

(To be filled out in the EDPS' office)
REGISTER NUMBER: 1302

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 17/04/2015

CASE NUMBER: 2015-0349

INSTITUTION: COUNCIL OF THE EUROPEAN UNION

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

Secretary-General
SG
+32(0)2/281 6215

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

Secretary-General's private office
Director-General for Administration's office
Legal Service + Legal Advisers to the Administration

3/ NAME OF THE PROCESSING

Procedure for reporting serious irregularities (whistleblowing)

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The personal data is used solely for the purpose for which it is provided, namely the "whistleblowing procedure" and any subsequent procedures directly triggered by it, such as administrative investigations and/or disciplinary procedures.

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Officials of the GSC, Other servants, Seconded national experts, Trainees, Personnel of external firms

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

The personal data are contained in the report submitted by the whistleblower and any subsequent document drawn up in response to that initial report. These documents may contain names, contact details, and other personal data. In principle, special categories of data (Article 10 of Regulation 45/2001) should not be included. In cases where the information provided by a whistleblower contains personal data that are clearly not needed for examining the issues raised in the report, this data will be erased from the report, where appropriate after consulting the whistleblower, to the extent that this is possible without resulting in the substantive examination being unduly delayed. Investigators handling the files are informed that they first have to check the reports as soon as possible to ensure this obligation is complied with.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

All individuals affected by a particular procedure concerning serious irregularities will be directly provided with a privacy statement as soon as practically possible. Deferral of information will be decided on a case by case basis and the reasons for any restrictions will be documented.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

Procedures for safeguarding the data subjects' rights are those provided for in Section 5 of Council Decision 2004/644/EC.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The Secretary-General of the Council will adopt internal rules about reporting serious irregularities by staff members. The rules aim to safeguard the rights and interests of these staff members who report these irregularities and provide adequate remedies if they are not treated correctly and fairly in relation to the fulfilling of their obligation. The report submitted by the whistleblower will be examined as rapidly and as thoroughly as possible by the DGA/SG, who shall decide on the appropriate follow-up.

The processing operation is partially automated. Irrespective of the communication channel used by the whistleblower, a paper file is prepared by the Director-General for Administration's (DGA) office (or as the case may be, by the Secretary-General's (SG) office) and stored in a safe. Electronic documents related to the procedure are stored on a network drive accessible only to authorised staff members of the DGA's /SG's office. In order to decide of the appropriate course of action, the Secretary General, the Director-General(s), the Director(s), the Head of Unit(s) concerned as well as

members of the Legal Service or the Legal Advisers to the Administration Unit involved in the file may request a paper copy of the file for consultation.

10/ STORAGE MEDIA OF DATA

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Article 22a, 22b and 22c of the Staff Regulations. Decision xx/2015 of the Secretary-General of the Council on internal rules concerning whistleblowing Article 5 a) of Regulation 45/2001

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

The recipients of the data are the following: The hierarchical superiors (Director(s)-General or deputy, the Director(s) and the Head(s) of Unit, Sector or Office concerned), the Appointing Authority, the Director-General for Administration and the Director of Human Resources and Personnel Administration. On a need to know basis, the Director-General of Security, Safety, Communication and Information Systems, the Director of the Security Office, the Head of Unit of the Legal Advisers to the Administration Unit, the members of the Legal Advisers to the Administration Unit, the Security Office and the Legal Service in charge of handling the file, as well as any other staff member responsible for any follow-up action that are to be designated by the Secretary-General.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Files which do not lead to the opening of an inquiry will be kept for a period of 2 years from the date on which the DGA/SG decides to close the file without follow up. Files on the basis of which an administrative enquiry or disciplinary procedure are opened or files which are reported to OLAF should be kept in line with the retention periods foreseen for those files.

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)

See point 8.

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.

The GSC retains anonymous data for statistical purposes. The GSC pays particular attention to preserve anonymity of personal data for these purposes, especially to all the measures necessary to avoid indirect identification.

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

Not applicable

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.(a) Processing of data relating 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.(b) The processing operation relates to evaluation of personal aspects of 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

The senior member of staff and the alternate to be appointed by the Appointing Authority with the task of helping staff members and offering confidential and impartial guidance and support will sign a confidentiality clause.

PLACE AND DATE: Brussels, 17 April 2015

DATA PROTECTION OFFICER: Carmen López Ruiz

INSTITUTION OR BODY: Council of the European Union

1302/2015-0349