

DATA PROTECTION NOTICE

regarding the processing of personal data in the context of anti-harassment informal procedures

1. Context and Controller

As Eurojust collects and further processes personal data in the context of anti-harassment informal procedures, it is subject to Regulation (EU) 2018/1725 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

Collection and processing of personal data in the context of anti-harassment informal procedures are under the responsibility of the Controller, who is the Head of the Human Resources Unit and can be contacted at Headofhrconfidential@eurojust.europa.eu.

The scope of this notice is limited to the informal procedure. Regarding the formal procedure, please refer to the record on administrative inquiries available in the Eurojust website.

2. What personal information do we collect, for what purpose, under which legal bases and through which technical means?

Legal basis of the processing

The legal bases for the processing activities are:

- Article 5(1)(b) of Regulation EU 2018/1725: processing is necessary for compliance with a legal obligation to which the controller is subject;
- Articles 12, 12a, 24 and 90 of the Staff Regulations;
- Article 11 of the CEOS; and,
- Decision of Eurojust on the policy of Eurojust for protecting the dignity of the person and preventing psychological and sexual harassment

Purpose of the processing

The purpose of the processing is to prevent and to deal effectively and efficiently with any actual or potential cases of psychological or sexual harassment at the workplace and to implement the procedures intended to combat and prevent psychological and sexual harassment at Eurojust.

Technical means

To ensure the security of data of a personal nature entrusted to them, the Employee Relations Officer and confidential counsellors adhere to the following minimum standards of protection:

- To guarantee the security of confidential data provided to confidential counsellors and the Employee Relations Officer, all written exchanges are in hard copy are in sealed double envelopes marked "staff matters and confidential" and are personally delivered.
- Any transmission of documents other than to the recipients and in the circumstances provided for in this record is prohibited;

- Notes taken during meetings and any documents collected on a case are kept in a secure place under lock and key. For this purpose, a safe or metal cupboard locked with a key will be used;
- Where documents are stored on an electronic medium, data are encrypted (for example in compressed *.zip format with password), or stored on a specific encrypted disk which is not accessible to third parties;
- The Employee Relations Officer keeps the files relating to cases handled in the designated safe. Data stored on an electronic medium are kept in an encrypted form, on a specific disk, which is not accessible to third parties;
- The transmission of data between confidential counsellors and the Employee Relations Officer, particularly when forwarding files following closure of a case, is undertaken by delivering electronic documents on a disc, which is not accessible to third parties, or delivered personally or by letter with a sealed double envelope bearing the wording “staff matters and confidential”.
- For data related to the selection process for confidential counsellors, the Employee Relations Officer keeps the application forms of the selected counsellors in a designated safe (if in paper form) or in Outlook in a dedicated folder only accessible to him/her until they are destroyed.

Types of personal data

The data processed relate to the statements of persons who consider that they have been harassed and approach the HR Unit or a confidential counsellor under the informal procedure. They appear on opening forms, closing forms and in files containing the documents relevant to the proper management of cases. The data also include details of alleged harassers and, potentially, of witnesses. Categories of processed personal data may include first names, last names, civil status, family situation, contractual situation (job title, grade, step and working conditions) and other personal data strictly relevant for the processing of the case including medical data if need be.

There is no systematic rule regarding the types of data that may be collected. They may be of very different types; this depends largely on the case in question. Due to the very nature of the phenomenon of harassment, these data must be considered to be of a subjective nature, tainted by emotion and closely bound up with the viewpoint of the person providing the information.

When establishing the list of confidential counsellors, the following personal data of volunteers is processed in the course of the selection process: data in the application form including surname and first name, current unit and category (temporary or contract agent), knowledge of languages, motivation statement and, declaration of honour.

3. To whom is your personal data disclosed?

Regarding the appointment of the confidential counsellors, the recipients are the employee relations officer, the selection panel and the AD.

