

PROTECTION OF YOUR PERSONAL DATA

This privacy statement provides information about the processing and the protection of your personal data

1. Introduction

The European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (hereafter, 'eu-LISA') is committed to protect your personal data and to respect your privacy. eu-LISA collects and further processes personal data pursuant to [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 (repealing Regulation (EC) No 45/2001).

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data

The information in relation to processing operation "*Processing of personal data in the context of litigation and other complaints (e.g. European Ombudsman)*" undertaken by the Executive Director and the Legal Sector. Please note that this statement does not cover the handling of complaints under Article 90(2) of the Staff Regulations for which a dedicated privacy statement exists.

2. Why and how do we process your personal data?

eu-LISA, as a data controller collects and processes your personal information to handle litigation and other complaints.

Specifically, eu-LISA processes your personal data for the following purposes:

- a) To handle any litigation processes, in which the Agency is a party (applicant or defendant) or an intervener, initiated in front of the Court of Justice of the European Union or a court of any Member State of the European Union.
- b) To handle other complaints and/or requests or inquiries related to such complaints (e.g. to the European Ombudsman);
- c) To participate in any alternative method of dispute resolution (e.g. negotiation, mediation, arbitration).

In sum, the process consists as follows:

Requests, inquiries and initiatives related to litigation and other complaints are submitted for the attention of the Executive Director, who then forwards them electronically to the Head of the Legal Sector for information and further handling.

The Legal Sector may need to liaise with the Human Resources Unit and/or other relevant units for the verification of the factual background and shall prepare a draft reply for the consideration of the Executive Director.

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Should assistance from an external contractor providing legal services (e.g. a law firm) be required, the Legal Sector shall verify the draft reply prepared by the contractor.

A separate record covers the processing of personal data with regards to handling complaints under Article 90(2) of the Staff Regulations. When litigation is initiated following an Article 90(2) complaint, the personal data will be processed for the purpose covered in this record.

Your personal data will not be used for an automated decision-making including profiling.

3. On what legal ground(s) do we process your personal data

We process your personal data, because:

- (a) Processing is necessary for performance of tasks carried out in the public interest or in the exercise of official authority vested in eu-LISA;

Specifically, to ensure the financial interests of the EU (e.g. within the context of enforcement of contracts to which the Agency is party), particularly in accordance with Regulation (EU, Euratom) 2024/2509 on the financial rules applicable to the general budget of the Union, and the Decision of the Management Board No 2019-198 of 28 August 2019 establishing the Financial Rules of eu-LISA.

- (b) Processing is necessary for compliance with a legal obligation to which the controller is subject;

Specifically:

- To handle any litigation processes, in which the Agency is a party (applicant or defendant) or an intervener, in accordance with the Treaty on the Functioning of the European Union, and in particular:
 - Article 263, Article 265, Article 268 and 340, and Article 272 thereof;
 - Article 270 thereof, as well as with relevance to Regulation (EEC, Euratom, ECSC) No 259/68 laying down the Staff Regulations of Official of the European Union (hereinafter “the SR”), and in particular Article 91 thereof, and the Conditions of Employment of Other Servants of the European Union (hereinafter “the CEOS”), and in particular Article 46 and Article 117 thereof;

and in accordance with Regulation (EU) 2018/1726, and in particular Article 28, Article 32 and Article 33(4) thereof;

- To handle other complaints and/or requests or inquiries related to such complaints (e.g. to the European Ombudsman, in accordance with Regulation (EU) 2018/1726, and in particular Article 40 thereof).
- To handle requests or inquiries based on imposing cooperation duties, for example in accordance with Regulation (EU, Euratom) 883/2013 (OLAF Regulation), and in particular Article 4 thereof, as well as Regulation (EU) 2017/1939 (EPPO Regulation) and in particular Article 24 thereof.

Insofar as it is relevant within the context of the complaint, eu-LISA might process special categories of personal data as indicated in Section 4 because:

- The processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law insofar as it is authorised by Union law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.

- The processing is necessary for the establishment, exercise or defence of legal claims or whenever the Court of Justice is acting in its judicial capacity. This applies to any processing activity that will take place in the context of external legal advice, including but not limited to informing external lawyers as part of a potential pre-litigation phase.

