

EB DECISION

Decision n.: 2019/01

SUBJECT:

Executive Board Decision laying down internal rules concerning the provision of information to data subjects and the restriction of certain of their data protection rights by the FRA in the context of administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings.

THE EXECUTIVE BOARD OF THE EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

HAVING REGARD:

◊ To the Council Regulation (EC) No. 168/2007 establishing the European Union Agency for Fundamental Rights (FRA) and in particular Article 13 thereof,

To the 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;

WHEREAS:

(1) The FRA conducts administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings, on the basis of Article 86 of the Staff Regulations of Officials of the European Union and in accordance with Annex IX thereto as well as EB Decision 2013/01 Disciplinary proceedings may include investigations conducted by the Disciplinary Board of the FRA pursuant to Article 17 of Annex IX to the Staff Regulations;

(2) Pursuant to Article 25(8) of Regulation (EU) 2018/1725, internal rules concerning the provision of information to data subjects and the restriction of certain of their data protection rights by the FRA in the context of administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings must be adopted without delay;

(3) The European Commission adopted Decision (EU) 2019/165 of 1st February 2019 laying down internal rules concerning the provision of information to data subjects and the restriction of certain of their data protection rights by the Commission in the context of administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings;

(4) The FRA must comply with the applicable legislation on data protection;

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(5) The European Data Protection Supervisor delivered its opinion on 28 February 2019.

HAS DECIDED:

Article 1

Commission Decision (EU) 2019/165 of 1 February 2019 laying down internal rules concerning the provision of information to data subjects and the restriction of certain of their data protection rights by the Commission in the context of administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings¹ shall be applicable to the European Union Agency for Fundamental Rights by analogy.

Article 2

Commission Decision (EU) 2019/165 shall be applicable *mutatis mutandis* to the European Union Agency for Fundamental Rights with the following modifications:

1. "Commission" and "European Commission" shall be replaced by "European Agency for Fundamental Rights (FRA)".
2. In recital (1) "Those tasks...("IDOC")" is not applicable.
3. Commission Decision C(2004) 1588 laying down general implementing provisions on the conduct of administrative inquiries and disciplinary procedures shall be replaced by "EB Decision 2013/01 on conduct administrative inquiries and disciplinary procedures".

Article 3

Entry into Force

This Decision shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

Vienna, 19 March 2019

For the European Union Agency for Fundamental Rights



Sirpa Rautio
Chairperson of the Executive Board

¹ OJ L 32, 4.2.2019, p. 9–13

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019D0165&from=EN>