

**From:** [REDACTED]  
**To:** [REDACTED]  
**CC:** [REDACTED]  
**Sent at:** 01/12/16 15:45:14  
**Subject:** 2015-0633 EDPS Inspection Report

Dear [REDACTED]

I am referring to the deadline of 1st December 2016 - established on the EDPS Inspection Report to the EIB conclusion letter, addressed to [REDACTED] -, for the EIB to adopt measures in order to comply with the EDPS Recommendations. Unfortunately it was not yet possible to adopt it all.

In what concerns Personnel and the Recommendations regarding D&W procedures I enclose an "Action Plan" and we would like to have your viwes on it.

In what regards IG-IN recomendations we still need an extension of the assigned period. Could you please give us more 6 months ?

Thanks in advance for your understanding

B regards

[REDACTED]

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#	General recommendations	Planned actions	Coordinator	Coordinator Division	Draft/Action to be Done by	Responsible Division	Target Date for the Draft	To be validated by Jean-Philippe Birckel (for ER) or Joël Lavigne (for QS)	To be validated by the respective Directors (ERA or QMS)	Consultation with RPs required / If yes, Target date	Consultation with MC required / If yes, Target date	Target Date for the Final Deliverable to the EDPS
12	Notify the procedure for selection of confidential counsellors to the EDPS.	A notification will be prepared.	[REDACTED]	Employee Relations & Wellbeing Division	[REDACTED]	Employee Relations & Wellbeing Division	10/28/2016	11/18/2016	11/30/2016	NO	NO	1/31/2017
13.	Update the D&W Policy to include the mediation phase of the harassment procedure and provide the EDPS with an updated notification of its D@W Policy	The policy will be updated as well as the notification "Dignity at Work policy (2004-0067)". The procedure for the selection of external panelists will be notified as well.	[REDACTED]	Employee Relations & Wellbeing Division	[REDACTED]	Employee Relations & Wellbeing Division	3/31/2017	5/31/2017	6/16/2017	NO for Notification; YES for policy - July 2017	YES - end of September	12/31/2017
14.	No longer designate D@W cases after the names or personnel numbers of the individuals involved.	This change will be implemented in two phase: phase 1) temporary solution; phase 2) when the new Case Management System (CMS) system is in place (in 2018).	[REDACTED]	Employee Relations & Wellbeing Division	[REDACTED]	Quality & Systems Division	1) 01/02/2017 2) 31/12/2018	1) 01/02/2017 2) 31/12/2018	1) NA 2) 31/12/2018	No	No	1) 01/02/2017 2) 31/12/2018
15.	Centralise all documents related to a specific D@W case in one dedicated file.	Work instructions - this will be prepared once the D@W policy is approved	[REDACTED]	Employee Relations & Wellbeing Division	[REDACTED]	Employee Relations & Wellbeing Division	first half 2018	first half 2018	first half 2018	NO	NO	6/30/2018
<b>Information to data subjects and right of access</b>												
16.	Adopt a data protection statement for the D@W procédures, which contains the information on the processing of personal data in the D@W procédures in accordance with Articles 11 and 12 of the Régulation, i.e. information on the identity of the controller; the catégories of data processed; the purposes of the processing opération for which the data are intended; the recipients or catégories of recipients of the data; whether replies to the questions are obligatory or voluntary, as well as the possible conséquences of failure to reply; the existence of the right of access to, and the right to rectify, the data concerning him or her; the légal basis of the processing; the time-limit for storing the fata; the right to have recourse at any time to the EDPS; the origin of the data.	This statement will be prepared once the D@W policy is approved	[REDACTED]	Employee Relations & Wellbeing Division	[REDACTED]	Employee Relations & Wellbeing Division	first half 2018	first half 2018	first half 2018	NO	NO	6/30/2018
17	Publish the data protection statement on the intranet for all staff and make it also available to any third party submitted (by contract) to the application of the D@W Policy. Include a link to the data protection statement in the templates for all outgoing correspondence.	This statement will be prepared once the D@W policy is approved	[REDACTED]	Employee Relations & Wellbeing Division	[REDACTED]	Employee Relations & Wellbeing Division	first half 2018	first half 2018	first half 2018	NO	NO	7/30/2018

