



Specific Privacy Notice regarding the processing of personal data in the context of requests and complaints under Article 90 of the Staff Regulations of Officials

The European Banking Authority ('EBA') processes your personal data based on Regulation (EU) 2018/1725 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions and bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (hereinafter "the EUDPR"). We provide you with the information that follows based on Articles 15 and 16 of the EUDPR.

Who is the controller and processor?

The EBA, represented by the Executive Director, is the controller of the data. It can be contacted at the following email address: ExecutiveOffice@eba.europa.eu.

The data is processed by the Human Resources Unit of the EBA, which can be contacted at the following email address: hrteam@eba.europa.eu.

What personal data do we process and who can access it?

Personal data we process

For the purpose of handling with requests and complaints received under Article 90 of the Staff Regulations, the EBA staff processes the following personal data:

- identification and contact information of the requestor/complainant (name, address, e-mail, telephone, fax);
- Any relevant information for the handling of the request/complaint, such as: professional work experience, case involvement data, information related to the request/complaint and personal data of natural persons mentioned in the request/complaint.

Who can access it?

The EBA's staff responsible for carrying out this processing operation has access to the personal data (e.g. the Human Resources Unit, the Legal Unit, the Executive Director; in case of transfer to

another Institution/Agency, the staff member in charge of personal files in this Institution/Agency). On a need to know basis and in compliance with the relevant current legislation, bodies charged with monitoring or inspection tasks in application of EU law (e.g. EC internal audit, Court of Auditors, European Anti-fraud Office (OLAF), the European Ombudsman, the European Data Protection Supervisor). Where further action is taken by the requestor/complainant, the European Ombudsman, the EDPS, the complainant's legal counsel and court personnel, as necessary, will have access.

For what purpose do we process your personal data?

The purpose of the processing is to respond to requests and complaints under Article 90 of the Staff Regulations.

The processing of personal data in relation to requests/complaints under Article 90 of the Staff Regulations consists of preparing a response to the requestor/complainant, on receipt of any advice from the Legal Unit. The EBA maintains files of complaints and related documentation. The processing of the data will not be used for any automated decision making, including profiling.

What is the legal basis for processing your personal data?

- Article 5(a) of Regulation EU 2018/1725 because processing is necessary for the performance of a task carried out in the public interest (or in the exercise of official authority vested in the Union institution or body).
- Art 90 of the Staff Regulations:
 - Requests under Article 90 (1): Agency staff may ask the Executive Director to take a decision concerning him/her. The purpose of this request is to secure a decision from the appropriate authority responsible for concluding contracts of employments. Requests should not seek revision of a decision already taken, unless new evidence comes to light, in which case a request can be submitted to have that decision reviewed.
 - Complaints under Article 90(2): Agency staff may lodge a complaint against a decision which they consider prejudicial. By lodging a complaint, the Agency staff member contests a decision by the appropriate authority which, in his/her view, affects his/her statutory rights and is prejudicial. Thus, a complaint presupposes the prior existence of an administrative act taken by the appropriate authority that may be challenged by the staff member.

Where did we get your personal data?

The data are received from the requestor/complainant and related EBA's files.

How long do we keep your personal data?

The personal data will be stored 5 years after the decision on the request/complaint has been adopted, provided there are no pending claims, actions or any other open issues.

What are your rights regarding your personal data?

You have the right of access to your personal data and to relevant information concerning how we use it. You have the right to rectify your personal data. Under certain conditions, you have the right to ask that we delete your personal data or restrict its use. You have the right to object to our processing of your personal data, on grounds relating to your particular situation, at any time. We will consider your request, take a decision and communicate it to you.

Please note that in some cases restrictions under Article 25 of Regulation (EU) 2018/1725 may apply and in accordance with the Decision laying down Internal rules on restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of European Banking Authority (EBA) (EBA/DC/2021/377).

You can send your request by post in a sealed envelope or via email (see section on contact details below).

You have the right to lodge a complaint.

If you have any remarks or complaints regarding the way we process your personal data, we invite you to contact the DPO of the EBA (see section on contact details below).

You have, in any case, the right to lodge a complaint with the EDPS as a supervisory authority: https://edps.europa.eu/data-protection/our-role-supervisor/complaints_en.

Contact details for enquiries regarding your personal data

Should you wish to contact the EBA, we encourage you to do so by email: hrteam@eba.europa.eu by stating in the subject “**Data Protection Enquiry**”.

If you wish to contact the DPO of the EBA personally, you can send an e-mail to dpo@eba.europa.eu or a letter to the postal address of the EBA marked for the attention of the DPO of the EBA.

The postal address of the EBA is:

DEFENSE 4 – EUROPLAZA
20 Avenue André Prothin
CS 30154
92927 Paris La Défense CEDEX

You can also find contact information on the EBA’s website: <https://eba.europa.eu/contacts>