

## RECORD OF PROCESSING OPERATION<sup>1</sup> ON Anti-harassment procedure

Nr.	Item	Description
1.0	Last update of this record	
1.1	Reference number	DP.HR.20_01
1.2	Name and contact details of controller	Head of Group Human Resource Management <a href="mailto:Personnel@eea.europa.eu">Personnel@eea.europa.eu</a>
1.3	Name and contact details of joint controller(s) (where applicable)	Not applicable
1.4	Name and contact details of the processor (where applicable)	Not applicable
1.5	Name and contact details of the DPO	<a href="mailto:DPO@eea.europa.eu">DPO@eea.europa.eu</a>
1.6	Purpose of the processing	<p>Personal data is collected and further processed for the purpose of the confidential counsellor's network, and an informal procedure opened at the request of an alleged victim (hereinafter referred to as "party 1"), with a view of:</p> <ul style="list-style-type: none"> <li>• Providing support and protection to parties 1 and direct them, if appropriate, towards the relevant department</li> <li>• Ensuring that cases are handled efficiently and trying to solve the problem based on detailed information by making an attempt at conciliation whenever appropriate</li> <li>• Monitoring the policy and assessing its impact and effectiveness and putting in place preventive measures</li> </ul>

<sup>1</sup> Record of EEA activities processing personal data, based on Article 31 of 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 and Decision No 1247/2002/EC.

		<ul style="list-style-type: none"> <li>• Identifying recurrent or multiple parties 1/parties 2 (i.e. “alleged harassers”) and providing reference for disciplinary actions</li> <li>• Forwarding the appropriate information to other stakeholders whenever the party 1 wishes to start a formal procedure</li> <li>• Answering questions put to the contract person by the European Ombudsman or national EU judicial authorities.</li> </ul>
1.7	Description of categories of persons whose data the EEA processes and list of data categories	<p>All EEA statutory staff members (including officials, temporary agents, contract agents), trainees, seconded national experts, consultants, and interims.</p> <p>The personal data as provided by the party 1 and collected during an informal procedure. The file opening/closing forms which include the alleged harassment details as well as the name, grade, and function of the party 1 and the party 2.</p> <p>Data that are not directly transmitted by the data subject may originate from third parties’ statements (e.g. party 1, other person concerned, and witnesses).</p>
1.8	Time limit for keeping the data	<p>The opening and closing forms together with the case file (if any) relating to an informal procedure shall be kept for a maximum of five years as from the date the informal procedure was closed. The files may only be consulted by the staff member concerned of the HR contact person. The opening and closing forms and the case file (if any) are kept for a further period of five years when a judicial or administrative procedure requiring that this documentation be consulted is still ongoing when the first term expires.</p> <p>Personal data will not be kept further than the necessary time for the procedure to reach an end, and for a maximum period of three months after the closure of the case.</p> <p>Personal notes, mostly memory aid consisting of key words, of confidential counsellors are not to be shared or transmitted and will be destroyed at the latest three months after the closure of a case.</p>

1.9	Recipients of the data	<p>For the purpose detailed under point 1.6 above, access to the personally provided data is given to the following persons:</p> <ul style="list-style-type: none"> <li>• The confidential counsellor and where appropriate to the contact person in the framework of the informal procedure</li> </ul> <p>All information is dealt with in strict confidentiality and nothing is passed on without parties 1 consent. This information is kept solely by the contact person in HR and will only be transmitted to the competent bodies when a formal procedure is launched and with the prior consent of the person who gave them to the recipients. Transmission without prior consent can only occur in exceptional cases, i.e. when necessary to ensure the protection of parties 1.</p> <ul style="list-style-type: none"> <li>• In the context of the <b>informal procedure</b>, the contact person and the confidential counsellors may have to share some information with other departments (medical adviser for instance). This transmission will be restricted to the information necessary for the competent entity to carry out its task.</li> <li>• When a <b>formal</b> procedure is launched, the opening and the closing forms as well as the case file with documents that are relevant for processing the complaint or the investigation are made available to the EEA legal advisor and/or the investigator(s) by the contact person in the HRM group. The same occurs when the national or EU judicial authorities are involved.</li> <li>• In the event of recurrent cases and/or where the same name appears (either party 1 or party 2) three times in three different cases in the database, the contact person must inform the Executive Director.</li> </ul>
1.10	Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?	There is no transfer of personal data to third countries or international organisations.
1.11	General description of security measures (where possible)	All information and data related to an informal procedure is kept by the confidential counsellor and stored in a locked cupboard during the procedure. Thereafter, all information is passed to the contact person in the HRM group and stored in a locked safe in a locked office for the

		<p>appropriate period after which it is destroyed. Information is transmitted by hand in sealed envelope labelled “<i>private and confidential</i>” or “<i>staff matters, confidential</i>”.</p> <p>Electronic files are stored on an encrypted drive with restricted access and are password protected.</p>
1.12	<p>Measures for providing additional information, including how data subjects may exercise their rights of access, rectification, data portability (where applicable), etc.</p>	<ul style="list-style-type: none"> <li>• In the context of the selection of confidential counsellors: The call for application published on the EEA intranet contains a specific clause on data protection.</li> <li>• In the context of the informal procedure: The EEA policy on protecting the dignity of the person and preventing psychological and sexual harassment as well as the declaration on the protection of data of a personal nature (declaration of confidentiality) and the Manual of procedure containing the rules applicable to data protection are published on the EEA intranet under ‘Staff affairs’. The confidentiality form is transmitted to the party 1 at the beginning of the informal procedure and to the party 2 when he/she is contacted by the confidential counsellor. In the confidentiality form, the persons concerned are informed about the informal procedure, its legal basis, the type of personal data processed, the modalities for the storage and the retention of the data. Additional information is also displayed in the Specific privacy statement available on the EEA intranet</li> </ul> <p>Modalities for exercising data subjects’ rights in the context of the informal procedure: The persons concerned (whether party 1 or party 2), are informed by means of the declaration on data protection that they may approach the data controller to exercise their right of access to the data concerning them. This right is subject to limitations pursuant to Article 25 (1) (b) of Regulation (EU)2018/1725. Hence data subjects may not access files relating to them in their entirety. Access will be granted under the following circumstances:</p>

- All data subjects will be able to access the documents which they have provided themselves

- All data subjects, either party 1 or party 2, can see the opening form of a case that concerns them. The party 2 access is dependent on the fact that they are only informed of the informal procedure by the confidential counsellor after consent of the party 1

- Parties 1 also have access to the closing form concerning their case

- Access to all other documents is dependent on the fact that they do not contain personal data about other persons or confidential declarations, or their provision would not be deemed prejudicial to any implicated party or be against the good administration of cases or future relations of the parties.

All data subjects may ask for their personal data to be updated or rectified where there are factual mistakes in the forms concerning their case. Access is limited to viewing the form or a declaration that it exists, a copy will not be provided. The data controller commits him/herself to deal with a request for access within the boundaries of his/her duty of care as well as to carry out the necessary verifications of the data and, if need be, rectify them.