

Cedefop record of processing activity

Appeals procedure as per SR Article 90(2)

Record of Cedefop activities processing personal data, based on Article 31 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 1247/2002/EC.

Nr.	Item	Description
1.	Last update of this record	01/11/2023
2.	Reference number	CDFNOT043
3.	Name and contact details of controller	<p>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</p> <p>Responsible department or role: Cedefop's Appeals Committee</p> <p>Contact email address: selections-appeals@cedefop.europa.eu</p>
4.	Name and contact details of DPO	data-protection-officer@cedefop.europa.eu
5.	Name and contact details of joint controller (where applicable)	<p>N/A</p> <p>Note that the legal representative of a complainant is independent controller for his/her own processing of personal data when legally representing his/her clients.</p>
6.	Name and contact details of processor (where applicable)	<ul style="list-style-type: none"> Legal Advisor(s) (external) Directorate HR.F – Finance, Legal & Partnerships Appeals and Case Monitoring: provides Cedefop's Appeals Committee with legal support under Service Level Agreement between DG Human Resources and Security (DG HR) and Cedefop

		<ul style="list-style-type: none"> Microsoft Ireland (South County Business Park, One Microsoft Place, Carmanhall and Leopardstown, Dublin, D18 P521, Ireland), who provides the M365 platform. See related record of data processing activity: Microsoft 365 Documents, Records management and Collaboration
7.	Very short description and purpose of the processing	<p>Purpose of the processing</p> <p>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 complaint submitted by the complainant.</p> <p>Description of the processing</p> <p>In 2000, Cedefop's Management Board established an Appeals Committee to process complaints submitted under Article 90(2) of the Staff Regulations against acts or omissions of the appointing authority or, as the case may be, the authority authorised to conclude contracts. Applicants to Cedefop's selection procedures are also eligible to lodge complaints under Art.90(2) of the SR.</p> <p>Complaints from Cedefop staff are addressed to either the Chair or the Secretary of Appeals Committee. Externals must use a dedicated email address.</p> <p>After reception of the complaint, the AC Secretary transmits a copy to AC members, to DGHR (who supports the AC under the SLA) and to the AIPN. DGHR then officially requests Cedefop's point of view on the case from Cedefop's administration. Cedefop's views on the complaint are prepared by the HR Service, which may consult Cedefop's Legal Advisor, who may consult external legal advisors if deemed necessary.</p> <p>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.</p> <p>Data is processed also in accordance with:</p> <ul style="list-style-type: none"> Article 90 of the Staff Regulations; Decision of 4 February 2000 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;

		<ul style="list-style-type: none"> • Consolidated Rules of procedure of the Appeals Committee (16 November 2005), Conciliation procedure (RS/HR/2011/0963) dated 23 June 2011 and Addendum dated 29 September 2022. • the relevant Service Level Agreement concluded between Cedefop and DG HR according to which DG HR acts as external legal advisor and provides Cedefop and more specifically Cedefop's Appeals Committee with legal support, including analysis of the case and drafting support for the Decision to be issued by the Appeals Committee within the statutory deadline.
8.	Description of categories of persons whose data the EDPS processes and list of data categories	<p>Data subjects: any person to whom the Staff Regulations Apply (i.e. officials, temporary agents and contract agents) as well as external candidates to Cedefop's selection procedures. Personal data of third parties such as witnesses (including family members etc.) may be processed as well if necessary for the processing of the complaint.</p> <p>Categories of personal data processed: Note that there is no specific template or form to be used for an Article 90(2) complaint in Cedefop. The type of data processed depends on the nature and/or subject of the appeal/complaint.</p> <p>Typically, the data processed may include:</p> <ol style="list-style-type: none"> 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. <p>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, "<i>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</i>"). 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.</p>

		<p>Special categories of data:</p> <p>Appeal data, particularly the complaint itself and/or documents annexed by the complainant, may contain special categories of data within the meaning of Article 10 of Regulation 2018/1725 i.e. "personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs; trade-union membership; genetic data, biometric data processed solely to identify a human being; health-related data; data concerning a person's sex life or sexual orientation". Any personal data of special categories within the meaning of Article 10 of the EUDPR, will be mandatorily protected in Cedefop's Records Bank by the application of the corresponding sensitivity labels and the special technical measure of "Double-key encryption" (DKE).</p>
9.	Time limit for keeping the data	<ul style="list-style-type: none"> • 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.
10.	Recipients of the data	<ul style="list-style-type: none"> • 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).
11.	Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?	<p>MS Sharepoint use for storage of Cedefop's records might entail transfers to third countries. See related record of data processing activity: Microsoft 365 Documents, Records management and Collaboration</p>

12.	General description of security measures where possible.	<p>Electronic documents stored in Cedefop's Records Bank subject to Cedefop's ICT security measures. ICT security measures described in and IS Security Incident Management Policy. Any personal data of special categories within the meaning of Article 10 of the EUDPR, will be mandatorily protected by the application of the corresponding sensitivity labels and the special technical measure of "Double-key encryption" (DKE).</p> <p>A copy of the appeal as well as the decision are stored in the personal file of the staff member concerned. Personal files in the records bank also use sensitivity labels and the special technical measure of "Double-key encryption" (DKE).</p>
13.	For more information, including how to exercise your rights to access, rectification, object and data portability (where applicable), see the privacy statement:	Privacy statement made available in Cedefop's Intranet and web portal