

(To be filled out in the EDPS' office)

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 31/07/2013

CASE NUMBER: 2013-0920

INSTITUTION: ENISA

LEGAL BASIS: ARTICLE 27-5 OF THE REGULATION CE N° 45/2001⁽¹⁾

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

Professor Udo Helmbrecht, Executive Director, ENISA, PO Box 1309, 710 01 Heraklion, Crete, Greece

2/ ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA

- Human Resources Department
- Confidential Counsellors (these will be selected and trained volunteers, being temporary agents, contract agents, or officials within ENISA)

3/ NAME OF THE PROCESSING

Anti-harassment policy

4/ PURPOSE OR PURPOSES OF THE PROCESSING

- Implementing Article 12a of Staff Regulations (legal basis, article 12a, Staff Regulations) (“1. Officials shall refrain from any form of psychological or sexual harassment”)

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

ENISA staff members, seconded national experts and interims

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA (*including, if applicable, special categories of data (Article 10) and/or origin of data*).

Personal data as defined in article 2 of Regulation 45/2001

In the event of there being a need to process special categories of data, this will be done in compliance with Section 3, Article 10 of Regulation 45/2001.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

See Executive Director's Decision document and policy (attached to covering email).

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS
(Rights of access, to rectify, to block, to erase, to object)

Data subjects will be made aware in writing of their rights under Regulation 45/2001, including all of the above.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Manual processing will be carried out.

10/ STORAGE MEDIA OF DATA

Data will be stored in hard copy and electronic files.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Staff Regulations Article 12a.

12/ THE RECIPIENTS OR CATEGORIES OF RECIPIENT TO WHOM THE DATA MIGHT BE DISCLOSED

HR staff, Confidential Counsellors. At the explicit request of the data subject, data may be shared with other staff members relevant to a particular case.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Files will be held for a maximum of five years from the start date of the informal procedure.

Files may be held for a further five years if there is an administrative or legal procedure (requests from the Ombudsman, Civil Service Tribunal) necessitating their consultation.

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS

Indefinite

(Please, specify the time limits for every category, if applicable)]

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.

No data will be stored for these purposes in a form which permits identification.

15/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

No such transfers will be carried out under this procedure.

16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING *(Please describe):*

This procedure, anti-harassment, is subject to prior checking as it involves processing that falls within falls within the scope of operations foreseen in Article 27 of Regulation 45/2001.

↑ Article 27.2.(a)

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

These classes of data will not be processed under this procedure.

¶ Article 27.2.(b)

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

Data with regard to conduct is likely to be processed within the anti-harassment procedure.

¶ Article 27.2.(c)

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

These classes of data will not be processed under this procedure.

¶ Article 27.2.(d)

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

These classes of data will not be processed under this procedure.

¶ Other (general concept in Article 27.1)

Other than as mentioned above, these classes of data will not be processed under this procedure.

17/ COMMENTS

N/A

PLACE AND DATE: Heraklion, Greece

DATA PROTECTION OFFICER: Graeme Cooper (Deputy DPO)

INSTITUTION OR BODY: ENISA

