

Privacy Statement concerning processing operations by the SRB Compliance Function

1. Scope of this privacy notice

Regulation (EU) 2018/1725 (herein after the "**Regulation**") applies to the collection and processing of personal data carried out in the following **processes**:

- 1) for the control of compliance by the SRB staff members with the obligations under the SRB Code of Ethics and the Staff Regulations;
- 2) in the framework of disciplinary proceedings, and in particular, breach of ethics and Staff Regulation provisions;
- 3) for whistleblowing cases;
- 4) for administrative investigations on adequate use of ICT devices (mailboxes, internet, etc.)
- 5) to assist the Court of Auditors with the performance of its statutory tasks.

2. The processing of the personal data

The SRB hereby provides you as the data subject with the following information:

- 1) The SRB is the controller for processing the personal data. The Compliance function (SRB-COMPLIANCE@srb.europa.eu) is responsible for the processing.
- 2) The purposes of the processing operations carried out by the SRB Compliance Function are the following:
 - to exercise adequate controls concerning the compliance of SRB staff members with the ethics and compliance obligations under the SRB Code of Ethics and the Staff Regulations.
 - to prepare, open and conduct internal investigations, administrative inquiries and/or disciplinary proceedings.
 - to provide this information, under certain limited conditions, to the relevant investigation bodies within the framework of the internal investigation, administrative inquiries and/or disciplinary proceeding (i.e. the European Commission, IDOC or OLAF).
 - for the Court of Auditors to perform its tasks according to Article 92 of Regulation (EU) No 806/2014.
- 3) The categories of data collected and used for the processing operations are the following:
 - Administrative details, i.e. name, last name, address, email, phone number, bank details, financial data (financial products) and outside activities carried out.
 - Electronic communications, and traffic data (use of ICT applications, internet data); and/or
 - Information relating to the professional or personal behaviour of the SRB's employees, e.g. appraisals, letters of complaint against a person's behaviour, opening of inquiries, reports on preliminary investigations, etc.
- 4) The recipients and/or categories of potential recipients are:
 - The SRB's Appointing Authority
 - The SRB Board Members

- The Head of Unit of the person being subject to the internal investigation, administrative inquiry or disciplinary proceeding
- The General Counsel and or/ the SRB Legal Team
- The SRB HR Team
- The Investigatory and Disciplinary Office (IDOC) of the European commission
- The European Anti-Fraud Office (OLAF)
- The Court of Auditors

5) Transfer of your data to third countries / international organisations: No transfer of the data to third countries is foreseen.

3. Data Subject rights

Data Subjects have the right to request from the SRB Ethics and Compliance Officer the following:

- access to, rectification or erasure of personal data. Please note that the right of rectification can only apply to factual data processed;
- restriction of processing concerning your data;
- where applicable, the right to object to processing.

For this purpose, please contact the SRB Ethics and Compliance Officer. You may send an E-mail to: SRB-COMPLIANCE@srb.europa.eu. Moreover, a breach concerning your personal data shall be communicated to you under certain circumstances, in accordance with Regulation 1725/2018¹.

The institution shall also ensure the confidentiality of electronic communications.

4. Legal basis

The legal basis of the processing operations at stake is the Code of Ethics, Article 86 of the Staff Regulations² (with regard to administrative inquiries and disciplinary proceedings), as well as the Decision of the Single Resolution Board on implementing rules laying down guidelines on whistleblowing (SRB/PS/2018/13).

Please note that the provision by SRB staff members of their personal data for administrative purposes is a statutory or contractual requirement.

5. Retention period

The time limits for storing the data by the Compliance function are the following:

¹ 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

² REGULATION No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community (OJ 45, 14.6.1962, p. 1385)

- Two (2) years after the termination of the contractual relationship with the SRB for personal data collected for the control of compliance by the SRB staff members with the obligations under the SRB Code of Ethics and the Staff Regulations,.
- Five (5) years after closure of the internal investigations, administrative inquiries and disciplinary proceedings, for personal data collected
 - in the framework of disciplinary proceedings, and in particular, breach of ethics and Staff Regulation provisions;
 - for whistleblowing cases;
 - for administrative investigations on adequate use of ICT devices (mailboxes, internet, etc.).
- Five (5) years for information to be provided to the Court of Auditors.

6. Possible restriction of rights

With regard to the processing operations relating to disciplinary proceedings, whistleblowing cases, or administrative investigations, please be informed that by virtue of Article 25 of Regulation 1725/2018 and of the Internal Rules laid down by Decision 2019/32 of the Board in its Executive Session, one or several of your rights as data subject may be restricted for a temporary period of time inter alia on the grounds of prevention, investigation, detection and prosecution of criminal offences.

Any such restriction will be limited in time, proportionate and respect the essence of the above-mentioned rights. It will be removed as soon as the circumstances justifying the restriction are no longer applicable.

You will receive a more specific data protection notice when this period has passed. As a general rule you will be informed on the principal reasons for a restriction unless this information would cancel the effect of the restriction as such.

You have the right to make a complaint to the EDPS concerning the scope of the restriction.

7. SRB Data Protection Officer

The SRB Data Protection Officer is at disposal of data subjects for any clarification on your rights under Regulation 1725/2018. E-mail: SRB-DPO@srb.europa.eu.

8. Right to lodge a complaint

Data subjects have the right to lodge a complaint relating to the processing of your personal data with the European Data Protection Supervisor (EDPS). Email: edps@edps.europa.eu