

## PROTECTION OF YOUR PERSONAL DATA

### Privacy statement concerning the processing of personal data in the framework of the handling of complaints under the Code of Good Administrative Behaviour.

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#### 1. Introduction

The European Commission (hereafter ‘the Commission’) is committed to protect your personal data and to respect your privacy. The Commission collects and further processes personal data pursuant to [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 (repealing Regulation (EC) No 45/2001).

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controller with whom you may exercise your rights, the Data Protection Officer and the European Data Protection Supervisor.

This privacy statement concerns the processing operation ‘Handling complaints under the Code of Good Administrative Behaviour applicable to the staff of the European Commission in its relations with the public’ undertaken by the Secretariat-General, Unit C2 (‘Ethics, Good Administration and Relations with the European Ombudsman’) (hereafter, the corporate data controller) and other European Commission services handling such complaints (line DG/service data controllers for specific complaints).

## **2. Why and how do we process your personal data?**

### Purpose of the processing operation:

The data controller collects and uses your personal information in order to deal with complaints which you (members of the public) may have submitted under point 6 of the Code of Good Administrative Behaviour – Relations with the public.

The European Commission adopted its Code of Good Administrative Behaviour for staff of the European Commission in their relations with the public by means of a Commission Decision of 17 October 2000 amending its rules of procedure<sup>1</sup>. It sets out general principles of and guidelines for good administration, and provides for the possibility for members of the public to lodge complaints concerning a possible breach, by European Commission staff members, of the principles set out in the Code.

Pursuant to point 6 of the Code, such complaints can be lodged directly with the Secretariat-General of the European Commission, which will forward it to the relevant department.

In accordance with the Commission rules on document management, all documents received or drawn up by the European Commission fulfilling the registration criteria are registered in the Commission's document management system ARES (for further information on the Commission's document management system please refer to the processing operation 'Management and (short- and medium-term) preservation of Commission documents, reference number: [DPR-EC-00536](#)).

The personal data processed may be reused for the purpose of procedures before the EU Courts, national courts, the European Ombudsman or the European Court of Auditor.

Your personal data will not be used for an automated decision-making including profiling

## **3. On what legal ground(s) do we process your personal data?**

The legal grounds for the processing of your personal data are Article 5(1)(a) (processing is necessary for the performance of a task carried out in the public interest) and 5(1)(b) (processing is necessary for compliance with a legal obligation to which the controller is subject) of Regulation (EU) No 2018/1725.

The following provisions are the Union law on which the above-mentioned processing is based: Articles 15(1) ('good governance') and 298 ('open, efficient and independent European administration') TFEU and Article 41 of the European Charter of Fundamental Rights ('Right to good administration'), as well as point 6 Code of Good Administrative Behaviour for Staff of the European Commission in their Relations with the Public of 13 September 2000<sup>2</sup>.

Furthermore, the processing of any optional personal data provided by a complainant not strictly necessary for the handling of a complaint (see heading 4 below) is based on the complainant's consent in accordance with Article 5(1)(d), and where applicable Article 10(2)(a), of Regulation (EU) 2018/1725.

## **4. Which personal data do we collect and further process?**

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<sup>1</sup> Official Journal L 267 of 20 October 2000, p.63 .

<sup>2</sup> Ibid.

The names and possibly professional contact details of the Commission staff members handling the complaints and/or having the empowerment to approve and send out answers to complainants on behalf of the Commission.

As to complainants, the following personal data are mandatory:

- first name and surname;
- postal address.

The following personal data of complainants are optional:

- telephone and mobile phone number;
- fax number;
- e-mail address;
- information on behalf of who the complaint is lodged (if applicable).

Furthermore, the (description of the) complaint itself and supporting documents provided by the complainant at his/her own initiative may contain different types of personal data (including in some cases special categories of personal data in the meaning of Article 10(1) of Regulation 2018/1725), for which the complainant expressly agrees to the processing when submitting the complaint form.

#### **5. How long do we keep your personal data?**

In accordance with the Common Commission-level retention list for European Commission files<sup>3</sup>, personal data may be retained in the files of the Secretariat-General for a maximum period of three years after closure of the file relating to your complaint.

