



Decision of the Administrative Tribunal of the Council of Europe

**laying down the applicable rules and establishing an internal control
mechanism for the processing of personal data carried out within the
framework of the judicial functions of the Administrative Tribunal**

*Adopted by the Administrative Tribunal of the Council of Europe
on 26 January 2023*

The Administrative Tribunal of the Council of Europe,

Having regard to Article 1 of the [Statute of the Administrative Tribunal](#),

Considering Article 2.1.3 of the [Council of Europe Staff Regulations](#),

Considering that, under Article 3.3 of the Council of Europe Regulations on the Protection of Personal Data adopted by [Resolution CM/Res\(2022\)14 of the Committee of Ministers of 15 June 2022](#), the processing of personal data by the Administrative Tribunal of the Council of Europe within the framework of its judicial activities is regulated by the Statute of the Tribunal and its own rules,

Having regard to Article 14.5 of the Tribunal's Statute which provides that "[t]he Tribunal's judgments shall be published on its website, following deletion of any information likely to permit a member of the general public to identify the appellant or any witnesses mentioned therein",

has adopted this decision:

Article 1

The provisions of the Council of Europe Regulations on the Protection of Personal Data shall apply, *mutatis mutandis*, to any collection and processing of personal data carried out by the Administrative Tribunal within the framework of its judicial activities, except for the provisions under Sections III (Advisory and supervisory authorities) and IV (Remedies and sanctions).

Article 2

1. If an individual believes that there has been an infringement of his or her rights under the rules that apply to the Administrative Tribunal pursuant to Article 1 of this decision, he or she may submit a request to the Registrar, inviting him or her to adopt a decision in his or her capacity as controller within the framework of the Tribunal's judicial functions.

2. The Registrar shall notify the person concerned of his or her decision within a reasonable time and no later than one month after the request was made. If the Registrar fails to reply within this period, he or she shall be deemed to have given an implicit decision rejecting the request.

3. A decision taken by the Registrar of the Administrative Tribunal in his or her capacity as controller within the framework of the Tribunal's judicial functions, in response to a request within the meaning of paragraph 1, may be the subject of a complaint to the supervisory authority as provided in Article 4.

Article 3

A regular or deputy judge of the Tribunal shall act as supervisory authority. He or she shall be appointed by the Chair from among the members of the Tribunal.

Article 4

1. The complaint shall be lodged by the person concerned by the decision referred to in Article 2.2, or by his or her representative, within one month after the decision is notified.
2. The complaint shall be lodged in one of the working languages of the Administrative Tribunal.

Article 5

1. In the event of a complaint, the supervisory authority shall carry out a review of the factual and legal grounds relied on.
2. The supervisory authority may amend or uphold the contested decision. The supervisory authority's decision shall supersede, with respect to the complainant, the decision referred to in Article 2.2. This decision shall be final.
3. The supervisory authority shall notify the complainant of its decision, which shall be taken within two months after the complaint is lodged. In the absence of an explicit decision within this period, the supervisory authority shall be deemed to have upheld the decision referred to in Article 2.2.

Article 6

This decision shall enter into force on 1 March 2023.