

PRIVACY STATEMENT / RECORD

REQUESTS AND COMPLAINTS UNDER ARTICLES 24 AND 90 STAFF REGULATIONS IN THE CONTEXT OF THE APPOINTMENT PROCEDURE OF EU-OSHA'S EXECUTIVE DIRECTOR

Organisational part of the Agency entrusted with the processing of personal data

Interim Executive Director (edcrc(at)osha.europa.eu)

Purpose

The processing of personal data is necessary for dealing with requests and complaints under Article 90 and 24 of the Staff Regulations in the framework of the appointing procedure of EU-OSHA Executive Director.

Legal basis

- Regulation (EU) 2019/126 of the European Parliament and of the Council of 16 January 2019 establishing the European Agency for Safety and Health at Work (EU-OSHA), and repealing Council Regulation (EC) No 2062/94 and in particular Articles 5 (l), 19.2 and 19.7
- Art 90 of the Staff Regulations
 - Requests under Article 90 (1): candidates may forward a request to the Management Board concerning them. The purpose of this request is to secure a decision from the appropriate authority responsible for concluding contracts of employments (for the Executive Director, the appointing authority is the Management Board). 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): candidates may lodge a complaint against a decision which they consider prejudicial. By lodging a complaint, candidates contest a decision by the appropriate authority which, in his/her view, affects his/her 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 candidates.
- Article 24 of the Staff Regulations: The Union shall assist any official, in particular in proceedings against any person perpetrating threats, insulting or defamatory acts or utterances, or any attack to person or property to which he or a member of his family is subjected by reason of his position or duties. It shall jointly and severally compensate the official for damage suffered in such cases, in so far as the official did not either intentionally or through grave negligence cause damage and has been unable to obtain compensation from the person who did cause it.
- Management Board decision no 2021/05 establishing the Management Board Committee in charge of exercising the appointing authority powers in relation to requests and complaints under articles 24 and 90 of the Staff Regulations in the context of the appointment of the Executive Director.

Type of data processed

- Personal data allowing the applicants to be identified, i.e. surname, first name, date of birth, gender.
- Description or subject of the request and/or complaint as submitted by the applicants
- Any other data, information, personal views shared by the applicants.

Lawfulness of processing

Article 5(a) of Regulation EU 2018/1725 as the 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) and 5(d) as it is also based on consent.

Data recipients

- The members and alternate members from the Management Board Committee in charge of exercising the appointing authority powers in relation to requests and complaints under articles 24 and 90 of the Staff Regulations in the context of the appointment of the Executive Director.
- EU-OSHA staff serving as the Committee Secretariat.
- Within the limits of the Management Board's decision establishing the committee, Management Board members, alternate and observers who have signed the declaration of absence of conflict of interests and confidentiality with respect to the selection and appointment procedure of the Executive Director.
- In addition, the competent services of the European Commission, as EU-OSHA has a Service Level Agreement with the European Commission Directorate General for Human Resources & Security for the provision of assistance in the fields of Article 90 appeals and case monitoring.
- 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).
- In case of judicial appeals, EU Court. The file may be sent to an external lawyer contracted to support the appointing authority in the legal proceedings.

The data subject's rights

- Data subjects have the right to request from the controller access to and rectification or erasure of personal data or restriction of processing concerning the data subject or, where applicable, the right to object to processing or the right to withdraw consent at any time without affecting the lawfulness of processing based on consent before its withdrawal (Articles 17, 18, 19, 20, 22, 23 and 24 of the Regulation).
- Any requests to exercise one of those rights should be directed per email to the organisational part of the Agency entrusted with the processing operation as indicated in this privacy statement, including in the subject the words "data protection".

- Data subjects' rights can be restricted only in the cases foreseen in Article 25 of the Regulation and the relevant internal rules¹.

Information on the conservation period of data

EU-OSHA will retain the data collected only for the period strictly necessary for the administrative needs linked to the procedure. In case of complaints or decisions challenged before the EU Court of Justice, data subject's personal data are retained and further processed for the period that is necessary for the purpose of the case settlement.

Security measures

Throughout this procedure only authorised subjects (cf personal data recipients) are attributed access rights and strictly on a "need-to-know" basis. All possible security measures are taken to prevent any improper use of or unauthorized access to the electronic files and virtual meeting platforms.

Procedure-related documents are kept in a secure environment, or on an encrypted data carrier, or locked in cupboards/drawers.

Request for information

For any further information regarding the handling of their personal data, data subjects can address their request to EU-OSHA Data Protection Officer at: [dpo\(at\)osha.europa.eu](mailto:dpo(at)osha.europa.eu).

Recourse to the EDPS

Data subjects are entitled to make recourse to the European Data Protection Supervisor: <http://www.edps.europa.eu> should they consider that the processing operations do not comply with the Regulation.

Date when processing starts

Start date of processing the complaints and requests.

¹ [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32020Q0831\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32020Q0831(01))

