**Annex 1**

**Privacy Statement**

**relating to the processing of personal data concerning**

**Complaints under Article 90(2) and requests under Article 24 and 90(1) of the Staff Regulations of Officials of the European Union**

1. **Context and controller**

When the Agency for the Cooperation of Energy Regulators (ACER or the Agency) processes personal data it is subject to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (hereafter “Regulation (EC) No 45/2001”).

The Agency’s department in charge of processing of the personal data (the ‘Controller’) is Administration Department, more precisely HR team.

The contact person for the processing of the personal data is the Human Resources Officer:

Mr. Goran Vaskrsic

Human Resources Officer

Trg republike 3

1000 – Ljubljana, Slovenia

Phone number: +386 (0)820 04 601

Email: goran.vaskrsic@acer.europa.eu

1. **What personal information do we collect, for what purpose, and under which legal bases?**

**Types of personal data**

The following personal data are collected:

- Name and surname of the complainant

- Contact information

- Other relevant information depending on the nature of the complaint

**3. Purpose**

Purpose of collecting and processing of the data is intended to establish the facts referred to in the decision of the Appointing Authority.

1. **Legal basis**

Legal basis of this processing operation is set by Staff Regulations of Officials of the European Union (hereinafter referred to as ‘Staff Regulations’) and the Conditions of Employment of Other Servants of the European Union (hereinafter referred to as ‘CEOS’), as laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, and the Regulation (EC) No 45/2001 of the European Parliament and the Council of 18 December2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data; more specifically,

- Articles 90 (1) and (2) and Article 24 of the SR

- Article 5 (b) (duty of reply of the appointing authority) and

 - Article 5 (d) (the person concerned himself seeks a decision of the appointing authority and, therefore, the treatment of his of personal data).

1. **Who has access to your personal data, to whom is it disclosed, and for how long is it stored?**

Internally at the Agency: the HR Team, Legal team, dealing with the Complaint, Appointing Authority, who adopts the decision at the end and any other persons whose name may appear in the relevant documentation/file.

The data may, on a case by case basis, for the performance of the respective supervisory, advisory or judicial tasks be disclosed to internal auditors, IAS of the European Commission, Court of Auditors, Legal Service, Civil Service Tribunal, the European Ombudsman or the EDPS.

Data is archived for 5 years for reasons of legal appeal procedures in safe HR files. Additionally, data is kept in the personal file of the staff member, which is kept for 8 years following extinction of all rights of the staff member concerned and of any dependents, and archived for at least 120 years after the date of birth of the staff member concerned.

1. **Data subjects’ rights and available recourse measures**

Data subjects have the right of *inter alia* access to and rectification, blocking, and erasure of their personal data. Data subjects’ rights are governed by the provisions of Regulation (EC) No 45/2001.

Data subjects wishing to exercise their rights seeking clarification of their rights or further information on their rights are requested to contact either the contact person for this processing operation (silvia.manessi@acer.europa.eu), or the Agency’s data protection officer (DPO@acer.europa.eu).

Finally, data subjects may, at any time, have recourse to the European Data Protection Supervisor (<http://www.edps.europa.eu>).