

## RECORD OF PROCESSING ACTIVITY <sup>1</sup>

### NAME OF PROCESSING ACTIVITY

#### Administrative investigations

#### 1. Controller(s) of data processing activities

Controller: European Central Bank (ECB)

Organisational unit responsible for the processing activity: *D-IA (see details below)*

Data Protection Officer (DPO): [DPO@ecb.europa.eu](mailto:DPO@ecb.europa.eu)

#### 2. Who is actually conducting the processing activity?

☒ The data is processed by the ECB itself

The organisational unit conducting the processing activity is:

- Directorate Internal Audit (D-IA)
- Office President
- Office Vice-President Office
- Competent authority designated by the Governing Council

E-mail: [info@ecb.europa.eu](mailto:info@ecb.europa.eu)

☐ The data is processed by a third party (contractor) or the processing operation is conducted together with an external third party [mention third party]

Link to privacy statement if available

<sup>1</sup> According to Article 31 of [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](#) (OJ L 295, 21.11.2018, p. 39).

### 3. Purpose of the processing

Personal data may be processed across the investigative process (i.e., the three stages used to assess suspected breaches of professional duties: 1) preliminary assessment, 2) administrative investigation, and 3) hearing of the person concerned. It may also be processed for cooperation with internal and external stakeholders, including reporting to OLAF and the EPPO.

### 4. Description of the categories of data subjects

*Whose personal data are being processed?*

- ☒ ECB staff
- ☒ Externals (agency staff, consultants, trainees or secondees)
- ☒ NCB or NCA counterparts (in the ESCB or SSM context)
- ☒ Visitors to the ECB, including conference participants and speakers
- ☒ Contractors providing goods or services
- ☒ Complainants, correspondents and enquirers
- ☒ Relatives of the data subject
- ☒ Other (please specify): *relatives and dependents of the data subject<sup>2</sup>, as well as personal data of any third parties that were obtained and / or processed during investigative process.*

### 5. Description of the categories of personal data processed

(a) General personal data:

The personal data contains:

- ☒ Personal details (name, address etc)
- ☒ Education & Training details
- ☒ Employment details
- ☒ Financial details

<sup>2</sup> Citizens to whom the ECB Conditions of Employment and Staff Rules or the Conditions of Short-Term Employment for Staff of the EBC and the Rules for Short-term Employment apply (for example the spouse or the children of a member of staff or of a short-term employee).

- ☒ Family, lifestyle and social circumstances
  - ☒ Goods or services provided
  - ☒ Other (please give details):
    - soft data (allegations, declarations, personal statements);
    - data on investigations, whether internal, EU financial interest related (OLAF, EPPO), court proceedings or national law enforcement inquiries;
    - any other personal data relevant to the follow-up of suspected breaches.
- DIV/III may access and process all staff records, information, systems and property it deems necessary for its responsibilities.

**(b) Special categories of personal data (Article 10)**

The personal data reveals:

- ☒ Racial or ethnic origin
- ☒ Political opinions
- ☒ Religious or philosophical beliefs
- ☒ Trade union membership
- ☒ Genetic data, biometric data for the purpose of uniquely identifying a natural person or data concerning health
- ☒ Data regarding a natural person's sex life or sexual orientation

**(c) Criminal conviction and offences data (Article 11)**

Personal data pertaining to criminal conviction(s) and other offences may be processed only when strictly necessary and clearly justified by the allegations, facts or circumstances of the case.

**6. The categories of recipients to whom the personal data have been or will be disclosed, including the recipients of the data in Member States, third countries or international organisations**

- ☒ ECB staff and former staff
- ☒ Non-ECB staff (agency staff, consultants, cost-free trainees or cost-free secondees working at the ECB)
- ☒ NCB or NCA counterparts (in the ESCB or SSM context)
- ☒ Visitors to the ECB

- ☒ Contractors providing goods or service
- ☒ Complainants, correspondents and enquirers
- ☒ Relatives of the data subject
- ☒ Other (please specify): relatives and dependents of the data subject <sup>3</sup>, as well as personal data of any third parties that were obtained and/or processed during investigative process.

## 7) Transfers to / access from third countries or an international organisation

Data are processed by third country entities:

☐ Yes

Specify to which countries:

Specify under which safeguards:

- ☐ Adequacy Decision of the European Commission
- ☐ Standard Contractual Clauses
- ☐ Binding Corporate Rules
- ☐ Administrative arrangement containing enforceable and effective data subject rights

If the third country's legislation and/or practices impinge on the effectiveness of appropriate safeguards, the personal data can only be transferred to, accessed from or processed in such third country when sufficient "supplementary measures" are taken to ensure an essentially equivalent level of protection to that guaranteed within the EEA. The supplementary measures are implemented on a case-by-case basis and may be technical (such as encryption), organisational and/or contractual.

☒ No

## 8. Retention time

The Directorate Internal Audit will retain information in the file of the investigative process in a non-anonymised form for no longer than two years from the closure of the investigative process or from the closure of any follow-up procedure or related legal dispute.

<sup>3</sup> Citizens to whom the ECB Conditions of Employment and Staff Rules or the Conditions of Short-Term Employment for Staff of the ECB and the Rules for Short-term Employment apply (for example the spouse or the children of a member of staff or of a short-term employee).

## 9. Restrictions

*Pursuant to Art. 4(b) of Decision (EU) 2022/2359 of the European Central Bank of 22 November 2022 adopting internal rules concerning restrictions of rights of data subjects in connection with the European Central Bank's internal functioning (OJ L 311, 2.12.2022, p. 176)*

Pursuant to Article 25 of Regulation (EU) 2018/1725 in conjunction with Decision (EU) 2022/2359, the ECB may restrict the rights of a data subject prescribed in Articles 14 to 22 and Articles 35 and 36, as well as Article 4 in so far as its provisions correspond to the rights and obligations provided for in Articles 14 to 22 of the Regulation (EU) 2018/1725. The restrictions may be applied when the exercise of those rights would endanger any of the activities referred to in Article 3(1) of Decision (EU) 2022/2359. Pursuant to Article 5(3) of Decision (EU) 2022/2359, the ECB may also defer, omit or deny the provision of information concerning the reasons for the restriction as long as that provision of information would undermine the purpose of the restriction. Such a restriction will be lifted as soon as the circumstances that justified the restriction no longer apply.