

RECORD OF PROCESSING ACTIVITY

Preparatory activities related to pre-litigation on Civils Service Matters and Waiver of Immunities

1. Controller(s) of data processing activities

Controller: European Central Bank (ECB)

Contact details:

European Central Bank, Sonnemannstrasse 22, 60314 Frankfurt am Main, Germany

E-mail: info@ecb.europa.eu

Organisational unit responsible for the processing activity:

Directorate General Legal Services / Institutional Law Division (DG-L / ILA)

Data Protection Officer (DPO): 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: (DG-L/INA)

Directorate General Legal Services - Institutional Law Division

☐ 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

3. Purpose of the processing

Preparatory activities related to (i) pre-litigation on civil service matters and to (ii) possible waiver of immunities

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):
 - *Dependents of the data subject are those 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).*
 - *Non-ECB staff claiming requalification of the employment status*

5. Description of the categories of personal data processed

General personal data:

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

- ☒ Employment details
- ☒ Financial details
- ☒ Family, lifestyle and social circumstances
- ☐ Goods or services provided
- ☐ Other (please give details):

Special categories of personal data:

Depending on the nature of the case, sensitive data may be processed:

- ☒ 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

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

- ☒ *Data subjects themselves*
- ☒ *Managers of data subjects*
- ☒ *Designated ECB staff members*
- ☒ *Designated NCB or NCA staff members in the ESCB or SSM context*
- ☒ *Other:*

- Directorate General Human Resources
- the external lawyer(s) consulted to assist the ECB in dealing with cases
- the (members of the) ECB Executive Board, including the President
- Secretariat Division/ Directorate General Secretariat
- Compliance and Governance Office/Directorate General Secretariat
- Directorate General International & European Relations (only for the possible waiver of immunities)

For pre-litigation on civil service matters within the scope of Article 41 of the Conditions of Employment as further implemented in Articles 8.1.4, 8.1.5, 8.1.6 and 8.3.20 of the Staff Rules (for staff members); and Article 32 of the Conditions of Short-Term Employment for Staff of the ECB as further implemented in Articles 7.1.4, 7.1.5, 7.1.6 and 7.3.20 of the Rules for Short-term Employment (for short-term employees), the final draft decision is drawn up by the civil service law team of the Institutional Law Division and sent to the Directorate General Human Resources, the President, DG-Secretariat and/or the Executive Board as the case may be for comments. The final decision is adopted by the President or the Executive Board in accordance with the relevant ECB rules.

For the possible waiver of immunities with the scope of Articles 11(a), 17(2) and 22(1) of the Protocol on the Privileges and Immunities of the European Union (hereinafter 'the Protocol'), Article 8 of ECB Decision 2016/456, Article 4(a) of the ECB Conditions of Employment and Article 4 of the Conditions of Short-Term Employment for Staff of the ECB, the final draft decision is drawn up by the governance law team of the Institutional Law Division and sent to the staff member concerned, DG–Secretariat, DG-International and European Relations, and the Executive Board for comments. The final decision is adopted by the Executive Board in accordance with the relevant ECB rules.

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. These 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

Refer to [ECB's Filing and Retention Plan](#)

Retention periods align with Classifications 1.1.3 and 3.7.3.1 of the ECB's FRP