

**EMCDDA Personal Data Protection Record on  
ADMINISTRATIVE ENQUIRIES AND DISCIPLINARY PROCEDURES**

Nr.	Item	
<b>Header - versioning and reference numbers (recommendation: publicly available)</b>		
1.	Last update of this record	24-5-2019
2.	Reference number:	DPO-034
<b>Part 1 - Article 31 Record (recommendation: publicly available)</b>		
3.	Name and contact details of controller	Controller: EMCDDA Praça Europa 1, 1249-289 Lisboa, Portugal Contact: Mr Dante Storti Head of ADM unit <a href="mailto:EMCDDA-HR@emcdda.europa.eu">EMCDDA-HR@emcdda.europa.eu</a>
4.	Name and contact details of DPO	Mr. Ignacio Vázquez Moliní, DPO, EMCDDA <a href="mailto:dpo@emcdda.europa.eu">dpo@emcdda.europa.eu</a>
5.	Name and contact details of joint controller (where applicable)	n.a.
6.	Name and contact details of processor (where applicable)	n.a.
7.	Purpose of the processing	<i>The purpose of the processing is exclusively, within the scope of the establishment of an administrative inquiry/disciplinary procedure file allowing the EMCDDA appointing authority, to determine if a staff member failed to fulfil his/her statutory obligations and, if deemed necessary, to impose a disciplinary action pursuant to the Staff Regulations and its implementing rules.</i>
8.	Description of categories of persons whose data EMCDDA processes and list of data categories	The categories of personal data dealt with during any call for this EMCDDA record are the following: <ul style="list-style-type: none"> <li>• Identification details: family name, name, personnel number, function group, grade.</li> <li>• Information provided by the applicant: N/A</li> <li>• Other personal data: N/A</li> </ul> <i>Data subjects are potentially all EMCDDA staff, i.e. officials, temporary agents, contractual agents, working or having worked at the Agency.</i>
9.	Time limit for keeping the data	Electronic and, if applicable, printed data will be stored in the EMCDDA's files as follows: <ul style="list-style-type: none"> <li>• The files with the administrative inquiries and disciplinary procedures can be preserved by the EMCDDA for a maximum period of 5 years from to the closing date of the</li> </ul>

		<p>inquiry or from the date of the disciplinary decision. With regard to retaining the disciplinary decision in the personnel file, Art. 27 of Annex IX of the Staff Regulations stipulate the deadlines for a staff member's request to withdraw any mention of the disciplinary sanction. However, the decisional capacity belongs to the Appointing Authority. The staff member concerned will be informed, but must be made aware that even when it was decided to withdraw a disciplinary sanction from his/her personnel file following Art. 27 of Annex IX of the Staff Regulations, the file would still be kept by the EMCDDA for a maximum period of 5 years from the closing date of the disciplinary decision. Disciplinary files kept by the EMCDDA can only be consulted by the staff member concerned or the disciplinary authority.</p> <ul style="list-style-type: none"> <li>• After the mentioned period only data related to a macroscopic vision of the appraisal exercises of staff will be kept for statistical reasons and will be kept anonymous</li> </ul>
10.	Recipients of the data	<p><i>Information is accessible to all parties concerned in a disciplinary procedure or administrative enquiry. The full file of the enquiry is submitted to the Director (Appointing and Disciplinary Authority). If a disciplinary procedure takes place the complete file is presented to the members of the Disciplinary Board. All parties concerned have access to the information regarding a case (i.e. the official/s, temporary agent/s and contract staff concerned, the persons in charge of conducting the inquiry, etc.). Witnesses shall have access to their own statements. Furthermore, HR designated staff dealing with the case to administratively facilitate the handling of the case and, should the Director so decide, the EMCDDA Security Services and the staff of the EMCDDA legal service. Last but not least, any of the supervisory instances of the EMCDDA, namely the ones in charge of external audit.</i></p> <p><i>The final decision only is sent to the HR for inclusion in the personnel file of the staff member concerned. Should the final decision imply a disciplinary measure that has impact on the agents' salary, the decision is communicated to the PMO. Transfer of data to third parties will only take place if it is necessary for the legitimate execution of the third parties' mission/duty towards the resolution of the concrete case. 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, Article 8 of the <a href="#">Regulation (EU) 2018/1725</a> is applicable. All recipients of the data are reminded of their obligation not to use the data received for any further/other purpose than the one for which they were transmitted.</i></p>

11.	Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?	NO
12.	General description of security measures, where possible.	<p>The data collected is stored in an electronic database on designated EMCDDA equipment. YES</p> <p><i>The data collected (electronic data) in the framework of the management of the personal data for administrative enquiries and disciplinary procedures will be stored electronically in a separate folder within the Human Resources Management sector drive (only HR staff have access to this drive). Where EMCDDA processes require printing of electronic data, print-outs are safely stored in the Human Resources Management sector's offices in locked cabinets.</i></p>
13.	For more information, including how to exercise your rights to access, rectification, object and data portability (where applicable), see the privacy statement:	<a href="http://home.emcdda.europa.eu/appraisal">http://home.emcdda.europa.eu/appraisal</a>