

Privacy statement

Protection of Your Personal Data

1. Introduction

This privacy statement concerns the processing of personal data (e.g. storage and copying) submitted as part of submissions under Articles 22(c), 24 and 90(2) of the Staff Regulations ("SR"). Under these provisions a person to whom the SR applies may submit to the Appointing Authority responsible for concluding contracts of employment ("AACC"):

- a request or a complaint under Article 22c SR;
- a request for assistance under to Article 24 SR;
- a complaint under Article 90(2) against an act adversely affecting him/her.

The European institutions are committed to protecting and respecting your privacy. As assessing and deciding upon the request/complaints set out above requires ECHA to collect and further processes personal data, 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 agencies¹ and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC is applicable.

The processing of personal data received in the above cases is undertaken by the Legal Affairs Unit. The Data Controller is the Head of Legal Affairs Unit. In case the request is outsourced to the European Commission the processing is undertaken also by the Directorate General for Human Resources and Security of the European Commission. The Controller is the Head of the Unit at the European Commission responsible for staff complaints.

2. Why do we process your data?

Purpose of the processing operation: The persons responsible for processing your personal data do so in order and only to the extent this is required to allow the AACC to exercise his/her competences set out in the Staff Regulations. In general, your personal data will be processed to establish the relevant facts and to assess them, in order to provide you with a decision of the AACC on your complaint or request. Your personal data will not be further processed in a way incompatible with those purposes.

Lawfulness of (legal basis for) the processing: Article 5(b) of Regulation (EU) 2018/1725 (obligation of the AACC to provide a reply to the complaint/request submitted under Article 90 SR, Article 24 SR and Article 22c SR) and Article 5(d) of Regulation (EU) 2018/1725. By submitting a complaint/request to the AACC, you give your consent to the processing of your personal data.

3. Which data do we collect and process?

The personal data collected and further processed are:

¹ Regulation (EU) 2018/1725 (OJ L 295, 21.11.2018, p. 39–98).

Internal

- data provided by the person submitting the complaint/request;
- data provided by the service(s) concerned;
- data stored in databases accessible to the Legal Affairs Unit.

In some cases, depending on the subject matter of the complaint/request, medical data or data related to disciplinary matters might also need to be processed.

4. How long do we keep your data?

The data is kept for a period of five years from the date of closure of the case.

A copy of the complaint together with the corresponding decision and evidence on its notification is stored permanently as highly restricted in an internal database used by the Legal Affairs Unit accessible to the case handlers, assistants and the Head of Unit and his/her back-ups.

5. How do we protect your data?

All personal data in electronic format (e-mails, documents, uploaded batches of data etc.) are stored in a Highly Restricted database.

In particular, Legal Affairs Unit has the following mechanisms in place in order to protect your personal data:

- the members of the Unit processing your personal data are bound by the duty of confidentiality and secrecy;
- only the case handlers, Head of Unit and his/her back-ups, assistants and the relevant staff of the services concerned have access to the documents stored in the Highly Restricted database;
- specific rules for medical data guarantee that medical data will only be made available to the case handlers and the assistants;
- upon request also the AACC has access to all the case documents;
- e-mails containing personal data are always transmitted encrypted and protected by a password, which is transmitted to the receiver separately;
- possible paper files are stored in locked cupboards and hand-delivered in sealed envelopes.

6. Who has access to your data and to whom is it disclosed?

Access to your data is provided to authorised staff according to the “need to know” principle.

Access and processing of personal data is restricted to persons who are required to do so in order to handle your request/complaint. These are in principle the persons handling the complaint/request (case handlers), the Head of Unit of the Legal Affairs Unit and his/her back-ups and assistants, the contact point(s) in the relevant services and the AACC.

The recipients of the data are the following:

- AACC receives the final decision for signature;
- The service concerned and the person concerned receive the decision once it has been signed and, in certain cases, it is sent to the personal file of the person concerned (for example, decisions concerning medical files are not sent to the personal file).
- The European Commission if the case is transferred to be handled through the Service Level Agreement between the Agency and the Commission.
- External law firm abiding by additional confidentiality agreements may receive the relevant file in case the decision is challenged before the European Court of Justice.

- The Translation Centre for the European Union Bodies, only where necessary.

7. What are your rights and how can you exercise them?

According to Articles 17 to 22 of Regulation (EU) 2018/1725, you are entitled to exercise your rights of access, rectification, erasure, restriction of processing and data portability in the terms therein established.

You can exercise your rights by sending an email to the functional mailbox: aacc@echa.europa.eu or, in case of conflict, the Data Protection Officer and, if necessary, the European Data Protection Supervisor, using the contact information given at point 8 below.

8. Contact information

If you have comments or questions, any concerns or a complaint regarding the collection and use of your personal data, please feel free to contact the Data Controller using the following contact information:

The Data Controller: Head of Legal Affairs Unit (aacc@echa.europa.eu).

The Data Protection Officer: data-protection-officer@echa.europa.eu.

The European Data Protection Supervisor: edps@edps.europa.eu.