



RECORD OF DATA PROCESSING

Record of EFCA activities processing personal data, based on Article 31 of Regulation (EU) 2018/1725 ¹

1. TITLE **ADMINISTRATIVE ENQUIRIES AND DISCIPLINARY PROCEEDINGS**
 2. REF NUMBER **DPR-44**

PART I (PUBLIC)

CONTROLLER/S OF THE DATA PROCESSING OPERATION	
3. CONTROLLER	HEAD OF UNIT RESOURCES AND IT EUROPEAN FISHERIES CONTROL AGENCY (EFCA) AVDA. GARCÍA BARBÓN, 4, E-36201 VIGO
ORGANISATIONAL UNIT	Unit Resources and IT Sector HR & Legal
CONTACT PERSON/S	EFCAHR at efca.europa.eu + FUNCTIONAL MAILBOX
4. DATA PROTECTION OFFICER (DPO)	Stefano DONADELLO +34 986 12 06 24 EFCA-DPO at efca.europa.eu

WHERE APPLICABLE:

5. JOINT CONTROLLER	N/A
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WHERE APPLICABLE:

6. PROCESSOR	N/A
EXTERNAL CONTACT	N/A

¹ 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

7. PURPOSE/S	To implement the Draft AB decision laying down the General Implementing Provisions on the Conduct of Administrative Inquiries and Disciplinary Procedures. Follow up by the Appointing Authority, as appropriate, on staff members' failure to comply with their obligations under the Staff Regulations/ CEOS, in accordance with Article 86 of the Staff Regulations. Enable staff members to have the necessary information to exercise their rights as data subjects.	
8. CATEGORIES OF DATA SUBJECTS	<input checked="" type="checkbox"/>	EFCA STAFF (TA, CA, SNE)
	<input checked="" type="checkbox"/>	EXTERNAL SERVICE PROVIDERS, TRAINEES,
		OTHER. PLEASE SPECIFY:
Further details: (a) Staff member (TA, CA) and SNE (by analogy); (b) Individuals who participate in an inquiry and disciplinary proceedings in a role other than that of the investigated staff member, including witnesses or "whistle-blowers".		
8BIS. CATEGORIES OF PERSONAL DATA	<input checked="" type="checkbox"/>	NAME AND SURNAME
	<input checked="" type="checkbox"/>	CONTACT DETAILS
	<input checked="" type="checkbox"/>	EDUCATION, TRAINING, EMPLOYMENT
	<input checked="" type="checkbox"/>	FAMILY, LIFESTYLE, SOCIAL CIRCUMSTANCES
	<input checked="" type="checkbox"/>	FINANCIAL DETAILS
	<input checked="" type="checkbox"/>	OTHER. PLEASE SPECIFY:
Further details: The data undergoing processing are as follows: (a) surname, first name, personal number, grade/step; (b) data relating to status under the Staff Regulations and Conditions of employment of other servants; (c) data relating to the conduct, action or inaction of persons under investigation and/or subject to disciplinary proceedings; (d) data relating to the legal definition of such action or inaction with regard to the Staff Regulations and to other obligations by which the persons in question are bound; (e) data relating to the individual responsibility of the persons concerned, including financial liability; (f) data relating to penalties imposed on the persons concerned, if required.		
9. TIME LIMIT	<p>a) Files which have led to the opening of a disciplinary procedure will be stored for a period of 20 years starting from the date of the Executive Director's decision concluding the procedure;</p> <p>b) Files where the Executive Director decides that no case can be made against the staff member or where a warning is issued shall be stored for a period of 5 years.</p> <p>Files and all related information may be deleted upon request of the staff member after a period of:</p> <p>a) Eighteen months in the case of a warning;</p> <p>b) Three years in the case of the penalty of a written warning or reprimand;</p> <p>c) Six years in the case of another penalty.</p>	
10. RECIPIENTS	<input checked="" type="checkbox"/>	DESIGNATED EFCA STAFF
		CONTRACTORS
	<input checked="" type="checkbox"/>	EU INSTITUTIONS AND BODIES
	<input checked="" type="checkbox"/>	MEMBER STATES AUTHORITIES
		OTHER. PLEASE SPECIFY:
<p>Further details:</p> <p>Staff of HR and Legal Sector, Head of Unit Resources and IT, Legal Officer, Executive Director, Investigators, Members of the Disciplinary Board.</p> <p>Personal data may in the course of an investigation be transmitted to OLAF as evidence of fraud and following an administrative inquiry conducted by OLAF.</p> <p>Where the disciplinary decision has a financial impact or involves a change in the grade it is forwarded to the HR and Legal Sector for the adjustment of the salary. The HR and Legal Sector then requests the salary adjustment to the Paymaster's Office.</p> <p>If the staff member contests an Executive Director's decision, the disciplinary file may be referred to the Court of Justice of the European Union.</p> <p>It may happen that data are transferred to the competent national authorities such as a national Court where there is an infringement of national law. In such instances, if data are transferred at the request of a national authority, it must establish the 'necessity' for the transfer. If, on the other hand, data are transferred on the sole initiative of EFCA, it will be for the latter to establish the 'necessity' for the transfer in a reasoned decision.</p>		

11. ARE THERE ANY TRANSFERS OF PERSONAL DATA <u>OUTSIDE THE EU/EEA</u> ?		
YES	NO	
	<input checked="" type="checkbox"/>	TO THIRD COUNTRY RECIPIENTS
	<input checked="" type="checkbox"/>	TO INTERNATIONAL ORGANISATIONS
	<input checked="" type="checkbox"/>	PUBLISHED ON THE INTERNET
IF <u>YES</u> , ON WHAT GROUNDS?		
N/A		
12. GENERAL DESCRIPTION OF SAFEGUARDS TAKEN		
A number of additional technical and organisational measures have been put in place by the Agency. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.		
13. SPECIFIC PRIVACY STATEMENT (WHERE APPLICABLE)		
Available at the EFCA Website: EFCA Records Register EFCA (europa.eu)		