

PROTECTION OF YOUR PERSONAL DATA

This privacy statement provides information about the processing and the protection of your personal data.

Processing operation: Anti-harassment procedure: informal procedure

Data Controller: European Labour Authority, Human Resources Sector (ELA HR)

Record reference: DPR-ELA-2022-0031

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1. Introduction

The European Labour Authority (hereafter 'ELA') is committed to protect your personal data and to respect your privacy. ELA collects and further processes personal data pursuant to [Regulation \(EU\) 2018/1725](#) of the European Parliament and of the Council of 23 October 2018 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 (repealing Regulation (EC) No 45/2001).

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controller with whom you may exercise your rights, the Data Protection Officer and the European Data Protection Supervisor.

The information in relation to processing operation "Anti-harassment procedure", in particular Anti-harassment informal procedure, undertaken by ELA HR is presented below.

2. Why and how do we process your personal data?

Purpose of the processing operation: ELA HR collects and uses your personal information to protect the dignity of the person and preventing psychological harassment and sexual harassment at work.

The anti-harassment informal procedure is led by the confidential counsellors appointed at the European Labour Authority (ELA), who act in accordance with the principles, procedures and arrangements laid down in the policy on the prevention of psychological harassment and sexual harassment at ELA, annexed to Decision No 6/2022 of 15 March 2022 of the Management Board on the European Labour Authority policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment.

The purpose of this processing of personal data is the performance of the informal procedure as described in the Manual of Informal Procedures within the framework of the ELA policy on the prevention of harassment.

Your personal data will not be used for an automated decision-making including profiling.

3. On what legal ground(s) do we process your personal data

We process your personal data, because, according to Article 5(1)(a) and (b) of Regulation (EU)2018/1725:

(a) the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body;

(b) the processing is necessary for compliance with a legal obligation to which the controller is subject.

Legal basis:

- Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority;
- Staff Regulations of Officials ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS'), laid down by Council Regulation (EEC, Euratom,

ECSC) No 259/681, and in particular Articles 1d, 12 and 12a of the Staff Regulations concerning behaviour which may infringe human dignity and Articles 10, 11, 80 and 81 of the CEOS;

- Decision No 6/2022 of 15 March 2022 of the Management Board on the European Labour Authority policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment.

We may process **special categories of personal data**, therefore Article 10 of the Regulation applies. In particular, the information covered by this record may include personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, data concerning health or data concerning a natural person's sex life or sexual orientation only if strictly necessary for the performance of the informal procedure, in compliance with Article 10(2) of the Regulation (EU) 2018/1725.

We process special categories of personal data indicated in Section 4, because:

(a) you have given explicit consent to the processing of those personal data for one or more specified purposes, except where Union law provides that the prohibition referred to in paragraph 1 may not be lifted by you;

(b) the processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law insofar as it is authorised by Union law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;

(c) the processing is necessary to protect your vital interests or of another person where you are physically or legally incapable of giving consent;

(e) the processing relates to personal data which are manifestly made public by you;

(f) the processing is necessary for the establishment, exercise or defence of legal claims or whenever the Court of Justice is acting in its judicial capacity.

4. Which personal data do we collect and further process?

In order to carry out this processing operation ELA HR collects the following categories of personal data:

Confidential Counsellors

Name, Surname, Email, Advice, Report.

Alleged victim and alleged harasser

- Name, Surname, Email, Unit/Team mentioned in the opening form and in the closing form;
- Information/evidence on the alleged harassment.

Witnesses

- Name, Surname, Email, Unit/Team, Description of the facts/declaration.

The data collected by the confidential counsellors is adequate, relevant and not excessive in relation to the fight against harassment. This analysis must be conducted *on a case by case basis* by the counsellors.

The provision of personal data is mandatory to meet a statutory and legal requirement: Staff Regulations. If you do not provide your personal data, we will not be able to fulfil our obligations.

