

## Privacy Statement for Complaints Procedure under Article 90(2) of the Staff Regulations

This privacy statement, in line with Articles 15 and 16 of [Regulation \(EU\) 2018/1725](#)<sup>1</sup>, provides information to the data subjects relating to the processing of personal data of individuals carried out by the European Union Agency for Law Enforcement Training (CEPOL) in fulfilling its tasks.

The purpose of this document is to describe how CEPOL complies with its obligations to protect personal data under Regulation (EU) 2018/1725 and to provide individuals with information about CEPOL's processing of personal data and their rights and obligations under the Regulation.

### What is the purpose of the processing?

To handle the processing of complaints under Article 90(2) of the Staff Regulations.

### What is the legal basis for the processing of personal data?

Regulation (EEC) No 31<sup>2</sup> laying down the Staff Regulations of Officials (SR) and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community (CEOS), in particular Article 90(2) SR.

Regulation (EU) 2018/1725 and in particular Article 5 (1)(a)(b)(e).

Decision of the Management Board of CEPOL 09/2017/MB on the European Union Agency for Law Enforcement Training (CEPOL) policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment.

Decision of the Management Board of CEPOL 22/2017/MB on the sub-delegation of powers concerning Article 90(2) of the Staff Regulations.

### Who is the data controller?

The data controller is Mr Roeland Woldhuis, Head of Corporate Services Department, [HeadofCSD@cepol.europa.eu](mailto:HeadofCSD@cepol.europa.eu).

### Who are the data subjects?

- Complainants – all staff of CEPOL subject to the Staff Regulations of Officials and the Conditions of Employment of Other Servants who file a complaint, including unsuccessful candidates for recruitment procedures.
- Other persons whose names may appear in relevant documentation/files related to the matter that is the subject of the complaint.

<sup>1</sup> 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 L 295, 21.11.2018, p. 39–98.

<sup>2</sup> OJ 45, 14.6.1962, p.1385

<b>Privacy Statement</b>	Document number: FO.DAPR.033-1
	Approval date: 10/09/2019

### Which types of data are being processed?

**Objective (“hard”) data:** factual, administrative information including identification data of the complainant (e.g name, grade, job profile).

**Subjective (“soft”) data:** allegations and statements by the complainant regarding the act affecting him/her adversely. In certain circumstances, this could include special categories to data<sup>3</sup> where it is relevant to the complaint.

Special categories of data may be revealed throughout the whole procedure. These data shall not be processed, unless one or more grounds of Article 10(2) of Regulation (EU) 2018/1725 apply.

### How is data processed?

The data is processed mainly manually. Paper files are kept in locked cabinets and electronic files are kept in folders with restricted access rights. There is a dedicated functional mailbox for submission purposes and the access rights to the mailbox are restricted. Processing of the data takes place strictly only on a ‘need-to-know’ basis.

The competent body to issue a reasoned decision is the Management Board that has sub-delegated this power to the Chairperson. Documentation shared with the Chairperson of the Management Board is password protected. In case it is decided to use the service of the Directorate General of Human Resources of the European Commission in relation to the handling of the complaint, a copy of the file is shared with the relevant unit. The Executive Director receives a copy of the complaint and of the decision.

### Who are the recipients of the data being processed?

- Chairperson of the Management Board of CEPOL;
- Management Board of CEPOL (only limited depersonalised information on the proceedings);
- Executive Director of CEPOL;
- Head of Corporate Services Department (if relevant);
- Human Resources team of CEPOL;
- Legal officer of CEPOL;
- Internal control officer of CEPOL
- Directorate General of Human Resources of the European Commission (only if the Service Level Agreement in place is used for the handling of the complaint);
- Governance Team of CEPOL (if relevant for administrative support reasons);
- EU bodies (if relevant): European Court of Justice, European Ombudsman, European Data Protection Supervisor, European Anti-Fraud Office (OLAF), Internal Audit Service of the European Commission, European Court of Auditors.

### Is data transferred to third countries or international organisations?

Not applicable

### What rights do data subjects have?

Data subjects have the right to access their personal data and the right to correct any inaccurate or incomplete personal data. Data subjects can obtain the rectification of inaccurate

<sup>3</sup> As defined in Article 10(1) of Regulation (EU) 2018/1725.

<b>Privacy Statement</b>	Document number: FO.DAPR.033-1
	Approval date: 10/09/2019

or incomplete personal data concerning them from the data controller. Rectification of inaccurate hard data may be requested at any time.

Data subjects can refuse and/or withdraw their consent with respect to further processing of their data. Data subjects have the right to request restriction of processing of personal data concerning them or to object to the processing of their data. In addition, where applicable, data subjects have the right to receive their personal data in a structured, commonly used and machine-readable format.

If necessary, rights of data subjects may be subject to restrictions in line with Management Board Decision 17/2019/MB laying down internal rules concerning the restriction of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of CEPOL.

Substantiated requests should be emailed to [HeadofCSD@cepol.europa.eu](mailto:HeadofCSD@cepol.europa.eu). The time limit to block/erase data on justified grounds at the request of data subjects is 15 working days from the date of receipt of such a request.

General requests can be emailed to the CEPOL Data Protection Officer at [DPO@cepol.europa.eu](mailto:DPO@cepol.europa.eu)

### How long is your data retained by CEPOL?

Data shall be stored in paper and electronic forms for a maximum period of 5 years from the day of the processing of the complaint. This period of time covers the time limit for replying to a complaint (4 months). In case the complaint has been submitted by a staff member, a copy of the decision shall be kept in the personal file of the staff, in accordance with Article 26 of the Staff Regulations.

### Who should you contact for more information on the processing of your personal data by the Agency?

#### Data Protection Officer (DPO)

Within CEPOL, there is a data protection officer. This person is independently responsible for ensuring the internal application of Regulation (EU) 2018/1725 and that the rights and freedoms of the data subjects are not likely to be adversely affected by the processing operations. The DPO keeps a register of all processing operations of personal data carried out by the Agency.

The DPO also provides advice and makes recommendations on rights and obligations of data controllers and data subjects. CEPOL's DPO can be contacted at [dpo@cepol.europa.eu](mailto:dpo@cepol.europa.eu).

#### European Data Protection Supervisor (EDPS)

The [European Data Protection Supervisor](#) is an independent supervisory authority with responsibility for monitoring and ensuring the application of data protection rules by EU Institutions and Bodies, which includes CEPOL. The EDPS provides advice to EU Institutions and Bodies on all matters relating to the processing of personal information and cooperates with national supervisory authorities to improve protection of personal information.

### What should you do if you believe your data is being misused by the Agency?

If you believe your data is being misused by CEPOL, or is otherwise not compliant with your rights and freedoms under Regulation (EU) 2018/1725 you should notify the data controller, Mr Roeland Woldhuis, [HeadofCSD@cepol.europa.eu](mailto:HeadofCSD@cepol.europa.eu).

<b>Privacy Statement</b>	Document number: FO.DAPR.033-1
	Approval date: 10/09/2019



You may also contact the Agency's DPO to inform him/her of any issues related to the processing of your data. If the problem is not rectified after contact with the data controller and DPO, every data subject has the right of recourse to lodge a complaint with the EDPS, as provided for by Article 63 of Regulation (EU) 2018/1725.