

(To be filled out in the EDPS' office)

REGISTER NUMBER: 1299

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 10/04/2015

CASE NUMBER: 2015-0325

INSTITUTION: EU-OSHA

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

European Agency for Health and Safety at Work (EU-OSHA)
C/Santiago de Compostela
E-48003 BILBAO (SPAIN)
Controller: Director

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

Christa Sedlatschek, Director

3/ NAME OF THE PROCESSING

Breach of trust procedure establishing remedies in relation to the EU-OSHA policy on management of conflict of interest (Board/Bureau/Advisory Group members).

4/ PURPOSE OR PURPOSES OF THE PROCESSING

This procedure has a remedial nature. It aims to follow-up on four scenarios related to a member (full or alternate) and observer of the Governing Board or the Advisory Groups who – by virtue of his/her relation with the Agency – is subject to the provisions of the Agency's policy on management of conflict of interest:

- Lack of cooperation in the implementation of the mitigating/remedial actions taken by the member concerned further to being found in a conflict of interest situation by the Conflict of Interest Committee;

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

- Fraudulent omission on declaration and CV;
- Submission of false declaration or CV;
- Failure to submit a declaration or CV.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Members and alternate members of the Governing Board/Bureau/Advisory Groups of EU-OSHA and their close family circle (by close family circle, it is understood: stable partner, children, parents), where applicable.

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA

(including, if applicable, special categories of data (Article 10) and/or origin of data)

- Name and last name and role played within the governance structure / organisation of EU-OSHA;
- Information on direct or indirect interests of relevance in the fields of work conducted by EU-OSHA;
- Any membership role or affiliation held in organisations/bodies/clubs with an interest in the work of EU-OSHA;
- Interests deriving from the professional activities of the data subject or his/her close family members;
- Other interests or facts considered pertinent by the data subject;
- Work experience related to the area of work of EU-OSHA during the last 10 years;
- Records including assessment of the case

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

A privacy statement is annexed to the policy on management of conflict of interest + specific privacy statement was prepared for the breach of trust procedure as well

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

In the context of the policy on conflict of interest, data subjects can rectify the information provided at any time. In the context of the breach of trust procedure, they can explicitly rectify the information provided at step 2 and 5 of the procedure.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Automated and manual.

10/ STORAGE MEDIA OF DATA

The data produced in the context of the breach of trust procedure are collected and stored in paper and electronic version by the staff in charge at the Network Secretariat.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Legal basis

- Council Regulation (EC) No. 2062/94 of 18/07/1994 establishing the European Agency for Safety and Health at Work and subsequent amendments.
- EU-OSHA policy on management of conflict of interest.

Lawfulness of processing

The lawfulness of the processing is based on Article 5(a) and (d) of Regulation (EC) No. 45/2001 of the European Parliament and the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (hereinafter, Regulation (EC) N. 45/2001).

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

Conflict of interest committee; Board hearing committee; Board appeal committee; Board/Advisory Group member appointing authority (Council of EU, Governing Board, Commission).

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The declarations and the data included therein will be kept on the website throughout the duration of the mandate of the corresponding Governing Board/Bureau member/alternate and will be stored by the staff in charge at the Network Secretariat until 3 years after the end of the mandate (once the discharge exercise for the relevant year has finalized). The exchanges and information related to specific cases will follow the same retention period.

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)

5 days from the receipt of the request in writing.

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

No

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,)

This procedure entails an evaluation of the data subjects' conduct in the light of the Agency's policy on management of conflict of interest. As such, it is subject to prior check on the basis of Article 27(2)(b) of the Regulation.

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: 10/04/2015, BILBAO, SPAIN.

DATA PROTECTION OFFICER: MICHAELA SEIFERT

INSTITUTION OR BODY: EU-OSHA