

**REGISTER NUMBER: 87**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 22 February 2006

Case number: 2006/99

Institution: European Court of Justice

Legal basis: article 27-5 of the regulation CE 45/2001<sup>(1)</sup>

*(1) OJ L 8, 12.01.2001*

**INFORMATION TO BE GIVEN<sup>(2)</sup>**

*(2) Please attach all necessary backup documents*

1/ Name and adress of the controller

Mark Ronayne, Head of the Personnel Division, Court of Justice of the European Communities, L-2925 Luxembourg

2/ Organisational parts of the institution or body entrusted with the processing of personal data

Personnel Division; Personnel and Finance Directorate

3/ Name of the processing

Disiplinary procedures

4/ Purpose or purposes of the processing

It is necessary, from time to time, to take disciplinary proceedings against a member of staff under Article 86 and Annex IX of the Staff Regulations, applicable by analogy to other agents.

Proper management of the procedure requires the constitution of a file containing all the relevant administrative documents.

<p>6/ Description of the data or categories of data(<i>including, if applicable, special categories of data (article 10) and/or origin of data</i>)</p> <p>All officials and agents subject to the Staff Regulations and the Conditions of Employment of Other Agents. One file is opened for each procedure. All documents created in the course of the procedure are filed. There is no particular internal structure to the file. (There are a very small number of files.)</p>
<p>7/ Information to be given to data subjects</p> <p>The Staff Regulations provide that, in those cases where the seriousness of the charge justifies the bringing of proceedings before the Disciplinary Board, the member of staff concerned shall have the right to obtain his complete personal file and take copies of all documents relevant to the proceedings, including exonerating evidence [Article 13 (1) of Annex IX]. If disciplinary proceedings are taken we will ensure that the required information is given. (No proceedings have been taken recently.)</p>
<p>8/ Procedures to grant rights of data subjects(<i>rights of access, to rectify, to block, to erase, to object</i>)</p> <p>According to Article 27 of Annexe IX of the Staff Regulations, "an official against whom a disciplinary penalty other than removal from post has been ordered may, after three years in the case of a written warning or reprimand or after six years in the case of any other penalty, submit a request for the deletion from his personal file of all reference to such measure. The Appointing Authority shall decide whether to grant this request.</p>
<p>9/ Automated / Manual processing operation</p> <p>Manual.</p>
<p>10/ Storage media of data</p>
<p>11/ Legal basis and lawfulness of the processing operation</p> <p>Article 86 Staff Regulations, applicable by analogy to other agents, provides for the bringing of disciplinary proceedings against officials and agents who have failed to comply with their obligations under the Staff Regulations or the Conditions of Employment. The Appointing Authority has never yet had occasion to communicate with OLAF or the Financial Irregularities Panel. No procedures exist.</p>
<p>12/ The recipients or categories of recipient to whom the data might be disclosed</p>

<p>The Director of Personnel and Finance.  The Head of the Personnel Division.  A Head of Section within the Personnel Division.  If necessary, other Members of the Personnel Division.  The Legal Advisor for Administrative matters.  Members of the Disciplinary Committee.  The Appointing Authority for disciplinary matters.  At the request of the member of staff concerned, the file, or part of it, may be translated. In this case, the file will be seen by a member of the Court's Translation Directorate.</p> <p>In the event of an appeal, the file may be seen by the Complaints Committee, and may, on further appeal, be transferred to the Court hearing the appeal.  A decision imposing a sanction would be filed in the personnel file. It could be removed in accordance with Article 27 of Annex IX.</p>
<p>13/ retention policy of (categories of) personal data</p>
<p>13 a/ time limits for blocking and erasure of the different categories of data  (on justified legitimate request from the data subject)  (Please, specify the time limits for every category, if applicable)  INDEFINITELY</p>
<p>14/ Historical, statistical or scientific purposes  If you store data for longer periods than mentioned above, please specify, if applicable, why the data must be kept under a form which permits identification,</p>
<p>15/ Proposed transfers of data to third countries or international organisations  NONE</p>
<p>16/ The processing operation presents specific risk which justifies prior checking (please describe):</p>

AS FORESEEN IN:

XX Article 27.2.(a)

Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

XX Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject,

Article 27.2.(c)

Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

XX Other (general concept in Article 27.1)

17/ Comments

PLACE AND DATE: LUXEMBOURG: 31 JANUARY 2006

DATA PROTECTION OFFICER: Marc Schauss

INSTITUTION OR BODY: COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES











