

(To be filled out in the EDPS' office)  
REGISTER NUMBER: 1288

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### NOTIFICATION FOR PRIOR CHECKING

**DATE OF SUBMISSION: 02/12/2014**

**CASE NUMBER: 2014-1117**

**INSTITUTION: EUSC**

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

### INFORMATION TO BE GIVEN<sup>2</sup>

1/ NAME AND ADDRESS OF THE CONTROLLER

EU SATCEN (BASE AÉREA DE TORREJÓN ARDOZ, AVENIDA DE CÁDIZ S/N, EDIFICIO 457, 28850, TORREJÓN DE ARDOZ, MADRID, SPAIN) (DIRECTOR - MR. TOMAŽ LOVREN I )

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

Administration Division (Head of Administration)

3/ NAME OF THE PROCESSING

The selection of confidential counsellors and the informal procedure for cases of alleged harassment by the EU SatCen.

4/ PURPOSE OR PURPOSES OF THE PROCESSING

Selection of confidential counsellors: the applicant's ability to perform their functions as counsellors will be evaluated in light of the eligibility requirements published in an open call for applications on the EU SatCen intranet.

Eligible applicants are selected by a panel composed of representatives of the Administration Division and the Staff Committee. They are proposed to the Director for approval.

In case of approval, the list of appointed confidential counsellors is published of the Agency's intranet.

<sup>1</sup> OJ L 8, 12.01.2001.

<sup>2</sup> **Please attach all necessary backup documents**

Informal procedure: the data subjects' conducts will be evaluated in the context of a harassment procedure.

For further information about both procedures, please see the EU SatCen's manual of procedures published on the Agency's intranet (see attached).

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Selection of confidential counsellors: any Agency's staff member, permanent or temporary, who has at least 2 years of work experience at the EU SatCen, and has a good knowledge of the functioning of the Agency.

Informal procedure: Any staff member who feels he/she is the victim of psychological or sexual harassment may get in touch with a confidential counsellor by:

- Contacting the Administration Division, either by email or by phone, for them to provide the list of confidential counsellors;
- Contacting the confidential counsellor of their choice by consulting the list published on the EU SatCen's Intranet, The data subjects' conducts will be evaluated in the context of a harassment procedure.
- Data subjects are also the alleged harassers and witnesses.

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

Selection of confidential counsellors:

- selection and eligibility criteria relevant and necessary to the specific nature of their function;
- applicants might voluntarily provide sensitive data in their application forms and/or any other attached documents, such as CV or motivation letter. When motivating his/her application to the function of confidential counsellor, the candidate may reveal for example that:
  - he/she has been himself/herself harassed because of his/her sexual orientation,
  - he/she has been himself/herself harassed because of his/her handicap.

Informal procedure: There is no systematic rule with regard to different types of data which may be collected. Very different types of data may exist, which largely depend on the case in question. Two categories may be distinguished:

- Data qualified as "hard" or "objective", i.e. administrative and identification data, usually collected directly from the data subjects (by means of opening and closing forms).
- Data qualified as "soft" or "subjective", i.e. allegation and declaration based upon the subjective perceptions of data subjects, usually collected by means of the personal notes of the counsellors.
- Data also include details of alleged harassers and, potentially, of witnesses.

- Data related to health or sex life provided from the data subject voluntarily or they are necessary and relevant in the context of the particular case.

#### 7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Given the character of the data being processed, the EU SatCen shall use all adequate means to ensure that data subjects receive all necessary information about the processing of their personal data before the procedure is launched.

Selection of confidential counsellors: A privacy policy is published on intranet with the publication of the call for interests (see attached).

Informal procedure: A privacy policy is published on intranet with the list of selected counsellors. During the initial meeting with the confidential counsellor, the privacy policy could be given to the data subject (see attached).

It may be necessary in certain cases, not to specifically inform the alleged harasser or to defer his/her information, in order not to prejudice the procedure (see Article 20(1)(c) of the Regulation .

Article 20(5) may also be applied in specific circumstances. An alleged harasser will usually be informed of the existence of an informal procedure relating to him by the confidential counsellor, with the prior consent of the victim.

#### 8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

(Rights of access, to rectify, to block, to erase, to object)

Selection of confidential counsellors: applicants may have access to the overall final assessment of the selection process excluding any comparative results and individual opinions of the selection panel in line with Art.20 (1) (c) of Regulation (CE) 45/2001. Data subjects are provided with aggregated results.

Applicants may rectify the identification data at any time during the selection procedure. They may not modify their admissibility criteria data after the closing date of submitting their application.

They are not entitled to rectify any appreciations done by the selection panel, but they may add further information to their file such as additional evaluations.

Informal procedure: Data subjects may exercise their rights of access and rectification by contacting the Administration Division by means of a specific functional mailbox, allowing written requests and discretion.

Data subjects may request their file to be complete, in particular they may request rectification not only of their "hard data", but also of their "soft data", namely add further information such as additional testimonies to their individual file.

The above rights may be subject to limitations pursuant to Article 20(1)(c) of the Regulation. Hence, data subjects may not be entitled to have access to their files relating to them in their entirety. For

example, the alleged harassers may experience a limitation to their right of access in order to protect the alleged victim.

In any case if the Administration Division considers that a restriction of the right of access and/or rectification of data subjects is necessary and based on the principle of proportionality, should inform the data subject about the reasons on which such restriction has been decided (Article 20(3) of the Regulation).

In case of doubt of the necessity of the restriction of the right of access and/or rectification, the DPO of the agency is consulted.

#### 9/ AUTOMATED / MANUAL PROCESSING OPERATION

Selection of confidential counsellors: Automated and Manual: Applicants send their CV and motivation letter by email. These are subsequently printed and registered.  
List of appointed counsellors is published on the Agency's intranet.

Informal procedure: Manual: Declarations and testimonies from victim, alleged harasser and witness.

#### 10/ STORAGE MEDIA OF DATA

Selection of confidential counsellors: All data collected are stored in a locked archive and electronic copies stored on server.

Informal procedure: All data collected are stored in a locked archive.

#### 11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Title I, General Provisions, Art.2 (3) of the Staff Regulation of the EU SatCen published on 25 August 2009 (OJ 11765/09 (see attached).

Manual of procedures for the implementation of the EU SatCen's policy on the selection of confidential counsellors and the informal procedures for cases of harassment in the EU SatCen. (see attached)

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

Selection of confidential counsellors: Director, all staff members (list of appointed counsellors).

Informal procedure: Administration Division may receive only "hard data" from the counsellors. Director and Deputy Director (in the event of recurrent cases).

Court of Auditors, possibly the EDPS and the Ombudsman.

#### 13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

selection of confidential counsellors:

- retention period for non-selected counsellors: Their data are stored in their personal for 2 years after the end of the selection procedure taking into account a possibility to challenge the decision of not having been selected.

- retention period for selected counsellors: Their personal data are stored in their personal file for a maximum period of five years depending on the duration of their mandate.

Informal procedure: all data related to a harassment case are kept for a maximum period of five years from the date of the start of an informal procedure.

This five-year period is considered necessary to enable the Administration Division to reply to any information requested by judicial authorities and the identification of potential recurrent or multiple cases especially in terms of prevention.

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

Within a month of delay after receipt of the request

*(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

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

In rare cases, Judicial National 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

PLACE AND DATE: TORREJON DE ARDOZ

DATA PROTECTION OFFICER: JEAN- BAPTISTE TAUPIN

INSTITUTION OR BODY: EUROPEAN UNION SATELLITE CENTRE