



Data Protection Notice in the context of for appeals pursuant to Article 90 Staff Regulations

The European Health and Digital Executive Agency (HaDEA or Agency) 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 purpose of this processing activity is to handle Article 90 Staff Regulation administrative requests and complaints. Requests under Article 90(1): Agency staff may ask the Director to take a decision concerning him/her. Complaints under Article 90(2): Agency staff may lodge a complaint against a decision, which they consider prejudicial.

Who is the data controller?

The data controller of the processing operation is the Head of Unit C3 – Staff, Communication and Support of the European Health and Digital Executive Agency (HaDEA).

The European Commission Directorate General for Human Resources & Security **may process** your personal data on our behalf, based on a Service Level Agreement for the provision of assistance in the fields of Article 90 appeals and case monitoring.

Which personal data is collected?

The following of your personal data can be collected:

- Identification data
- Private address and telephone
- Email address
- Short description or subject of the request or complaint
- Any other personal data that will be provided by the complainant.

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

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).

Within the Agency, **the recipients** of your personal data will be:

- the People (Human Resources) Sector and Head of Unit;
- the legal sector;
- the Director;
- the relevant Head of Unit;
- the relevant Head of Department.

On a need to know basis and in compliance with the relevant current legislation, bodies charged with monitoring or inspection tasks in application of EU law (e.g. EC internal audit, Court of Auditors, European Anti-fraud Office (OLAF), the European Public Prosecutor Office (EPPO), the European Ombudsman, the European Data Protection Supervisor).

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

Which is the legal basis for processing your personal data?

The legal basis for the processing activities is

Article 5(1)(a) of Regulation 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 vested in HaDEA by the following legal acts:

Article 5(1)(b) because processing is necessary to comply with a legal obligation to which the controller is subject under Art 90 of the Staff Regulation:

- Requests under Article 90 (1): Agency staff may ask the Agency Director to take a decision concerning him/her. The purpose of this request is to secure a decision from the appropriate authority responsible for concluding contracts of employments. Requests should not seek revision of a decision already taken, unless new evidence comes to light, in which case a request can be submitted to have that decision reviewed.
- Complaints under Article 90(2): Agency staff may lodge a complaint against a decision which they consider prejudicial. By lodging a complaint, the Agency staff member contests a decision by the appropriate authority which, in his/her view, affects his/her statutory rights and is prejudicial. Thus, a complaint presupposes the prior existence of an administrative act taken by the appropriate authority that may be challenged by the staff member.

How long do we keep your personal data?

The time for which the complaint files may be kept in the personal file shall be 5 years.

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.

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

Are there any restrictions to these rights?

HaDEA may also restrict your rights of access to your personal data contained in the file, as well as your right to erasure, your right to restriction of processing or your right to be informed of a data breach, if one of the grounds for restriction listed in Article 25 of Regulation (EU) 2018/1725 applies and the restriction respects the essence of the fundamental rights and freedoms and is necessary and proportionate³.

If you have any queries concerning the processing of your personal data, you may address them to Head of Unit C3 – Staff, Communication and Support (entity acting as data controller) via hadea-hr-appeals@ec.europa.eu.

The HaDEA Data Protection Officer is at your disposal for any clarification you might need on your rights under Regulation (EU) 2018/1725 at the following e-mail address: HADEA-DATA-PROTECTION@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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³ See [HaDEA Decision SC04\(2021\)27 on restriction of data subjects rights](#).