

(To be filled out by the EDPS' DPO)

Register number: 1460

Date of submission: 11/05/2017

Case number: 2017-0493

Institution: EDPS

Legal basis: Art 25 Regulation 45/2001

NOTIFICATION

INFORMATION TO BE GIVEN¹

1/ NAME AND FIRST NAME OF THE CONTROLLER

EDPS

2/ SERVICE RESPONSIBLE FOR PROCESSING PERSONAL DATA

HRBA Unit

3/ NAME AND DESCRIPTION OF THE PROCESSING OPERATION

Whistleblowing procedure (adopted by the EDPS on 14/6/2016).

Without prejudice to Article 22.a which provides for the possibility for the whistleblower to address his or her report directly to the European Anti-Fraud Office (OLAF) and without prejudice to Article 22.b which provides for the additional possibility to report to the President of the Commission or of the Court of Auditors or of the Council or of the European Parliament or of the Ombudsman, if certain conditions are met, members of the EDPS staff shall report, in writing, suspicions of serious irregularities.

Such reports may be made to the Director or exceptionally to the Supervisor.

¹ Please attach all relevant documents

4/ PURPOSE(S) OF THE PROCESSING

The procedure defined by the EDPS decision of 14 June 2016 adopting rules regarding whistleblowing by members of its staff.

5/ DESCRIPTION OF THE CATEGORY (IES) OF DATA SUBJECT(S)

The rules apply to every staff member working in the EDPS's Secretariat, irrespective of their administrative position or status.

It also applies to every person who enters into a contract with the EDPS (Article 17 of the EDPS decision)

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA (INCLUDING, IF APPLICABLE, SPECIAL CATEGORIES OF DATA (ARTICLE 10) AND/OR ORIGIN OF DATA)

The data which will be used only for that processing are the relevant documents necessary to manage the whistleblowing procedure:

- Surname and first name

- Personal Number

- Assignment

- Office address & Tel

- Email address

- The whistleblowing report where all unnecessary data will be erased

- Date and signature

7/ INFORMATION TO BE PROVIDED TO THE DATA SUBJECTS

The following privacy statement is posted in the EDPS Intranet. It will also be given to each whistleblower when launching the procedure or to any person who may be concerned where possible, meaning when exemptions under Article 20 of the regulation are not applicable.

Regulation 45/2001 (herein after the Regulation) applies to the processing of personal data carried out in the whistleblowing procedure

Further to Article 11 and Article 12 of this Regulation, the EDPS provides the data subject the following information:

The controller is the EDPS.

The data shall only be used for purposes compatible with the whistleblowing procedure.

The data which will be used only for that processing are the relevant documents necessary to manage the whistleblowing procedure:

- Surname and first name

- Personal Number

Assignment

Office address & Tel

Email address

The whistleblowing report where all unnecessary data will be erased

Date and signature

The recipients of the data are:

- the Human Resources Unit, the officer in charge of personal files.
- the AIPN (the EDPS Director)
- the Supervisor where necessary
- the Ethics officer where necessary for guidance and support
- OLAF where needed
- the EPDS DPO, the IAS, the Court of auditors and the Court of Justice where necessary

The whistleblower, the alleged wrong doer or any person who may be concerned (witness or third party mentioned in the whistleblowing report) may exercise the right of access to data concerning him/her and the right to rectify that data (after removal of all personal information relating to other persons than the requester) by contacting the DPO. When any exemptions of Article 20 of Regulation 45/2001 could apply, specific information is deferred

The legal basis of the processing operation at stake is Article 22a, Article 22b and Article 22c of the Staff regulations of Officials and the EDPS decision of 14 June 2016.

Storage of the media: paper files stored in locked cupboard (in a specific paper file for background information and secure USB key for electronic files). The final decision will be filled-in in the personal file.

The time for which the complaint files may be kept is the following: upon the closing of an initial investigation led by the EDPS, the data gathered to build the investigation will either be sent to OLAF if it concerns fraud or if not relating to fraud, dealt with through the appropriate channels within the EDPS. If a case is sent to OLAF and an investigation is opened, there is no need for the EDPS to keep the information for a longer period. In cases OLAF decides not to start an investigation, the EDPS will delete the information without delay. Files on the basis of which an administrative inquiry or disciplinary procedure is opened by the EDPS, the information should be kept in line with the retention periods foreseen for those files. . When the investigation has dismissed a report of whistleblowing, the data gathered to build the investigation will be retained for a period of 2 months after the final decision has been issued to all the parties involved.

The candidates have the right to have recourse at any time to the EDPS DPO (EDPS-DPO@edps.europa.eu) or have recourse to the EDPS as a supervisory authority.

Contact

EDPS mail box: edps@edps.europa.eu

Postal address: Rue Wiertz 60, B-1047 Brussels, Belgium

8/ PROCEDURES TO GRANT DATA SUBJECTS' RIGHTS (RIGHTS OF ACCESS, TO RECTIFY, TO BLOCK, TO ERASE, TO OBJECT)

The whistleblower, the alleged wrong doer or any person who may be concerned (witness or third party mentioned in the whistleblowing report) may exercise the right of access to data concerning him/her and the right to rectify that data (after removal of all personal information relating to other persons than the requester) by contacting the DPO. When any exemptions of Article 20 of Regulation 45/2001 could apply, specific information is deferred.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The operation is partially performed manually and partially supported by IT mans (see section 10)

10/ STORAGE MEDIA OF DATA

- Paper files stored in locked cupboard (in a specific paper file for background information and secure USB key for electronic files). The final decision will be filled-in in the personal file in Sysper and paper version.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Legal basis:

Article 22a, Article 22b and Article 22c of the Staff regulations of Officials
EDPS decision of 14 June 2016

Lawfulness:

Article 5a of Regulation 45/2001

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

The recipients of the data are:

- the Human Resources Unit, the officer in charge of personal files
- the AIPN (the Director)
- the Supervisor where necessary
- the Ethics officer where necessary for guidance and support
- OLAF where needed
- the EPDS DPO, the IAS, the Court of auditors and the Court of Justice where necessary

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The time for which the complaint files may be kept is determined as follows.

Upon the closing of an initial investigation led by the EDPS, the data gathered to build the investigation will either be sent to OLAF if it concerns fraud or if not relating to fraud, dealt with through the appropriate channels within the EDPS. If a case is sent to OLAF and an investigation is opened, there is no need for the EDPS to keep the information for a longer period. In cases OLAF decides not to start an investigation, the EDPS will delete the information without delay. Files on the basis of which an administrative inquiry or disciplinary procedure is opened by the EDPS, the information should be kept in line with the retention periods foreseen for those files. When the investigation has dismissed a report of whistleblowing, the data gathered to build the investigation will be retained for a period of 2 months after the final decision has been issued to all the parties involved.

13 BIS/ TIME LIMITS FOR BLOCKING AND ERASURE OF THE DIFFERENT CATEGORIES OF DATA

(further to justified legitimate request from the data subject)

(Please, specify the time limits for every category, if applicable)

Upon a justified request by the data subject: 14 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

N/A

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

N/A

16/ FURTHER INFORMATION

The data controller declares the accuracy of the above statements and undertakes to notify any change affecting this information to the Data Protection Officer.

PLACE AND DATE: BRUSSELS 11/05/2017

THE CONTROLLER: LEONARDO CERVERA NAVAS