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18.	Inform each person involved in a case (alleged victim, alleged harasser, witness) individually as of the médiation phase with regard to the processing of their personal data in the specific D@W procédure and provide him/her with a data protection statement in accordance with Articles 11 and 12 of the Régulation, unless a limitation under Article 20 of the Régulation applies. Adopt internal guidance for case handlers in this respect.	This will be prepared once the D@W policy is approved	[REDACTED]	Employee Relations & Wellbeing Division	[REDACTED]	Employee Relations & Wellbeing Division	first half 2018	first half 2018	first half 2018	NO	NO	6/30/2018
19.	In cases where the EIB decides to apply a restriction of information, access, rectification etc. under Article 20(1) of the Régulation, or to defer the application of Article 20(3) and 20(4), such décision should be taken strictly on a case by case basis and duly documented in the file. Adopt internal guidance for case handlers in this respect.	This will be included in the D@W policy.	[REDACTED]	Employee Relations & Wellbeing Division	[REDACTED]	Employee Relations & Wellbeing Division	3/31/2017	5/31/2017	6/16/2017	YES for policy - July 2017	YES - end of September	12/31/2017
20.	Ensure that the new CMS is featured in such a way so as to identify easily, in each case file, (i) per each data subject whether information or access in accordance with Articles 11, 12 and 13 of the Régulation was provided and (ii) whether there was a restriction or deferral of the information or access in accordance with Article 20 of the Régulation.	Sebastien to make sure that this is included in the ToR of the Call of Tender for the new CMS. The recommendation will be delivered with the go-live of the new CMS	[REDACTED]	Employee Relations & Wellbeing Division	[REDACTED]	Quality & Systems Division & Management Support Unit	12/31/2018	12/31/2018	12/31/2018	No	No	12/31/2018
21.	As regards the data to be shared with the alleged harasser during the investigation, ensure that only the data that are relevant and necessary for the investigation are communicated to the alleged harasser and that the alleged victim is informed about the intended communication so that he/she can exercise his/her right to object under Article 18 of the Régulation. Adapt the D@W Policy accordingly. Adopt internal guidance for case handlers in this respect.	This will be included in the D@W policy.	[REDACTED]	Employee Relations & Wellbeing Division	[REDACTED]	Employee Relations & Wellbeing Division	3/31/2017	5/31/2017	6/16/2017	YES for policy - July 2017	YES - end of September	12/31/2017
<b>Retention</b>												
22.	Revise the D@W Policy so as to include, for each phase of the investigation procédure (i) a clear description of (paper and electronic) documents that are retained once the procédure is closed and where and (ii) the rétention period.	This will be included in the D@W policy.	[REDACTED]	Employee Relations & Wellbeing Division	[REDACTED]	Employee Relations & Wellbeing Division	3/31/2017	5/31/2017	6/16/2017	YES for policy - July 2017	YES - end of September	12/31/2017

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23.	Set up a written procédure to ensure the effective destruction of (i) paper files (as soon as the case is closed) and (ii) electronic files (both in GED and any document that would also be stored in the case handlers' mailboxes) by the ER Division once the rétention period has expired. This procédure should notably provide that any envelope sent to the Personnel Archives containing D@W-related document should clearly indicate the expiry date of the rétention period of the enclosed document.	This procedure will be prepared once the D@W policy is approved.	[REDACTED]	Employee Relations & Wellbeing Division	[REDACTED]	Quality & Systems Division & Employee Relations & Wellbeing Division	first half 2018	first half 2018	first half 2018	NO	NO	9/30/2018
24.	Ensure the implementation of the 'Manuel des procédures - Archives de la direction du Personnel' as to the systematization of the destruction of D@W related documents in personal files.	This will be prepared once the D@W policy is approved.	[REDACTED]	Quality & Systems Division & Management Support Unit	[REDACTED]	Quality & Systems Division & Management Support Unit	first half 2018	first half 2018	first half 2018	NO	NO	9/30/2018