The Confidential counsellors are the recipients of the data and information provided to them by the alleged harassed or alleged harasser. This data can also be provided to the competent authorities in the framework of informal procedures on harassment and with the consent of the person who forwarded them. Transmission can be made without consent only in cases when this is necessary to ensure the protection of those concerned. The confidential counsellor may be

required to process a case under the informal procedure, to communicate certain information to others (medical service, security service, social workers and human resource managers) in the eventuality that the confidential counsellor believes the alleged harassed to be under harm and therefore to be in real danger. The information transmitted will be limited to what the other person needs to know to perform the duties. There are no other possible recipients of the data in the informal procedure.

4. How can you verify, modify or delete your information?

You have the right of access to your personal data and to relevant information concerning how we use it. You have the right to rectify your personal data. Under certain conditions, you have the right to ask that we delete your personal data or restrict their use. You have the right to object to our processing of your personal data, on grounds relating to your particular situation, at any time. We will consider your request, take a decision and communicate it to you. For more information, please see Articles 14 to 21, 23 and 24 of Regulation (EU) 2018/1725. Please note that in some cases restrictions under Article 25 of Regulation (EU) 2018/1725 may apply.

If you wish to exercise your data subject rights, any such request should be directed to the Head of the HR Unit of Eurojust at hohrconfidential@eurojust.europa.eu.

You may also contact the Data Protection Officer at Eurojust at dpo@eurojust.europa.eu.

5. How long do we keep your personal data?

Data is kept only for as long as it is necessary to establish the network of confidential counsellors and to deal with a case of alleged harassment.

For data related to the selection process for confidential counsellors: Application forms including motivation and declarations of honour will be retained until the end of the mandate of the Confidential Counsellors. The applications are manually destroyed following the expiration of the mandate of the confidential counsellors. Application forms including motivation and other documents of non-selected candidates will be destroyed following the conclusion of the selection procedure. The same applies for candidates who did not follow or pass the training and therefore were not appointed as Confidential Counsellors.

Confidential counsellors shall not store any data of a personal nature beyond the period necessary for a case to be dealt with. Under no circumstances may they keep personal data for more than three months after the date of closure of a case. Following this time period, all useful and relevant documents will be sent to the Employee Relations Officer after the alleged victim has been notified (with the exception of a situation where an alleged harasser has not been informed on the existence of an informal procedure concerning him/her). This timeframe will continue to run even where a confidential counsellor has been replaced as the manager of a case.

The HR Unit has organisational responsibility for maintaining a historical record of cases dealt with under the informal procedure. In order to do so, it will keep in a central file stored in a designated safe the opening and closing forms, with any related documents annexed, for a maximum period of five years from the date of commencement of an informal procedure. It will not keep any record of the names of alleged harassers who have not been informed that there is an informal procedure concerning them. Their names will be removed from opening forms when cases are closed under the informal procedure. This five-year period is considered necessary for the HR Unit to fulfil its mandate in general as well as to monitor and evaluate the policy and to identify recurrent cases for the prevention of harassment in particular.



Files will be retained beyond the timeframes indicated above only for as long as is necessary when a judicial or administrative procedure (such as requests from the European Ombudsman, an action before the General Court, an action for damages, etc.) requiring their access remains pending at the date of expiry of these time periods. Data for statistical purposes will be kept for an unlimited term after being rendered anonymous, in accordance with Article 5(1)(e) of Regulation (EU) 2018/1725.

6. Contact information

You have the right to access, rectify or erase or restrict the processing of your personal data or, where applicable, the right to object to processing or the right to data portability in line with Regulation (EU) 2018/1725.

Any such request should be directed to the Controller, by using the following email address:

hohrconfidential@eurojust.europa.eu, and by explicitly specifying your request.

You may also contact the Data Protection Office of the Eurojust (dpo@eurojust.europa.eu).

7. Recourse

You have the right to lodge a complaint to the European Data Protection Supervisor (https://edps.europa.eu/data-protection/our-role-supervisor/complaints_en) if you consider that your rights under the Eurojust Regulation and/or Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data or seek a judicial remedy before the Court of Justice.