

REGISTER NUMBER: 277

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 26 July 2007

Case number: 2007-486

Institution: European Central Bank

Legal basis: article 27-5 of the regulation CE 45/2001(1)

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN(2)

(2) Please attach all necessary backup documents

1/ Name and adress of the controller

Manfred Koch, Head of HR Policies and Staff Relations Division, DG Human Resources, Budget and Organisation, ECB

2/ Organisational parts of the institution or body entrusted with the processing of personal data

Annette Löning, Social Counsellor, ECB

3/ Name of the processing

Data processed by Social Counsellor of the ECB.

4/ Purpose or purposes of the processing

The work of the Social Counsellor includes listening, counselling and mediating on individual request of staff members who have employment-related problems or personal problems having an impact on the work situation. The terms of reference of the Social Counsellor, which are available on the ECB Intranet specify as scope:

“The position of the Social Counsellor has been established to make available the services of an impartial and independent person to address primarily employment-related problems. The principal aim is to provide assistance in resolving these problems and as a result to improve the overall working environment at the ECB. The Social Counsellor provides counselling concerning work-related issues and situations upon individual request and, in situations of tension between members of staff or between management and staff members, looks for mutually acceptable solutions so as to avoid the escalation of problems. In addition, the Social Counsellor can provide a counselling service with regard to personal situations having an impact on the work position.”

The duties and responsibilities of the Social Counsellor are furthermore specified in the terms of reference as follows:

“Provide counselling to ECB staff members on individual request on matters such as work-related stress, bullying/mobbing (psychological harassment), sexual harassment, conflicts/problems/ harassment based on gender, nationality, disability (physical ability), age, religion, language, ethnic background, race, education and profession, sexual orientation, family status, etc.

Mediate in interpersonal conflicts

Prevent organisational pathologies

Promote awareness of good practice / problem areas

- Coach individuals, e.g. on behavioural patterns, social competence, etc.
- Propose/publish brochures, info sheets.
- Propose/organise conferences, lectures.

Monitor and advise on developments (continuous update on legislation and practices)

Develop and make use of an external network with peers in other organisations to discuss relevant experience and practices

Issue an annual report on his/her activities

Co-operate and liaise with an ECB internal network and the Medical Adviser

Co-ordinate activities with the Equal Opportunities Adviser

In no circumstance does the role of the Social Counsellor include decision-making or arbitration powers.”

5/ Description of the category or categories of data subjects

Mainly ECB employees, rarely agency staff or other consultants.

6/ Description of the data or categories of data (including, if applicable, special categories of data (article 10) and/or origin of data)

Information about the working or the personal situation as, position, tasks, special problem descriptions, some personal data as nationality, family status, age, qualifications, which are given by the clients and are necessary to discuss or solve their problem.

7/ Information to be given to data subjects

Clients are aware that only information given by the clients themselves are processed, no original documents, only copies of relevant papers, e-mails, if necessary for dealing with the problem.

The information given is treated with utmost confidentiality

The Counsellor writes some minutes just for her own memory and deletes everything when the case is over or latest till the Annual Report for the ECB is finalised. The statistical data needed for the Annual Reports are only used in an absolute anonymous way.

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| <p>8/ Procedures to grant rights of data subjects(rights of access, to rectify, to block, to erase, to object)</p> <p>All the records are locked in a filing cabinet and the room is locked as well.</p> |
| <p>9/ Automated / Manual processing operation</p> <p>Manual processing operation.</p> |
| <p>10/ Storage media of data</p> <p>Hardcopy files</p> |
| <p>11/ Legal basis and lawfulness of the processing operation</p> <p>The clients give the information voluntarily themselves as far as necessary to understand and to deal with the problem. So legal basis in Article 5 (a) and (d) of Regulation (EC) 45/2001</p> |
| <p>12/ The recipients or categories of recipient to whom the data might be disclosed</p> <p>When the counselling only involves the clients themselves; the data stays with the Counsellor and will be deleted after the case is over. No information on the health situation of a client is disclosed to other recipients. If persons other than the clients are involved (e.g. harassment), the Counsellor may, in agreement with the client, take action and inform designated members of staff of the Directorate General Human Resources, Budget and Organisation or the management of the business unit concerned that conflict situations with a particular person have been reported to the Counsellor and need to be addressed.</p> |
| <p>13/ retention policy of (categories of) personal data</p> <p>Files are deleted after the case is closed and the yearly statistic is done.</p> |
| <p>13 a/ time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject) (Please, specify the time limits for every category, if applicable)</p> <p>No time limit for blocking and erasure applied.</p> |
| <p>14/ Historical, statistical or scientific purposes</p> <p>Only for statistical reasons stored for the Annual Report in an anonymous way</p> |
| <p>15/ Proposed transfers of data to third countries or international organisations</p> <p>Not happening</p> |
| <p>16/ The processing operation presents specific risk which justifies prior checking (please describe):</p> <p>AS FORESEEN IN: <input checked="" type="checkbox"/> Article 27.2.(a) (X) Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,</p> |

17/ Comments

PLACE AND DATE: 27 June 2007

DATA PROTECTION OFFICER: Martin Benisch

INSTITUTION OR BODY: European Central Bank