

(To be filled out in the EDPS' office)
REGISTER NUMBER: 1437

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 16/02/2017

CASE NUMBER: 2017-0193

INSTITUTION: BEREC

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

**The Office of the Body of European Regulators for electronic communications
(BEREC Office)**

Zigfrida Annas Meierovica Bulvaris 14, 2nd Floor, lv-1050, Riga, Latvia

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

All Units of the BEREC Office (Executive Support, Programme Management and Administration and Finance) may be entrusted with the processing of personal data, depending on case-by-case basis.

3/ NAME OF THE PROCESSING

Whistleblowing procedure at the BEREC Office.

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The purpose of the processing operation is to ensure an efficient whistleblowing policy at the BEREC Office which requires the collection of personal data in order to conduct inquiries.

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

The data subjects are all individuals affected by a whistleblowing procedure at the BEREC Office, such as the whistleblower, witnesses, third parties (e.g. members of staff or others that are merely quoted) and alleged wrongdoer.

Data subjects may be staff members of the BEREC Office or external individuals such as external parties that enter in to a contract with the BEREC Office.

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

The following data are collected:

- Details of the whistleblower and of all individuals involved in a whistleblowing procedure (e.g. family name(s), first name(s), e-mail address, postal address, function, job title);
- Information relating to the description of personal behaviour of the alleged wrongdoer (i.e. the person(s) accused by the whistleblower) and all individuals involved in a whistleblowing procedure.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Information on whistleblowing procedures should be provided to the individuals in a very prominent way, which will require a two-step procedure:

1. Publishing a privacy statement on the BEREC Office's website, and
2. All individuals affected by a particular whistleblowing procedure should also be directly provided by e-mail with a privacy statement as soon as practically possible. Affected individuals include whistle-blowers, witnesses, third parties (e.g. members of staff or others that are merely quoted) and the alleged wrongdoer.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

The data subjects can exercise their rights by sending an e-mail to the following functional mailbox berecoffice@berec.europa.eu.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Automated and manual processing

10/STORAGE MEDIA OF DATA

All documents relating to whistleblowing documents are immediately registered and stored on ARES.

All other versions of these documents are immediately destroyed after having been registered in ARES.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

The legal basis for this processing operation is:

- Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community, as amended ('the Staff Regulations'), in particular Articles 22(a), (b) and (c) thereof; and
- **IAI/2017/ [TO BE ADOPTED]**.

The processing operation is lawful based on the Article 5a of Regulation 45/2001.

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

The recipients to whom data might be disclosed internally at the BEREC Office are the Head of Units, Administrative Manager, Anti-fraud Officer, Staff Committee and other staff members on a strict need-to-know basis (e.g. Legal and HR Officers)

Outside the BEREC Office, personal data may be disclosed to OLAF in the case if/when it takes over the inquiry.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Personal data that is not relevant to the allegations should not be further processed and should be deleted, if necessary after consulting the whistle-blower.

When following the preliminary internal inquiry at the BEREC Office, it is clear that the case should not be referred to OLAF or is not within the scope of whistleblowing procedure, personal data should be deleted within 2 months of completion of the preliminary internal inquiry.

If it is clear after the preliminary internal inquiry that a report should be transferred to OLAF, the BEREC office should carefully follow what actions OLAF takes:

- in case OLAF decides not to start an investigation, personal data should be deleted within 2 months of OLAF's notification not to start an investigation
- in case OLAF start an investigation, personal data are kept for 15 years starting from OLAF's decision to start the investigation.

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

ANY REQUEST RECEIVED FROM THE DATA SUBJECTS ON JUSTIFIED LEGITIMATE REQUEST TO BLOCK/ERASE

Any request received from data subjects based on justified request to block/erase their personal data will be treated within 15 working days.

(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.

N/A

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):*

The processing operation is likely to present specific risks and therefore is subject to prior checking by the EDPS as foreseen in:

- Article 27.2.(a) of Regulation 45/2001

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

- Article 27.2.(b) of Regulation 45/2001

Processing operations intended to evaluate personal aspects relating to the data subject,

17/ COMMENTS

N/A

PLACE AND DATE: RIGA ON 15/02/2017

DATA PROTECTION OFFICER: GEOFFREY DEVIN

INSTITUTION OR BODY: BEREC OFFICE