



Record of processing activity

Requests for assistance under Article 24 of the Staff Regulations

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

Nr	Item	Description
Part 1 - Article 31 Record (publicly available)		
1	Last update of this record	12/05/2021
2	Reference number	EBA/DPR/2021/3
3	Name and contact details of controller	Controller: European Banking Authority, Tour Europlaza, 20 avenue André Prothin, CS 30154, 92927 Paris La Défense CEDEX, France Contact: ExecutiveOffice@eba.europa.eu
4	Name and contact details of DPO	dpo@eba.europa.eu
5	Name and contact details of joint controller (where applicable)	Not applicable
6	Name and contact details of processor (where applicable)	Staff responsible for handling the request for assistance in the Legal and Compliance Unit (Legal.Mailbox@eba.europa.eu) and in the Human Resources Unit (hrteam@eba.europa.eu).
7	Short description and purpose of the processing	In accordance with Article 24 of the Staff Regulations, the EBA shall assist any staff member in particular in proceedings against any person perpetrating threats, insulting or defamatory acts or utterances, or any attack to person or property to which he or a member of his family is subjected by reason of his position or duties. The perpetrator of those actions may be a third party or a fellow member of the staff of the EBA. This includes also harassment within the meaning of Article 12 of the Staff Regulations. A staff member who feels he/she is the victim of psychological or sexual harassment is entitled to initiate a formal procedure under Article 24 of the Staff Regulations without first going through the informal procedure with the assistance of confidential counsellors. Proceeding to the formal procedure implies the automatic closure of any pending informal procedure which may have been initiated with the support of confidential

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		counsellors. Further to the request for assistance, the Executive Director will assess whether there is prima facie evidence substantiating the claims made. The existence of this prima facie evidence is necessary in order to trigger a legal obligation to fully and expeditiously launch an administrative inquiry to establish the full facts of the matter. If the Executive Director considers there is prima facie evidence warranting the launching of an inquiry, the stage of the administrative inquiry begins (he appoints an investigator to carry out an inquiry and a person responsible for the inquiry). If the request for assistance is explicitly rejected, the requestor has 3 months to file a complaint under Article 90(2) of the Staff Regulations (or four months in the event of an implicit rejection).
8	Description of categories of persons whose data the EDPS processes and list of data categories	<p>Categories of staff: Temporary agents (in application of Article 11 CEOS); Contract agents (in application of Article 127 CEOS); Family of staff members; Retired staff members; Staff members on unpaid leave; Staff members having left EBA.</p> <p>Data categories: Basic personal information about the persons mentioned above, such as surname, first name, gender, age, and in case of staff members, name of line manager, hiring date, contractual category and grade, organisational entity; Allegations, declarations; Sensitive data (such as data concerning health, etc.); Emails exchanged by the affected individuals; Witness statements.</p>
9	Time limit for keeping the data	If the request for assistance is rejected by the Executive Director, data processed in this context are kept for as long as necessary subject to a maximum of 10 years after the rejection of the request, in order to allow a harmonised application of the Staff Regulations. Should the Legal and Compliance Unit consider it necessary to retain the electronic files beyond the 10 years, personal data contained in those files shall be anonymised. If the request for assistance is retained and an administrative inquiry is launched, the data processed shall become part of the inquiry file.
10	Recipients of the data	Personal data processed in the context of requests for assistance may be disclosed to the Administrative Director and the staff member responsible for the request for assistance in the Legal and Compliance Unit. Data may also be disclosed to a restricted number of staff in Human Resources Unit on a need to know basis. If the staff member concerned contests a decision rejecting a request for assistance, the file may be referred to the Court of Justice of the European Union. Data may be sent to the Ombudsman, if the staff member concerned addresses a complaint.
11	Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?	No

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12	General description of security measures, where possible	Technical measures include storing the case files electronically in a restricted area of the Document Management System. Only persons with a legitimate 'need to know' for the purposes of this processing operation have access to the personal data. Organisational measures include the use of locked closets, confidential settings in the emails and printing with badging.
13	For more information, including how to exercise your rights to access, rectification, object and data portability (where applicable), see the data protection notice:	Link to data protection notice