Privacy Statement on the protection of personal data in relation to

**Appeals procedure as per SR Article 90(2)**

All personal data are processed in accordance with the provisions of 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.

**Identity of controller:**

The controller is Cedefop – European Centre for the Development of Vocational Training
Postal address: Cedefop Service Post, Europe 123, 570 01 Thermi, GREECE
Telephone: (+30) 2310-490111
Email: info@cedefop.europa.eu

Responsbile department or role: Cedefop’s Appeals Committee
Contact email address: selections-appeals@cedefop.europa.eu

**Purpose of processing:**

The purpose of the processing of personal data in connection with appeals/complaints submitted under Article 90(2) is for the Appeals Committee to assess the admissibility and the merit of the appeal/complaint and process the appeal/complaint submitted by the complainant.

**Data processed:**

Typically, the data processed may include:

1. Complainant identification and contact data: such as surname, first name, email address, private address if external candidate to selection procedure, signature.
2. Complaint data may include: date, the actual complaint, the act which is the subject of the complaint, personal data contained in the complaint and/or the documents annexed by the complainant to related annexes.

**Note:** the Appeals Committee can access any data relevant to a particular complaint and any other data necessary for the due processing of the complaint by the Appeals Committee (As per Art.7 of the Decision of 4 February 2000, “the Appeals committee shall consult the personal files of the complainant at the consent of the person concerned and all other documents relevant to the matters complained of and may require any other official or other servant of Cedefop to appear before it or to provide information in connection with the complaint”). For example, if an appeal/complaint concerns an appraisal report, appraisal-related data contractual status and grade, career history may be processed. If it concerns the payment of an allowance, data related to such payments are processed. Complainants might include in their complaints data related to third parties (e.g. witnesses, family members), where applicable.

**Legal basis / lawfulness:**
Data is processed in accordance with the objectives of:

- Article 90 of the Staff Regulations
- Decision of the Management Board of the European Centre for the Development of Vocational Training (CEDEFOP) concerning the treatment of complaints under Article 90 of the Staff Regulations dated 4 February 2000
- Decisions on the composition of the Appeals Committee

The lawfulness of the processing is defined by Articles 5(1)(a) of Regulation (EU) 2018/1725 and Article 5(1)d in that consent is inherent when complainants annex on their own volition documents they feel useful to support their appeal and which may contain additional personal data.

**Recipients of data:**

- **Internal recipients:** Mail registration agent (registers the incoming complaint and possible annexes), Appeals Committee members, AIPN/HCC (Executive Director), Legal Function Team and/or Legal Advisor, HR Service (author of Cedefop’s views on the complaint)
- **External recipients:** Court of Justice (where applicable), Court of Auditors, Internal Audit Service of the European Commission (if they are part of an audit), translation service, interpreter (if necessary).

**The retention period of the collected personal data**

Retention periods are derived from Cedefop’s Records Management retention schedule:

- Originals of all files are kept in the Appeals Committee folder in Cedefop’s Records Bank. Retention is 20 years from the moment the Appeals Committee issues its decision. After that, they are kept permanently by Cedefop as it is a repository of 'case law'. These documents are not to be transferred to the Historical Archives of the EU. Copies of all or some of these records are kept in the Appeals Committee records bank with the same retention.
- A copy of the appeal/complaint and of the Appeals Committee decision is filed in the appellant's personal file. Retention of personal file is 8 years after the extinction of all rights of the person concerned and of any dependents, but at least 120 years after the date of birth of the staff member concerned.
Data subject's rights:

Data subjects have the right to request from the controller access to and rectification or erasure (under specific circumstances) of their personal data or restricting of processing.

Data subjects also have the right to object to processing of their personal data.

The controller shall provide information on action taken on a request within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests.

To exercise the mentioned rights, data subjects may contact the controller by sending an email to: selections-appeals@cedefop.europa.eu

If data subject’s rights have been breached, they can always lodge a complaint with the Cedefop’s Data Protection Officer: data-protection-officer@cedefop.europa.eu

Data subjects are also entitled to have recourse at any time to the European Data Protection Supervisor: edps@edps.europa.eu

**UPDATED:** 1 November 2023