

*(To be filled out in the EDPS' office)*  
REGISTER NUMBER: 1429

*(To be filled out in the EDPS' office)*

### NOTIFICATION FOR PRIOR CHECKING

**DATE OF SUBMISSION: 17/01/2017**

**CASE NUMBER: 2017-0091**

**INSTITUTION: ECA**

**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

**AIPN (SECRETARY GENERAL OR PRESIDENT IN CASE THE SUPPOSED HARASSER IS A MEMBER)  
EUROPEAN COURT OF AUDITORS  
12 RUE ALCIDE DE GASPERI  
1615 LUXEMBOURG**

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

**AIPN – Medical Officer – Mediator – Contact Person – Line Manager – Investigator  
(administrative enquiry or disciplinary procedure) - Disciplinary board – Member's Ethical  
Committee**

3/ NAME OF THE PROCESSING

**Treatment of harassment cases.**

4/ PURPOSE OR PURPOSES OF THE PROCESSING

**Combating psychological and sexual harassment by stopping the behaviour and conduct an investigation to verify the allegations and if proven take necessary administrative measures and disciplinary actions if necessary.**

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

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

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

**All persons working at ECA, including externals & Members as well as staff working at any audited organisation.**

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

**Administrative data (name, first name, telephone number, office no, function, employment status, staff number, etc.)**

**Health data if harassed people deliver medical reports and certificates or when they contact the medical officer.**

**Behaviour of people, including sexual preferences.**

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

**The policy is published on ECA's Intranet/Internet.**

**The rights of data subjects is published on the Intranet of DHR in a dedicated annexe.**

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

**Right of access is granted upon written request at any time during the procedure.**

**When the supposed harasser is informed that a procedure is launched against him/her, he/she is automatically given access to his/her personal information in the possession of the mediator, line manager or AIPN.**

**Rectification of administrative data is possible at any time to correct mistakes.**

**Blocking, erase and objection of facts brought against a harasser is not possible, however every person involved in a harassment case will have the possibility to comment on the facts concerning him/her before a definitive decision is taken.**

9/ AUTOMATED / MANUAL PROCESSING OPERATION

**Manual treatment**

10/ STORAGE MEDIA OF DATA

**Mainly paper.**

**Digital documents must be avoided as much as possible and will be reduced to a maximum.**

**How paper and digital documents need to be treated is documented into the attached document called "Procédure harcèlement schéma" in the tabs called text\_schéma.**

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

**Article 12a, 24, 86, 90 paragraph and Annexe IX of the Staff Regulations.**

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

**National judicial authorities in case of a criminal offence.**

**Employer or other authority when the harasser, or a complainant who acted in bad faith is not or no longer working at ECA.**

**DPO & EDPS in case of a complaint concerning the treatment of personal data.**

**OLAF in case of a fraud/irregularity.**

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

**5 YEARS AFTER THE DEFINITIVE CLOSURE OF THE CASE**

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

**N/A**

*(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.*

**ALL STATISTICAL DATA WILL BE KEPT IN AN ANONYMISED FORM**

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

**N/A**

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

**POSSIBLE TREATMENT OF HEALTH DATA, SEXUAL PREFERENCES AND BEHAVIOUR OR EVALUATION OF PERSONS.**

AS FORESEEN IN:

X Article 27.2.(a)

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

X 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,*

1 Article 27.2.(d)

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

1 Other (general concept in Article 27.1)

17/ COMMENTS

NONE

PLACE AND DATE: LUXEMBOURG 17/01/2017

DATA PROTECTION OFFICER: JOHAN VAN DAMME

INSTITUTION OR BODY: EUROPEAN COURT OF AUDITORS