

## Data Protection Statement

# Pre-disciplinary and Disciplinary Proceedings and Disciplinary Measures

Last update: 08/07/2021

This document provides an insight into why and how your personal data are processed by the relevant services in the context of Pre-disciplinary and Disciplinary Proceedings and Disciplinary Measures.

Personal data are processed by the European Investment Fund (“EIF” or “**Controller**”) in accordance with Regulation (EU) 2018/1725 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, as such regulation may be amended from time to time.

### 1. Legal Basis

- Articles 38 to 41a of the EIF Staff Regulations
- Annex XI of the EIF Staff Rules (establishing the implementing rules relating to Articles 38 to 41a of the Staff Regulations)
- Article 5.1 (a) of Regulation (EU) 2018/1725 (necessary for the performance of a task pursuant to the articles described below carried out in the exercise of official authority vested in the EIB as an EU institution)
- EIB Group Code of Conduct

### 2. Data Subjects

The following are the data subjects in the context of this processing:

- EIF Staff, including former staff members, for acts committed during active service and the EIF pensioners for behaviours that occurred after service and are related to EIB Group staff members and/or materially affect the EIB Group’s reputation.
- Witnesses
- Third parties (persons merely quoted in the context of the pre-disciplinary or the disciplinary proceedings or assisting the data subjects in any of the proceedings)

### 3. Purpose

The management and follow-up of disciplinary procedures and sanctions relating to incidents of established misconduct/breach of professional duties of EIF staff members in line with section 6 of the Staff Regulations (Articles 38 to 41a), Annex XI of the EIF Staff Rules and the EIB Group Code of Conduct.

### 4. Data Categories

All data relating to the misconduct, the facts, circumstances and the underlying evidence regarding the alleged breach of professional obligations in the context of the pre-disciplinary proceedings. This may include a report established by the relevant EIB/EIF services or the European Anti-Fraud Office (OLAF).

The data related to the pre-disciplinary proceedings/disciplinary proceedings and the eventual disciplinary measures, including the following elements to determine the seriousness of the misconduct:

- a. the nature of the misconduct and the circumstances in which it occurred;
- b. the extent to which the misconduct adversely affects the integrity, reputation or interests of the EIF and/or a staff member;
- c. the extent to which the misconduct involves intentional actions or negligence;
- d. the motives for the staff member's misconduct and abuse of procedures;
- e. the staff member's grade and seniority, and the degree and level of their duties and responsibilities;
- f. whether the misconduct involves repeated action or behaviour;
- g. the existence of a previous disciplinary measure against the staff member;
- h. the conduct of the staff member throughout the course of their career.

Data relating to any follow-up measures: Type and duration of the disciplinary measures (i.e. a written reprimand, a ban of salary progressions for a maximum of two years, etc.) as set out in Article 38 of the EIF Staff Regulations

## 5. Data Recipients

All stakeholders participating in the pre-disciplinary or the disciplinary proceedings, including: The Chief Executive, limited authorised staff within EIF H&RM, EIF Compliance, EIF Legal Services, EIF Board of Directors, limited authorised staff within EIF Personnel Staff, the members of the Disciplinary Committee, other departments involved due to conflict of interest for other department, any outsourced service providers.

Data may be transferred to the European Anti-Fraud Office (OLAF), done in consultation with the EIB Inspectorate General<sup>1</sup> and in accordance with the safeguards outlined in Regulation 2018/1725.

## 6. Data Retention Period

Personal data collected in the pre-disciplinary proceedings (including final decision and audio recordings of the hearing), are kept as per the applicable retention schedule, except for cases when the decision results in the launch of a disciplinary proceeding, in which case the below applies:

- Audio recordings from a disciplinary proceeding shall be kept for a maximum period of six months after the Chief Executive's decision, with limited access by limited staff members of EIF H&RM. If for the purpose of judicial procedures or other inquiries, the recordings are stored for a longer period, the EIF DPO shall be informed accordingly. In all other cases, the recordings shall be destroyed after six months.
- Administrative files linked to disciplinary investigations which do not result in sanctions and a written warning, are kept as per the retention schedule.
- Administrative files linked to a disciplinary proceeding final decision, are retained as such:
  - A written reprimand: 3 years in the personal file; administrative files are kept as per the retention schedule
  - A ban on salary progression for a maximum of two years, or temporary relegation in step and/or total partial loss of items of remuneration for a

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<sup>1</sup> Or any other EIF department, in case of conflict of interest

maximum of one year, or relegation in step and/or total and partial loss of items of remunerations: 5 years in the personal file, administrative files are kept as per the retention schedule

- Temporary relegation in function(s) with establishment of a new basic salary for a maximum of one year, or relegation in function(s) with establishment of an new basic salary, or where the staff member is no longer in service and is in receipt of a pension, withholding of an amount from the pension for a given period of time: 7 years in the personal file, administrative files are kept as per the retention schedule
- Summary dismissal without loss of severance grant, or summary dismissal with loss of severance grant and/or reduction of pension rights for a given period of time: 120 years after birth date of staff member in the personal file, administrative files are kept as per the retention schedule

## 7. Rights of Data Subject

- You have the right to obtain from the controller confirmation as to whether or not their personal data concerning are being processed, and, where that is the case, access their personal data by contacting the Controller ([info@eif.org](mailto:info@eif.org)) or through the EIF DPO ([dpo@eif.org](mailto:dpo@eif.org)) and they will receive a response without undue delay (**right of access**); Access may be restricted in accordance with the restrictions laid down in the EIF Decision of 4 June 2020 laying down internal rules concerning restrictions of certain rights of data subjects in relation to the processing of personal data in the framework of activities carried out by the European Investment Fund pursuant to Article 25 of Regulation 2018/1725.
- You have the right to obtain from the controller without undue delay the rectification of any inaccurate personal data concerning them (**right to rectification**).
- You have the right to obtain from the controller the erasure of their personal data when they are no longer necessary in relation to the purposes for which they were collected (**right to erasure**);
- You have the right to obtain from the controller restriction of processing when (i) they contest the accuracy of their personal data, (ii) the processing is unlawful, (iii) the controller no longer needs the personal data for the purposes of the processing or (iv) they have objected to processing, pending the verification whether the legitimate grounds of the controller override theirs (**right to restriction of processing**);
- You have the **right to object**, on grounds relating to their particular situation, when the processing of personal data is unlawful;
- You have the right to receive from the controller their personal data in a structured, commonly used and machine-readable format and transmit those data to another controller without hindrance from the controller to which the personal data have been provided (**right to data portability**);
- You may lodge a complaint to the European Data Protection Supervisor ([www.edps.europa.eu](http://www.edps.europa.eu)) at any time (**right to lodge a complaint**).