



European Committee
of the Regions

Record of processing activity – Working document

Administrative Inquiry Procedure and Disciplinary Procedure

PART 1 - Record

1. General Information

Reference number	RLS-1
Last update	08/08/2023
Controller	European Committee of the Regions
Directorate	Multiple directorates
Unit	Multiple units
Contact details	disciplinary.board@cor.europa.eu
Joint controller	N/A
Joint controllership arrangement	N/A
DPO contact details	data.protection@cor.europa.eu
Processor(s)	N/A
Data processing agreement	Available internally

2. Purpose and description of the personal data processing

Purpose(s) of the personal data processing	<p>The purpose of the processing of personal data in the context of the administrative inquiry and disciplinary proceedings is to enable the Appointing Authority/AECE to conduct administrative inquiries and disciplinary proceedings at the Committee of the Regions in accordance with its Decision No 83/2019. The purpose of the administrative inquiry procedure is to establish the facts and circumstances which make it possible to determine whether there has been or has been a breach of the obligations of an official or other servant. The purpose of disciplinary proceedings is to determine, first, on the basis of the administrative investigation or OLAF, whether and to what extent there has been a breach of obligations and, secondly, whether a disciplinary penalty should be imposed on an official or other servant who has failed to fulfil his obligations.</p>
Categories of persons whose personal data are processed	<p>The different categories of data subjects concerned by or involved in the processing of data in the context of the whistleblowing procedure may be the following:</p> <ul style="list-style-type: none">-all officials and former officials of the Committee of the Regions;-all (temporary or contract) and former (temporary, contract or auxiliary) staff of the Committee of the Regions.

<p>Categories of personal data processed</p>	<p>Personal data processed during an administrative inquiry and disciplinary proceedings may concern, as an indication, but not exhaustive:</p> <ul style="list-style-type: none"> -identification data (name, date of birth, address, telephone, grade, etc.); -administrative data (grade, department (s), duties and responsibilities, etc.); -documents produced in the professional context (professional emails, notes, reports, decisions, professional correspondence, etc.); -testimonies; -where appropriate, data relating to private life in so far as they are essential for the investigation, such as bank documents (in the event of suspicion of financial fraud), emails and correspondence of a private nature but exchanged in the course of work, etc.; -disciplinary sanctions, warnings, decisions not to adopt any sanctions or decisions that no case can be made against the person concerned; etc. <p>The processing of particularly sensitive personal data as defined in Article 10 of Regulation (EU) 2018/1725 revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, and data concerning health or sex life shall be prohibited unless justified by a circumstance set out in Article 10(2) or (4) of Regulation (EU) 2018/1725.</p>
<p>Recipients of the personal data</p>	<p>The data processed in the context of the administrative inquiry procedure and disciplinary proceedings may be disclosed (in whole or in part and to the extent justified and necessary), in particular to the following persons:</p> <ul style="list-style-type: none"> -The person (s) authorised to conduct the investigation; -The person concerned by the investigation, as well as his or her adviser where appropriate, shall be informed of the investigation report and, at his request and subject to the protection of the legitimate interests of third parties, all documents directly related to the allegations made against him or her. If disciplinary proceedings are initiated, the person concerned is entitled to full communication of his or her disciplinary file; -The full file of the administrative inquiry, then of the disciplinary file if disciplinary proceedings are initiated, shall be submitted to the Appointing Authority/AECE, its advisers and – where appropriate – the person designated by the Appointing Authority/AECE to represent the institution before the Disciplinary Board; -The members and the secretariat of the Disciplinary Board shall be informed of the full file of the administrative inquiry if disciplinary proceedings are initiated; -The personal data controller; -The Career/Recruitment Unit is informed of the disciplinary decision to be included in the individual file; -Where the disciplinary decision (and penalty) has a financial impact, it is sent to the Budget/Finance Unit and/or PMO (for adjustment of salary or pension amount) and/or to the Recruitment/Careers Unit (in the event of a change in grade and/or duties); -In the event of a challenge to the disciplinary decision by the official concerned, the file may be forwarded to the Legal Service, to the

	<p>General Court and to the Court of Justice of the European Union. -In the event of investigations involving staff from two Committees, the Appointing Authority/AECC of the other institution shall be kept informed.</p> <p>The recipients shall process the data only for the purposes for which it was transmitted.</p>
<p>Transfers of personal data to a third country or an international organization</p>	<p>No</p>
<p>Retention period of the personal data</p>	<p>Personal data processed in the context of an administrative inquiry and disciplinary proceedings shall be kept confidential for a maximum of ten years following the termination of the official's duties with the CoR or the last payment of the retirement pension to the secretariat of the Disciplinary Board of the CoR in order to be able to determine the penalty to be imposed in the event of a repeat offence or misconduct, and to be in possession of the file in the event of an appeal against the final decision of the Appointing Authority before the General Court and the Court of Justice of the European Union.</p> <p>In the case of closed cases, the Appointing Authority may keep the cases closed, including the preliminary assessment setting out the reasons for the dismissal, for five years at the secretariat of the Disciplinary Board of the CoR. The Appointing Authority may take account of information from such dismissed cases in relation to any new preliminary assessment.</p> <p>With regard to individual decisions paid to the individual file, the official concerned who has been the subject of a disciplinary measure other than removal from post may, after three years in the case of a written warning or reprimand, or after six years in the case of other penalties, submit a request to the appointing authority that no mention of that penalty should remain in his personal file. The official concerned who has been the subject of a warning may ask the Appointing Authority at the earliest 18 months after the decision has been taken that the decision be removed from his personal file.</p>
<p>General description of security measures, where possible</p>	<p>Concerning physical files In view of the particularly sensitive nature of personal data, the processing of personal data in the context of an administrative inquiry and disciplinary proceedings shall be carried out in accordance with the utmost confidentiality, using the means available in the institution for that purpose.</p> <p>Documents in paper form or on an external electronic medium must be stored in locked cupboards.</p> <p>Data are always transmitted under confidential cover, either within the institution or between institutions (for example: transmission to OLAF, the General Court or the Court of Justice).</p> <p>Electronic files Electronic documents related to the administrative investigation</p>

	<p>procedure and disciplinary proceedings, usually established by word processing, may be stored on external media stored in locked cupboards or in files accessible only to the persons involved, including the protection of a personal password.</p> <p>Electronic submission is only possible if confidentiality can be ensured (for example, if the email is secured by a password or if it does not contain any content information, but the document attached with sensitive data is secured by a password).</p>
Data protection notice	Available internally