4. Which personal data do we collect and further process?

The types of personal data depend on the context of each case/complaint/inquiry/legal proceeding. They can include the following categories:

- Name, contact details and affiliation (e.g. the function/position of authorised legal representative of a natural or legal person);
- E-Communication and/or connection data;
- Personal identification numbers (e.g. data which enables the data subject submitting the complaint or lodging an application in the national/EU courts, to be identified);
- Image, audio;
- Details on education, expertise, profession of the person (e.g. name of line manager, hiring date, contractual category and grade, organisational entity function at eu-LISA, learning and development certificates, appraisals);
- Economic and financial details (e.g. services provided by the data subject);
- Age, gender, family status;
- Information relating to eligibility, exclusion and selection criteria related to the specific recruitment or procurement procedure (e.g. proof of security clearance, extracts from judicial records, educational background, professional experience);
- Allegations, declarations or other information provided by the staff member/other data subject in the complaint/legal action in order to assess the claim;
- Any other types of personal data included in each specific complaint, investigation, legal action or pre-litigation proceedings.

Different types of special categories of personal data might also be processed depending on the specific complaint submitted and only to the extent necessary. Specifically, the following types of special categories of data could be processed on an *ad hoc* basis:

- Racial or ethnic origin of the person;
- Political opinions or trade/union membership;
- Religious or philosophical beliefs;
- Health data;
- Information regarding the person's sex life or sexual orientation;
- Personal data relating to criminal convictions and offences or related security measures.

We have obtained your personal data directly from you through your interactions with eu-LISA (e.g., recruitment, employment), your submitted complaint or initiated inquiry/legal action, or from the Human Resources Unit or other eu-LISA units relevant to the case.

5. How long do we keep your personal data?

eu-LISA only keeps your personal data (including special categories of data) for the time necessary to fulfil the purpose of collection or further processing, namely:

- At eu-LISA: ten (10) years.

The retention period runs from the date the file is closed. The data is only kept for the time necessary to fulfil the purpose of collection and to ensure a uniform defence of eu-LISA before jurisdictions and relevant Authorities in accordance with the legislative framework.

Should there be a business need, the term will be renewed upon notification to the DPO.

After that period the file may be transferred to the Historical Archives, and appropriate anonymisation measures will take place

When determining the maximum retention periods, the Agency takes also into account possible legal recourses, legal, auditing, archiving and reporting obligations.

6. Who has access to your personal data and to whom is it disclosed?

Access to your personal data is provided to eu-LISA staff responsible for carrying out this processing operation and to authorised staff according to the “need to know” principle. Such staff abide by statutory, and when required, additional confidentiality agreements. In addition, your personal data will be disclosed and processed by the following recipients:

- If assistance from an external contractor providing legal services (e.g. a law firm) is required, the contact person and the authorised staff of that contractor;
- If translation services are required, the Translation Centre for the Bodies of the EU (CdT);
- Court of Justice of the European Union (in litigation cases);
- National Courts (in litigation cases);
- Other Parties and Interveners to the court proceedings;
- When applicable, on a need to know basis, and in compliance with the relevant legal framework applicable, other bodies and institutions in charge of investigative, prosecutorial, supervisory, monitoring, audit or inspections tasks (e.g. the Commission’s Internal Audit Services (IAS), European Court of Auditors (ECA), European Data Protection Supervisor (EDPS), European Public Prosecutor’s Office (EPPO), European Anti-Fraud Office (OLAF)). Depending on the context, these authorities may act as recipients of the data or as independent controllers when conducting their own activities.

The information we collect will not be given to any third party, except to the extent and for the purpose we may be required to do so by law.

7. What are your rights and how can you exercise them?

You have specific rights as a ‘data subject’ under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access, rectify or erase your personal data and the right to restrict the processing of your personal data. Where applicable, you also have the right to object to the processing or the right to data portability. eu-LISA may restrict your rights to safeguard the interests and objectives referred to in Article 25(1) or Regulation (EU) 2018/1725, as well as Article 2 of the MB Decision 2021-096. This restriction will be reviewed every 6 months until lifted.

You can exercise your rights by contacting the Data Controller, or in case of conflict the Data Protection Officer. If necessary, you have the right to lodge a complaint with the European Data Protection Supervisor.

8. Contact information

- The Data Controller

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, please feel free to contact the Data Controller (director@eulisa.europa.eu).

- The Data Protection Officer of eu-LISA

You may contact the Data Protection Officer (dpo@eulisa.europa.eu) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

- **The European Data Protection Supervisor (EDPS)**

You also have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor (edps@edps.europa.eu) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the Data Controller.