

(To be filled out in the EDPS' office)

REGISTER NUMBER: 1235

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 25/04/2014

CASE NUMBER: 2014-0481

INSTITUTION: ECDC

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

Jessica Mannheim, (Jessica.Mannheim@ecdc.europa.eu), Head of the Human Resources Section, ECDC, Tomtebodavägen 11A SE-17183, Stockholm

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

Human Resources Section, Resource Management and Coordination Unit

3/ NAME OF THE PROCESSING

Policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment and selection of confidential counsellors in the context of an informal procedure of alleged harassment.

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The policy has as its objective the creation of an informal and formal procedure relating to psychological harassment and to sexual harassment. In addition, a process for selecting confidential counsellors in the context of the informal procedure has been established, and therefore, ECDC would wish to have both processes prior checked with this notification.

For a detailed description of the processing operations please refer to the following annexed documents:

- Implementing Rule number 33 on the Policy on protecting the dignity of the person and

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

preventing psychological harassment sexual harassment;
- Manual for ECDC internal confidential counsellors.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

For the selection of confidential counsellors:

- Temporary Agent or a Contract Agent working at ECDC, who applies for the task of a confidential counsellor

For the informal procedure related to alleged psychological harassment and sexual harassment:

- Each and every person working at ECDC, regardless of grade or contract of employment (this includes the trainees and all those working under a contract under national law), may initiate an informal procedure, if they feel they are the victim of psychological harassment or sexual harassment by a member of staff of ECDC.
- Alleged harasser
- Only Temporary Agents, Contract Agents and Seconded National Experts will have access to the formal procedure.

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 that will be processed in the context of the selection of confidential counsellors include the following categories:

- Professional details of staff applying for confidential counsellors, contained in CV
- Evaluation data
- In principle, the processing operation does not include sensitive data as described under Article 10 of Regulation (EC) No 45/2001. However, the possibility that candidates might provide some sensitive data in their application voluntarily, cannot be excluded.

Personal data that will be processed in the context of the informal procedure include the following categories:

- Administrative and identification data, collected from the data subjects directly (through the opening and closing forms)
- the data linked to the statements addressed to the Confidential Counsellors by the person(s) that feel(s) harassed

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

The Manual for internal confidential counsellors contains comprehensive information on the retention of the files, possible recipients of the data, exercise of rights of the data subjects etc. A data protection notice has also been developed in relation to the selection of confidential counsellors and will be available through a link to the call for interest for internal confidential counsellors to be published on the Intranet.

Each and every person working at ECDC will have access to the Policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment, once it is adopted, as it will be available on the Intranet. In addition, a general data protection notice with regards to the processing of personal data in the context of an informal procedure has been developed and will be available on the Intranet. Moreover, information will be provided to the individuals involved in each

specific case (to the alleged victim, and the alleged harasser if the alleged victim agrees to it).

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

In relation to the selection of confidential counsellors, applicants can exercise their right of access and rectification by contacting the controller by email. However, a limitation to access the overall final assessment of the selection is possible, in accordance with the principle of the secrecy of selection committee's procedures. As to the rights of rectification, the evaluation data made by the selection panel cannot be rectified. Article 20.1c of the Regulation 45/2001 may also apply in certain circumstances, in order to protect the rights of other applicants, especially in case of comparative evaluation data. Applicants may request the blocking of their data or erasure, if the process is found to be unlawful.

The controller (or the confidential counsellor re: personal notes) can be contacted by the alleged victim and alleged harasser (if victim has consented that the alleged harasser is informed) in order to exercise their rights of access and rectification. However, article 20.1 c of the Regulation 45/2001 may be applied on a case by case basis, thus limiting the access rights of the individuals involved, in order to protect rights of third parties.

Data subjects can exercise their rights of erasure and blocking, if the processing is unlawful by contacting the data controller.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Processing of data is manual.

10/ STORAGE MEDIA OF DATA

Paper files.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Legal basis (Treaty, Regulation, Decision, etc.) for this processing operations are:

- Articles 12(a) and 24 of the Staff Regulations, as well as article 11 of the Conditions of Employment of other Servants
- Implementing Rule number 33 on the policy of the European Centre for Disease Prevention and Control on protecting the dignity of the person and preventing psychological harassment and sexual harassment

Moreover, the consent of the alleged victim of harassment serves as a complementary legal basis.

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

In the context of selection of confidential counsellors:

- selection panel, with the participation of the Staff Committee
- Director, as appointing authority
- The list of selected confidential counsellors will be published on the intranet

In the context of informal procedure:

- Confidential counsellor
- Members of the HR section dealing with the administrative part of the informal procedure
- Director only for recurrent harassment cases

Data may also be transferred to the EDPS, the internal audit services, the Court or the Ombudsman.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The data of the selected applicants will be kept until the end of the term of office of any confidential counsellor appointed.

Data of non-selected applicants will be kept for 1 year after the selection panel has issued its final decision.

In the context of an informal procedure, confidential Counsellors may not keep any personal data beyond the time needed to deal with a case. In any case they cannot keep personal data for longer than three months following the closure of a case. Information related to informal procedures will be kept for a maximum of five years from the start date of the informal procedure. Finally, 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 (Please, specify the time limits for every category, if applicable)

15 days

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 may be kept for statistical purposes, and they will be anonymized.

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

No transfer of data to third countries is envisaged, except for judicial authorities.

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,)

Article 27.2.(b)

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

Article 27.2.(c)

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

Article 27.2.(d)

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

Other (general concept in Article 27.1)

17/ COMMENTS

This notification contains 4 annexes:

1. Policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment
2. Manual for ECDC internal confidential counsellors
3. Data protection notice for applicants as internal confidential counsellors
4. Data protection regarding the processing of harassment related data

PLACE AND DATE: STOCKHOLM, 25/04/2014

DATA PROTECTION OFFICER: DR ANDREA AMMON (ACTING)

INSTITUTION OR BODY: ECDC, EUROPEAN CENTRE FOR DISEASE PREVENTION AND CONTROL.