

01 - Name of processing	Requests and complaints concerning statutory rights under Art.90 Staff Regulations
02 - Reference	80
03 - Submission Date	05-05-20
04 - Last update	09-09-21
05a - Controller	RICOTTA Salvatore
05b - Unit-Sector	Human Resources
05c - Controller's email	HoUResourcesandSupport@era.europa.eu
06 - DPO	DataProtectionOfficer@era.europa.eu 120 Rue Marc Lefrancq, 59300 Valenciennes, France Tel.+33 (0) 32 70 96 500
07 - Name and contact details of joint controller (where applicable)	
08a - Who is actually conducting the processing? (Article 31.1(a))	The data is processed by a third party (e.g. contractor) (Art. 29 – Processor)
08b - Name and contact details of processor (where applicable)	DG HR assists the Agency with Art. 90 complaints.

09 - Purpose of processing	<p>To handle requests and complaints submitted by staff members under Article 90(1) and Article 90 (2) of the Staff Regulations (SR).</p> <p>Personal data are processed in order to establish the relevant facts and to assess them from a legal point of view, in order to provide the person who submits the request / complaint with a decision on his/her complaint or request of the Appointing Authority (Executive Director) or by the Management Board Appeals Committee if the contested decision was taken by the Executive Director), in compliance with Articles 90(1), 90(2) SR. Staff member's personal data will not be further processed in a way incompatible with those purposes.</p> <p>Requests and complaints may be issued under the following provisions: Any person to whom the Staff Regulations apply may submit, under Article 90(1), a request to the Appointing Authority that it takes a decision relating to him/her; Any person to whom the Staff Regulations apply may submit, under Article 90(2), a complaint to the Appointing Authority against an act adversely affecting him/her. Any applicant to a call for applications / for interest for a vacancy / mandate governed by the Staff Regulations.</p>
10a - Data Subjects	Private person or Staff member
10b - Personal data	<p>Personal data contained in files (paper and electronic) related to the request. The personal data collected and further processed are: data provided by the person concerned; data provided by HR or legal service (i.e. those services having information relevant for the analysis of the complaint/request);</p> <p>In some cases, depending on the subject matter of the complaint/request, medical information related to disciplinary matters might be processed.</p>
11 - Time limit for keeping the data	Data subject's personal data are retained for a period that is necessary for the purpose for which they were collected and further processed. The complaints are not stored within the HR team as they are addressed to the ERA MB.

12 - Recipients of the data	<p>Staff members of the HR Team (for files and collection of documents)DG HR (for legal support and advice)Executive Director (unless the contested decision is against one taken by him/her)Management BoardIf the decision is challenged before the European Court of Justice, the relevant file may be sent to a lawyer contracted for that purpose.Once the decision is signed, it is sent to the person concerned, the service(s) concerned and, in certain cases, to the personal file of the person concerned.</p> <p>Access to personal data is limited to the persons authorized only or those who have a need to know. Any recipient of the data is bound by the rules set in the Staff Regulations and, where appropriate, any additional rules on confidentiality. Furthermore, 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.</p>
13 - Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?	N/A
14 - How is data stored? What are the security measures implemented?	<p>Art. 90 complaints are addressed to the MB. HR is not involved in the storage of these documents.</p> <p>However, according to the provisions, throughout this procedure only authorised people are attributed access rights and only on a "need-to-know" basis. Any possible security measure is taken to prevent any improper use of or unauthorized access to the electronic file. Procedure-related documents are kept in a secure environment, , or locked in cupboards.</p>
15 - For more information, including how to exercise your rights to access, rectification, object and data portability (where applicable) see the data protection notice	<p>Staff have the right to access personal data, which is the right to obtain confirmation about the data processed by the Agency and the right to ask for the correction of any inaccurate or incomplete personal data.Staff have also the right to object to the processing or request the removal of your personal data, which will be implemented as soon as the specific request will have been deemed legitimate.</p>
15a - Data subject rights	<p>Right to have access; Right to rectify; Right to erase ("right to be forgotten"); Right to withdraw consent at any time</p>

16 - Legal Basis	Staff Regulations and CEOS and implementing Rules;
17 - Lawfulness of processing	The data processing is considered lawful under art. 5.1 (a), (b) and (c) of the Regulation (EC) 2018/1725, because it is necessary: for compliance with a legal obligation to which the controller is subject
18 - Data minimisation	The data from the complainant are essential for assessing the complaint and for conducting the Art. 90 procedure.
19 - Accuracy	The HR actors are not directly involved in Art. 90 procedures. HR actors are only requested to provide assistance to DG HR.
20 - Threshold assessment	
21 - Special category data	
22 - DPIA	
23 - Link to the Threshold assessment-Risks	
24 - Other related documents	