

PRIVACY NOTICE - Informal procedure following alleged harassment. Selection of Confidential Counsellors.

The European Institute for Gender Equality (EIGE) processes personal data in compliance with Regulation 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

Purpose of processing of personal data

Processing of cases of alleged harassment by the Human Resources and the network of confidential counsellors within the framework of the informal procedure. EIGE collects and process personal data:

- to select and to identify person(s) to assume the role of Confidential Counsellors;
- to provide support and protection to the alleged victims/complainants and direct them, if appropriate, towards the relevant service;
- to ensure that cases are handled efficiently and try to solve the problem on the basis of detailed information;
- to deal with the information received in strict confidentiality so as to ensure the protection of the alleged victims/complainants;
- to attempt conciliation whenever appropriate and put in place preventive measures;
- to monitor EIGE's Policy on protecting the dignity of the person and preventing psychological and sexual harassment and assess its impact and effectiveness;
- to analyse the request, monitor and prevent psychosocial risks;
- to identify recurrent or multiple harassers/respondent and inform The Appointing Authority;
- to forward the appropriate information to the Appointing Authority whenever the alleged victim/complainant wishes to start a formal procedure;
- to answer questions put to the HR by external competent services (e.g. national judicial authorities, judicial authorities of the European Union, OLAF, etc.).

Legal basis

I. Regulation EU 2018/1725;

II. 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 and the applicable Implementing Rules for Temporary Agents and Contract Agents. More specifically, Articles 1d, 12a, 24, 86, 90.

III. Decision of the Management Board of EIGE on the policy protecting the dignity of the person and preventing psychological harassment and sexual harassment.

IV. Manual of informal procedures within the framework of EIGE's Policy on protecting the dignity of the person and preventing psychological and sexual harassment.

Lawfulness of processing

Processing is necessary for the performance of a task carried out in the public interest on the basis (recruitment of personnel) of the Treaty Functioning the EU (TFEU) and the Establishment Regulation of EIGE (EC) No 1922/2006. Processing is lawful under Article 5(a) of Regulation EU 2018/1725 because processing is necessary for the performance of a task carried out in the public interest.

Data categories

I. Personal data collected and further processed of Confidential Counsellors are, in particular:

- Name (first name, surname).

II. Personal data collected and further processed under the framework of EIGE's Policy on protecting the dignity of the person and preventing psychological and sexual harassment:

- The identity of the data subjects (Confidential Counsellor, alleged victim/complainant and the alleged harasser/respondent) is mentioned in the opening and in the closing forms, i.e. name, surname, function group/grade, Unit/Team);
- Statements and communications of the alleged victims/complainant, of the alleged harasser/respondent person or of witnesses (in the case files). These documents may contain data relating to third parties.

Data Controller

EIGE is the legal entity responsible for the processing of your personal data and determines the objective of this processing activity. The Data Controller is primarily the Head of Administration. The Data Controller ensures the proper implementation of the processing operations in relation to the processing operations mentioned above.

Access and storage of the data

Recipients of the personal data of Confidential Counsellors are trainers for the Confidential Counsellors, the Director of EIGE and EIGE staff employed in the Administration Unit dealing with HR matters. Recipients of personal data of data subjects' in the harassment cases are Confidential Counsellors and HR (Confidential Counsellors' Coordinator).

Data and information transmitted to them are dealt with in strict confidentiality. EIGE does not transfer data to Third Countries/International Organisations.

These data will only be transmitted to the competent bodies when a formal procedure is launched and with the prior consent of the person who gave them to the recipients. Transmission without prior consent can only occur in exceptional cases covered by

Article 25.1 (h) of the Regulation, i.e. when it is necessary to ensure the protection of the alleged victims.

In the context of the informal procedure, HR (Confidential Counsellors' Coordinator) and the Confidential Counsellors may have to share some information with other services (Medical service, Security, etc.) This transmission will be restricted to the information necessary for the competent entity to carry out its task.

When a formal procedure is launched, HR (Confidential Counsellors' Coordinator) processes the opening and the closing forms as well as the case file with the documents that are relevant for the processing of the complaint or the investigation. The same occurs when the national or EU judicial authorities are involved.

Date when processing starts

Date of the appointment of Confidential Counsellors. Date of opening the case file in the case of data subjects' in the harassment situations.

Retention policy

- HR stores the opening and closing forms together with the case file (if any) in a central file for 5 years, if the alleged victim/complainant decides to place the alleged harassers/respondents name in the register. Files and opening and closing forms are stored for a further 5 more years or longer when a judicial or administrative procedure requiring that this documentation be consulted is still ongoing when the first term expires (e.g. request for compensation, action before the Civil Service Tribunal or national judicial authorities).
- If the alleged harasser/respondent has not been informed of the existence of an informal procedure, no data relating to that person may be kept in the archives of the Human Resources when the case is closed.
- The confidential counsellor does not keep any personal data beyond the time limit necessary for him/her to accomplish his/her task (i.e. 2 months in general, except if an extension is granted because of an absence or leave). In no instance should the confidential counsellor keep personal data more than 3 months after the closing of a case. When this term expires, the documents sent by the alleged victim/complainant are returned to him/her, destroyed or forwarded to the Human Resources with his/her prior consent.
- Electronic documents sent to Human Resources or to confidential counsellors are kept in a secured environment (protected by a password) or on an encrypted disk which is not accessible to third parties. The files containing paper documents are kept by the Human Resources or by confidential counsellors in locked cupboards or in a safe.

The data subject has specific rights as a 'data subject' under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725

Right to access data – data subjects have the right to access data at any time by sending an email request to Confidential Counsellors' Coordinator.

Right to rectify – data subjects have the right to rectify their data without delay of inaccurate or incomplete personal data.

Right to restrict – Article 25.1 (h) of the Regulation states that the data controller may restrict access to the information/documents to ensure the procedure runs smoothly. Access will be granted under the following circumstances:

- all data subjects will be able to access the documents they have themselves transmitted;
- all data subjects, either alleged victims/complainant or alleged harasser/respondent, may have access to the opening form for the case relating to them. As far as the alleged harasser/respondent is concerned, this access will only be granted if they have been informed by the confidential counsellor of the existence of an informal procedure, after the alleged victim/complainant has given his/her consent;
- access to any other document will only be granted if this document does not contain personal data relating to other persons or confidential statements, or if there is no risk that its transmission impact negatively on one of the parties involved in the case, on the smooth running of the procedures or on the futures relations between the parties.
- the data controller commits himself/herself to deal with the requests for access within the boundaries of his/her duty as well as to carry out the necessary verifications of the data and, if need be, rectify them.

Other rights – Data subjects are also entitled to have recourse at any time to the European Data Protection Supervisor:

Website: <http://www.edps.europa.eu>

Email: edps@edps.europa.eu

Contact information

Confidential Counsellors' Coordinator, e-mail Martynas.Savincius@eige.europa.eu