

REGISTER NUMBER: 686

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 10/06/2011

Case number: 2011-0540

Institution: CEDEFOP

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 address of the controller

Ms Rayna Germanova
Coordinator of the network of confidential counsellors
Rayna.germanova@cedefop.europa.eu
P.O.Box 22427
GR - 55102 Thessaloniki, Greece

2 a/ Part of the institution or body entrusted with the processing of personal data

Area Resources/Human Resources/ Network of confidential counsellors

b/ Name and address of the processor

The names of the confidential counsellors will be available once the selection procedure is finalized.

3/ Name of the processing

Selection of confidential counsellors and informal procedure for cases of alleged harassment

4/ Purpose or purposes of the processing

The purpose of the processing of data of a personal nature is the implementation of the policy intended to prevent and combat psychological and sexual harassment at Cedefop pursuant to the Director's Decision (annexed as file: 2011_04_13 Draft Policy antiharassment.doc 154 KB).

5/ Description of the category or categories of data subjects

The data subjects are all current staff members of Cedefop (officials, temporary agents, contract agents, Seconded National Experts and trainees), as well as the employees of external contractors working on Cedefop premises. Regarding the selection of confidential counsellors, only officials, temporary staff and contract staff are eligible for the selection of confidential counsellors.

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

See section V of the *Note to the Data Protection Officer - Processing of personal data during the selection of confidential counsellors and the informal procedure for cases of alleged harassment at Cedefop*. As far as it concerns the special categories of data (article 10): Neither confidential counsellors nor the Coordinator process data which disclose racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, or data concerning health or sexual life. Retaining of such data in a closing form (see Annex #2) may take place only in exceptional cases when they constitute a key element in the understanding of a case – for example the reason for the harassment – and in resolving the question being addressed. Cedefop will process such data in compliance with Article 10(2) of Regulation (EC) No 45/2001.

7/ Information to be given to data subjects

The information is provided in a general text by means of a general privacy statement (see attached Annexes #4 and #6) available to all staff members, recalling the provisions of Articles 11 and 12. A link to the privacy statement appears together with the contact details of the confidential counsellors. During the initial meeting with the confidential counsellor, the privacy statement is given to the data subject.

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

See section IX of the *Note to the Data Protection Officer - Processing of personal data during the selection of confidential counsellors and the informal procedure for cases of alleged harassment at Cedefop*.

9/ Automated / Manual processing operation

The processing of personal data is done both manually and by automated means (e.g. excel spreadsheets)

10/ Storage media of data

See section X of the *Note to the Data Protection Officer - Processing of personal data during the selection of confidential counsellors and the informal procedure for cases of alleged harassment at Cedefop*.

11/ Legal basis and lawfulness of the processing operation

Article 12a of the Staff Regulations and Articles 11 and 54 of the CEOS, the Director's decision (annexed as file: 2011_04_13 Draft Policy antiharassment.doc 154 KB) and the Manual of Informal Procedures within the framework of Cedefop policy on protecting the dignity of the person and preventing any form of psychological and sexual harassment.

12/ The recipients or categories of recipient to whom the data might be disclosed

See section VII of the *Note to the Data Protection Officer - Processing of personal data during the selection of confidential counsellors and the informal procedure for cases of alleged harassment at Cedefop*.

13/ Retention policy of (categories of) personal data

The Coordinator has responsibility for maintaining a historical record of cases dealt with under the informal procedure. The Coordinator will keep in a central file the file opening forms and file closing forms, for a maximum period of five years from the date of commencement of an informal procedure. It will not keep any record of the names of alleged harassers who have not been informed that there is an informal procedure concerning them. Their names will be removed from file opening forms when cases are closed under the informal procedure.

This five-year period will allow for identification of recurrent or multiple cases with a view to prevention of harassment, as for responding to any questions posed by judicial authorities.

Files will be retained beyond the five years for an additional five-year period when a judicial or administrative procedure requiring their access remains pending at the date of expiry of the five years.

Data for statistical purposes will be kept for an unlimited term after being rendered anonymous, in accordance with Article 4(1)(e) of Regulation 45/2001.

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)

See section IX of the *Note to the Data Protection Officer - Processing of personal data during the selection of confidential counsellors and the informal procedure for cases of alleged harassment at Cedefop*.

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,

Data for statistical purposes will be kept for an unlimited term after being rendered anonymous, in accordance with Article 4(1)(e) of Regulation 45/2001. Data are collected in the Statistical Anonymous form attached as Annex 3.

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

n/a

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

☐ **Article 27.2.(a)**

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

17/ Comments

PLACE AND DATE: 09 June 2011 (reviewed by DPO)

DATA PROTECTION OFFICER: Spyros ANTONIOU (Data Protection Officer of Cedefop)

INSTITUTION OR BODY: CEDEFOP