

REGISTER NUMBER: 1352

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 15/12/2015

Case number: 2015-1103

Institution: European Investment Fund

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

(1) OJ L 8, 12.01.2001

Disciplinary Measures and Sanctions

(2) Please attach all necessary backup documents

1/ Name and address of the controller

European Investment Fund (EIF)
37B, Ave. J.F. Kennedy,
L - 2968 Luxembourg

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

EIF Human Resources

3/ Name of the processing

Disciplinary procedures and sanctions, following incidents where staff fail to fulfil their obligations to the EIF or when staff are charged with a criminal offence
update of EIB Group notification no. 2005-0102

4/ Purpose or purposes of the processing

The management and follow-up of disciplinary procedures and sanctions relating to incidents and misconduct of EIF staff members in line with section 6 of the Staff Regulations (Articles 38 to 41) and the EIF Staff Code of Conduct

5/ Description of the category or categories of data subjects

EIF staff

6/ Description of the data or categories of data (*including, if applicable, special categories of data (article 10) and/or origin of data*)

Type of incident and respective sanction in the context of the Staff Regulations

Date at which the relevant sanction is enforced

Details of the incident leading to the sanction

Term of sanction

7/ Information to be given to data subjects

Disciplinary sanctions can take the form of a) a written reprimand, b) up to one year's suspension of incremental advancement; or c) summary dismissal for grave misconduct (with or without the severance grant and reduction of pension rights). In the latter case, the staff member is entitled to contest the measures through an administrative process involving a Joint Committee convened by the Chief Executive to deliberate over the case and to deliver an opinion. The staff member is entitled to contest the outcome of the Joint Committee's decision through a claim before the European Court of Justice.

8/ Procedures to grant rights of data subjects (*rights of access, to rectify, to block, to erase, to object*)

Each staff member is entitled to have access to his/her personal file, including any information concerning disciplinary sanctions

9/ Automated / Manual processing operation

Information related to disciplinary sanctions are included in the personal file of the staff member concerned, including the HR IT system (PeopleSoft), if applicable. Authorised HR staff may extract a sanctions list from the IT system. The relevant IT systems are centrally administered by EIB for EIB and EIF (cf. notifications no. 2014-0861, 2014-1141)

<p>10/ Storage media of data</p> <p>IT system People Soft Human Resources Management System (PSFT HRMS) Hard copy files with HR in a locked cupboard accessible only to HR staff</p>
<p>11/ Legal basis and lawfulness of the processing operation</p> <p>EIF Staff Regulations (Art. 38) Service Level Agreement EIF - EIB for HR administrative measures (cf. notification no. 2014-0861)</p>
<p>12/ The recipients or categories of recipient to whom the data might be disclosed</p> <p>EIF HR Staff EIB Personnel Staff to the extent involved in the system processing of EIF Staff matters Chief Executive and Deputy Chief Executive and members of the Joint Committee convened in case of summary dismissal (including senior managers and Staff Representatives)</p>
<p>13/ retention policy of (categories of) personal data</p> <p>Personal data concerning sanctions is retained until termination of the employment contract</p>
<p>13 a/ time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject) <i>(Please, specify the time limits for every category, if applicable)</i></p> <p>cf. 13 above, information remains part of the personal file of the staff member concerned, cf. also notification 2014-0861</p>
<p>14/ Historical, statistical or scientific purposes</p> <p><i>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,</i></p>

cf. 13 above, information remains part of the personal file of the staff member concerned, cf. also notification 2014-0861
15/ Proposed transfers of data to third countries or international organisations n/a
16/ The processing operation presents specific risk which justifies prior checking (<i>please describe</i>): AS FORESEEN IN: Article 27.2.(a) Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures, Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject, Article 27.2.(d) Processing operations for the purpose of excluding individuals from a right, benefit or contract,
17/ Comments The process on disciplinary sanctions is modelled on the basis of the respective EIB process. It had first been notified to the EDPS as joint notification EIB-EIF in 2005 (EIB notification prior check no. 2005-0102, updated 2013)
18/ Measures to ensure security of processing (3) <i>Please check all points of Article 22 of Regulation (EC) 45/2001.</i> <i>(3) Not to be published in the EDPS' Register (article 27.5 of Regulation (EC) 45/2001)</i>
PLACE AND DATE: Luxembourg, 14 December 2015 DATA PROTECTION OFFICER: J. Neuss INSTITUTION OR BODY: European Investment Fund

To be filled out in the EDPS' office

EDPS OPINION

Of date:

Case number:

Follow up *(in case of acting measures to be taken)*