decision of HaDEA Steering Committee concerning restriction of certain rights of data subjects in relation to the processing of personal data in the framework of activities carried out by the Agency⁶;
- The Service Level agreement ("SLA") between HaDEA and DG HR signed on 22 March 2021 (ref. Ares(2021)2014174) including the services provided by IDOC as set out in the relevant Appendix of the SLA;
- MoU on common lists of candidates for the Executive Agencies' Disciplinary Boards [Ares(2024)4725264-01/07/2024].

HaDEA may also process special categories of personal data under Article 10(2)(b) of Regulation 2018/1725.

HaDEA also processes personal data having regard to IDOC practical guide on procedures in administrative inquiries, pre-disciplinary and disciplinary proceedings that applies to the Executive Agencies with which IDOC has concluded Service Level Agreements ([Practical guide / Annual reports \(europa.eu\)](#)).

How long do we keep your personal data?

HaDEA applies the principles and retention periods indicated in the Common-Level Retention List for European Commission Files⁷.

In accordance with Article 22(2) of Annex IX to the Staff Regulations, if the AECE decides to close the case without imposing any disciplinary penalty, they must inform the person concerned in writing without delay. In such cases there will be no record of this decision in the personal file unless requested by the person concerned.

⁵ Applicable to HaDEA by analogy pursuant to HaDEA Decision SC01(2021)06 of 26 February 2021.

⁶ SC04(2017)27.

⁷ Ref. Ares(2019)4374520.

As regards the retention of disciplinary decisions that impose a penalty/sanction on the staff member concerned, a copy of the decision will be kept in the personal file of the staff member according to Article 27 of Annex IX to the Staff Regulations. This Article determines the time limits within which the person concerned may request the withdrawal of any mention of the disciplinary measure from the disciplinary file, i.e., 3 years in case of a written warning or reprimand and 6 years in case of any other penalty. The AECE shall decide whether to grant such requests.

Personal data will be kept beyond the time-limits indicated above if they are required for consultation in the context of legal or administrative procedures which are still pending when the time-limit expires.

What are your rights regarding your personal data?

You have the right to access your personal data and to request your personal data to be rectified, if the data is inaccurate or incomplete; where applicable, you have the right to request restriction or to object to processing, to request a copy or erasure of your personal data held by the data controller. If processing is based on your consent, you have the right to withdraw your consent at any time, without affecting the lawfulness of the processing based on your consent before its withdrawal.

Your request to exercise one of the above rights will be dealt with without undue delay and within **one month**.

In the context of the performance of administrative inquiries and disciplinary proceedings, the application of certain rights of data subjects may be restricted under the conditions stipulated in the Decision of HaDEA Steering Committee concerning restriction of certain rights of data subjects in relation to the processing of personal data in the framework of activities carried out by the Agency.

If you have **any queries** concerning the processing of your personal data or wish to exercise any of the rights described above, you can contact the Head of Unit C.3 at hadea-people@ec.europa.eu and HaDEA DPO at HADEA-DPO@ec.europa.eu.

You shall have right of recourse at any time to the European Data Protection Supervisor at EDPS@edps.europa.eu.

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