

To be filled out in the EDPS' office

**REGISTER NUMBER: 682****NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 29/04/2011

Case number: 2011-0408

Institution: EUROFOUND

Legal basis: article 27-5 of the regulation CE 45/2001<sup>(1)</sup><sup>(1)</sup> OJ L 8, 12.01.2001**INFORMATION TO BE GIVEN<sup>(2)</sup>**<sup>(2)</sup> Please attach all necessary backup documents*Annex 1: Draft Implementing Rules**Annex 2: Confidentiality Agreement for Confidential Counsellors**Annex 3: HR Security Policy*

1/ Name and address of the controller  
Eurofound – Director (Process delegated to the Head of HR)  
Wyattville Road  
Loughlinstown  
Dublin 18  
Ireland

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

3/ Name of the processing  
A) Selection of Confidential Counsellors  
B) The Informal Procedures for Alleged Cases of Harassment

4/ Purpose or purposes of the processing  
A) To select a 'network' of Confidential Counsellors who will provide assistance in the case of informal harassment allegations  
B) and to establish guidelines for conducting Informal Procedures which may or may not lead to a formal procedure (Covered in the Administrative Inquiries & Disciplinary Proceedings Procedure)

5/ Description of the category or categories of data subjects  
A) Staff members who apply for the position of Confidential Counsellor  
B) Any person who are involved in an alleged harassment inquiry

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

A) For the Selection of Confidential Counsellors:

- Names of the Confidential Counsellor applicants
- Titles
- Some sensitive data could be collected only if voluntarily given by the data subject as part of application.

B) For Informal Procedures:

- Due to the wide variety of possible cases which could be presented in an Informal Procedure, specific descriptions are difficult to list. However, it is reasonable to assume that some data could be collected to include:
  - The Name of the staff members involved in the alleged harassment,
  - And possibly some sensitive data if freely given by the data subject during the Informal Procedure. Such data would be processed only inasmuch as the data are relevant for the case, and it would be considered that the data subject has given their express consent to the processing of such data.

7/ Information to be given to data subjects

- A) Confidentiality Agreement for Confidential Counsellors  
Manual of Procedures (In the process of being created)
- B) The Data Subjects involved in an Informal Procedure will be given a copy of the Data Protection Policy

8/ Procedures to grant rights of data subjects (*rights of access, to rectify, to block, to erase, to object*)

A section on Data Protection will be included in the Manual of Procedures. (In the process of being created)  
Also, a Data Protection statement will be included on the HR Website that talks about the Harassment procedures.

9/ Automated / Manual processing operation

- A) Applicants for the position of Confidential Counsellor must complete an on-line form.
- B) Primarily, Informal Procedures are conducted on a manual basis; however, some emails may be produced during the course of the case.

10/ Storage media of data

For all procedures, all electronic documentation will be stored in a secure, confidential container in the TRIM system. The TRIM system provides a complete Audit log of all document access.

Paper files will be marked 'Confidential' and stored in a secure and locked file in the HR unit. Only the Head of HR will have access to this secured file.

11/ Legal basis and lawfulness of the processing operation

- Staff Regulations of Officials of the European Communities – in particular, Articles 1d,12 and 12a concerning behaviour which may infringe human dignity
- The CEOS – in particular, Articles 11 and 81.
- Regulation (EC) 1365/75 of 26 May 1975
- Commission decision C (2006) 1624/3 of 26 April 2006
- Regulation (EC) 45/2001
- Article 1 and 31(1) of the EU Charter of Fundamental Rights

12/ The recipients or categories of recipient to whom the data might be disclosed  
In accordance with Article 7(1) of Regulation 45/2001; Data will be transferred only if necessary to the performance of a task.

A) For the Selection of Confidential Counsellors, recipients may include:

- Head of HR
- HR Staff member
- The Director
- The Deputy Director
- Staff Committee representative

B) For Informal Procedures, recipients may include:

- Confidential Counsellor
- Other EU Bodies including: The Court of Auditors, The Court of Justice, OLAF, The European Ombudsman and the EDPS
- External experts (i.e. psychologist)

13/ retention policy of (categories of) personal data

A) Documentation for the selection of Confidential Counsellors will be held for 1 year after fulfilling their obligation as a Confidential Counsellor. For unsuccessful applicants, documentation will be held for six months after the selection process.

B) Documentation for Informal Proceedings will be stored for no more than two years unless there is a repeated allegation from any of the parties involved.

Documentation for formal inquiries is retained in line with the retention policy for Administrative Inquiries and Disciplinary Proceedings.

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)*

In the case of the Selection of Confidential Counsellors and for Informal Procedures, time limits for blocking and erasure of data are not foreseen, unless such a request would be recognized as a necessary measure for the protection of the rights and freedoms of others.

14/ Historical, statistical or scientific purposes

*If you store data for longer periods than mentioned above, please specify, if applicable, why the data must be kept under a form which permits identification,*

A) N/A for the Selection of Confidential Counsellors

B) In the case of Informal Proceedings, Confidential Counsellors may be asked to provide information regarding the number and types of cases presented to them for statistical purposes only. In these cases, no personal data will be collected or revealed.

15/ Proposed transfers of data to third countries or international organisations

Data transfers to organisations outside Eurofound or other EU institutions and bodies occur only at the request of a national authority, in accordance with Article 9 of the Regulation. i.e. If there is an infringement of national or international law.

16/ The processing operation presents specific risk which justifies prior checking (*please describe*):

- A) For the selection of Confidential Counsellors process, applicants will be evaluated on their ability to perform the function, and during the course of the application may reveal sensitive data. This data would be voluntarily provided by the Data Subject (Applicant).
- B) For Informal Procedures, the Data Subject may reveal sensitive data during the course of the procedure.

AS FORESEEN IN:

Article 27.2.(a)

Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

N/A

Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject,

With regard to the selection process, staff members who to be considered for appointment as a Confidential Counsellor will selected based on different categories, including gender, in order to establish a broad representation of the different categories of staff and to ensure a gender balance.

Article 27.2.(c)

Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

N/A

Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

With regard to the selection process, staff members who which to be considered for appointment as a Confidential Counsellor will selected based on different categories, including gender, in order to establish a broad representation of the different categories of staff and to ensure a gender balance.

Other (general concept in Article 27.1)

17/ Comments

Special Category Personal Data will not be routinely collected.

However, if during the selection process for the Confidential Counsellors, data could be volunteered by the applicant and will be processed only with the express consent of the party and will be considered sensitive and will be held in strict confidence. All such data will be considered to be given by the express consent of the individual.

For Informal Procedures, if the nature of the informal allegation requires the collection of such sensitive data, the data will only be collected with the express consent of the party and will be considered sensitive and will be held in strict confidence. All such data will be reviewed by the data subject for accuracy, and will be considered to be given by the express consent of the individual.

PLACE AND DATE: Dublin, Ireland 29 April 2011

DATA PROTECTION OFFICER: Markus Grimmeisen

INSTITUTION OR BODY: Eurofound