As provided for in the common Commission-level retention list, files (and the personal data contained in them) can subsequently be transferred to the Historical Archives of the European Commission for historical purposes (for further information on the Commission's processing for archiving purposes in the public interest, please see record of processing DPR-EC-00837 Management and long-term preservation of the European Commission's Archives).

#### **6. How do we protect and safeguard your personal data?**

All data in electronic format (e-mails, documents, uploaded batches of data etc.) are stored either on the servers of the European Commission or of its contractors; the operations of which abide by [Commission Decision \(EU, Euratom\) 2017/46](#) of 10 January 2017 on the security of communication and information systems in the European Commission;

The Commission's contractors are bound by a specific contractual clause for any processing operations of your data on behalf of the Commission, and by the confidentiality obligations deriving from the General Data Protection Regulation in the EU Member States ('GDPR' [Regulation \(EU\) 2016/679](#))

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<sup>3</sup> SEC(2012)713

In order to protect your personal data, the Commission has put in place a number of technical and organisational measures. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

#### **7. Who has access to your personal data and to whom are they disclosed?**

Access to your personal data is provided to the Commission staff responsible for carrying out this processing operation and to authorised staff according to the “need to know” principle. Such staff abide by statutory, and when required, additional confidentiality agreements. The staff concerned are those designated in the unit of the horizontal data controller as well as their hierarchical superiors as appropriate, as well as, if applicable, staff, in other European Commission Departments, concerned by the complaint and, where appropriate, the Legal Service. The President of the European Commission and Members of the European Commission in as far as they are concerned by the complaint, and their respective Cabinets, may also obtain access to your personal data where necessary for the purpose of handling your complaint.

The information collected will not be given to any third party, except:

- to the extent and for the purpose which may be required by law;
- for the purpose of dispatching to you a reply of the European Commission by means of its standard (registered) mail service (for further information, see corresponding record of processing DPR-EC-00884 'Traitement du courrier' of the European Commission's Office for Infrastructure and Logistics in Brussels).

Please note that pursuant to point (13) of Article 3 of Regulation (EU) 2018/1725, public authorities which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients. The further processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing.

#### **8. What are your rights and how can you exercise them?**

You have specific rights as a ‘data subject’ under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access your personal data and to rectify them in case your personal data are inaccurate or incomplete. Under certain conditions, you have the right to erase your personal data, to restrict the processing of your personal data, to object to the processing and the right to data portability.

You have the right to object to the processing of your personal data, which is lawfully carried out pursuant to Article 5(1)(a), on grounds relating to your particular situation.

Insofar the processing of your personal data is based on your consent (namely the processing of optional personal data) you can withdraw your consent at any time by notifying the Data Controller. The withdrawal will not affect the lawfulness of the processing carried out before you have withdrawn the consent.

You can exercise your rights by contacting the Data Controller, or in case of conflict the Data Protection Officer. If necessary, you can also address the European Data Protection Supervisor. Their contact information is given under Heading 9 below.

Where you wish to exercise your rights in the context of one or several specific processing operations, please provide their description (i.e. their Record reference(s) as specified under Heading 10 below) in your request.

In accordance with Article 14(3) of Regulation (EU) 2018/1725, your request as a data subject will be handled within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. In such case you will be informed of the extension of the time limit, together with the reasons for the delay.

**9. Contact information**

**- The (corporate) Data Controller**

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, please feel free to contact the (horizontal) Data Controller, Unit SG.C.2 (Ethics, Good Administration and Relations with the European Ombudsman) in the Secretariat-General: [SG-UNITE-C2@ec.europa.eu](mailto:SG-UNITE-C2@ec.europa.eu)

**- The Data Protection Officer (DPO) of the Commission**

You may contact the Data Protection Officer ([DATA-PROTECTION-OFFICER@ec.europa.eu](mailto:DATA-PROTECTION-OFFICER@ec.europa.eu)) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

**- The European Data Protection Supervisor (EDPS)**

You have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor ([edps@edps.europa.eu](mailto:edps@edps.europa.eu)) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the Data Controller.

**10. Where to find more detailed information?**

The Commission Data Protection Officer (DPO) publishes the register of all processing operations on personal data by the Commission, which have been documented and notified to him. You may access the register via the following link: <http://ec.europa.eu/dpo-register>.

This specific processing operation is included in the DPO’s public register with the following Record reference: *DPR-EC-00086*

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