5. How long do we keep your personal data?

ELA HR only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for:

- **Personal data related to an informal procedure not communicated to the alleged harasser or where no further action was taken:** 3 months from the moment it was decided no further action will be taken and or the alleged harasser will not be informed.
- **Personal data related to an informal procedure where the alleged harasser was informed:** 3 years from the moment the alleged harasser was informed.

6. How do we protect and safeguard your personal data?

All personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored either on the servers of the European Labour Authority or of its contractors.

ELA's contractors are bound by a specific contractual clause for any processing operations of your data on behalf of ELA, and by the confidentiality obligations deriving directly from the General Data Protection Regulation in the EU Member States ('GDPR' [Regulation \(EU\) 2016/679](#).)

In order to protect your personal data, ELA has put in place a number of technical and organisational measures in place. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

7. Who has access to your personal data and to whom is it disclosed?

Access to your personal data is provided to ELA staff responsible for carrying out this processing operation and to authorised staff according to the "need to know" principle. Such staff abide by statutory, and when required, additional confidentiality agreements.

Taking account of the **principle of confidentiality** to be strictly adhered to by all parties involved in the context of the informal procedure, the following persons will have access to personal data:

- The confidential counsellor(s) in charge of the core activity in the context of the informal procedure;
- The HR Officer in charge of anti-harassment procedure with regard to the opening and closing forms of the informal procedure as well as the confidential statistical forms;
- Parties involved in the context of the informal procedure (alleged victim and alleged harasser).

Recipients of personal data should be reminded that they may process the data only for the applicable purposes and in compliance with Regulation(EU) 2018/1725.

In the context of the informal procedure, the confidential counsellor may need to provide certain information to other bodies **in case of serious danger** (e.g. Medical Service, Welfare Officers, the Head of Human Resources Unit, the Executive Director) if the alleged victim agrees, except in case of potential serious danger for a person where no agreement is needed. The confidential counsellor may also need to transfer personal data, within the limits of the applicable procedures, to the aforementioned services as well as to the Disciplinary Board.

The information provided will be limited to what the contact person needs to know in order to be able to perform his/her duties. During the informal procedure, personal data may be made available from one confidential counsellor to another after agreement of the alleged victim, due to a conflict of interest of the confidential counsellor with regard to the case handled, his/her prolonged leave, or his/her withdrawal from the mandate as confidential counsellor.

For the purpose of identifying multiple or recurrent harassment cases, the confidential counsellors may have to share information with the Executive Director and the Head of Human Resources Unit.

Please note that pursuant to Article 3(13) of the Regulation, public authorities (e.g. Court of Auditors, EU Court of Justice) which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients. The processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing.

The information we collect will not be given to any third party, except to the extent and for the purpose we may be required to do so by law.

8. What are your rights and how can you exercise them?

You have specific rights as a 'data subject' under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access, your personal data and to rectify them in case your personal data are inaccurate or incomplete. Where applicable, you have the right to erase your personal data, to restrict the processing of your personal data, to object to the processing, and the right to data portability.

You have the right to object to the processing of your personal data, which is lawfully carried out pursuant to Article 5(1)(a) on grounds relating to your particular situation.

You can exercise your rights by contacting the Data Controller, or in case of conflict the Data Protection Officer. If necessary, you can also address the European Data Protection Supervisor. Their contact information is given under Heading 9 below.

Where you wish to exercise your rights in the context of one or several specific processing operations, please provide their description (i.e. their Record reference(s) as specified under Heading 10 below) in your request.

9. Contact information

- The Data Controller

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, please feel free to contact the Data Controller:

anti-harassment@ela.europa.eu

- The Data Protection Officer (DPO) of ELA

You may contact the Data Protection Officer (data-protection@ela.europa.eu) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

- The European Data Protection Supervisor (EDPS)

You have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor (edps@edps.europa.eu) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the Data Controller.

10. Where to find more detailed information?

ELA Data Protection Officer (DPO) publishes the register of all processing operations on personal data by ELA, which have been documented and notified to him. You may access the register via the following link: <https://www.ela.europa.eu/en/privacy-policy>

This specific processing operation has been included in the DPO's public register with the following Record reference: DPR-ELA-2022-0031: Anti-harassment procedure.