



**PRIVACY STATEMENT IN THE CONTEXT OF
ADMINISTRATIVE ENQUIRIES AND DISCIPLINARY PROCEEDINGS**

<p>WHY AND HOW DO WE PROCESS YOUR DATA?</p>	<p>The European Fisheries Control Agency is committed to respect the right to data protection. As the EFCA collects and further processes personal data with the purpose of the Conduct of Administrative Inquiries and Disciplinary Procedures, it is subject to Regulation (EU) 2018/1725¹.</p>
<p>DATA CONTROLLER</p>	<p>Your personal data will be under the responsibility of: HEAD OF UNIT RESOURCES AND IT EUROPEAN AGENCY FOR FISHERIES CONTROL (EFCA) AVDA. GARCÍA BARBÓN, 4, E-36201 VIGO</p>
<p>LEGAL GROUND/S</p>	<p>This activity is carried out by the Agency based on public interest under:</p> <ul style="list-style-type: none"> - Article 86 and Annex IX to the Staff Regulations; - Article 110 of the Staff Regulations; - Articles 49, 50 and 119 CEOS
<p>WHAT DATA WE COLLECT?</p>	<p>(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</p>
<p>WHO HAS ACCESS TO YOUR DATA?</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>
<p>HOW DO WE PROTECT YOUR PERSONAL INFORMATION?</p>	<p>A number of 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 according to the EFCA Information Security Policy. 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.</p>

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

<p>HOW LONG DO WE KEEP YOUR DATA?</p>	<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>
<p>YOUR RIGHTS AS DATA SUBJECT</p>	<p>You have the right to access your personal data and may request them to be updated and rectified, blocked or erase through direct request to the HR and Legal Sector as far as admissible.</p> <p>Certain restrictions may apply according to the internal rules adopted by Decision of the EFCA Administrative Board and published on the Official Journal of the European Union (L 251/1).</p>
<p>CONTACT INFORMATION AND RECOURSE</p>	<p>For any questions or concerns, if you would like to exercise your rights or submit a complaint, you may address the Data Controller orally, by email or by paper.</p> <p>You may also contact the EFCA Data Protection Officer (DPO): EFCA-DPO@efca.europa.eu</p> <p>If you consider that your rights under Regulation 2018/1725 have been infringed as a result of the processing, you are entitled to have recourse at any time to the European Data Protection Supervisor (EDPS): EDPS@edps.europa.eu</p>