

## RECORD OF PERSONAL DATA PROCESSING ACTIVITY according to Article 31 of Regulation (EU) 2018/1725

### ▶ External Whistleblowing under Regulation (EC) No 1094/2010

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#### General information

Introduction
EIOPA, as a European Authority, is committed to protect individuals with regard to the processing of their personal data in accordance with Regulation (EU) No 2018/1725 (further referred as the Regulation) <sup>1</sup> .
Contact Details of Data Controller(s)
Fausto Parente, Executive Director Westhafenplatz 1, 60327 Frankfurt am Main, Germany <a href="mailto:fausto.parente@eiopa.europa.eu">fausto.parente@eiopa.europa.eu</a>
Contact Details of the Data Protection Officer
Eleni Karatza Westhafenplatz 1, 60327 Frankfurt am Main, Germany <a href="mailto:dpo@eiopa.europa.eu">dpo@eiopa.europa.eu</a>
Contact Details of Processor
EIOPA's Team/Unit/Department responsible for the processing: Legal Team

<sup>1</sup> 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

### Description and Purpose of the Processing

Description of Processing
<p>Based on the Working Instructions on External Whistleblowing policies, EIOPA reacts to possible violations of EU insurance and occupational pensions law by national competent authorities provided and raised by external whistleblowers.</p> <p>The whistleblowing reports submitted to EIOPA’s facilities may contain information and personal data pertaining to the whistleblower or other persons.</p> <p>Verification of whistleblowers’ contact details occurs during the initial assessment of the report. Whistleblowers’ personal data are anonymized before the information received is further disseminated.</p>
Purpose (s) of the processing
<p><input type="checkbox"/> Staff administration</p> <p><input checked="" type="checkbox"/> Relations with external parties</p> <p><input type="checkbox"/> Procurement and accounting</p> <p><input type="checkbox"/> Administration of membership records</p> <p><input type="checkbox"/> Auditing</p> <p><input type="checkbox"/> Information administration</p> <p><input checked="" type="checkbox"/> Other (please give details): Monitoring compliance by competent authorities with EU law in the insurance and pensions sector</p>
Lawfulness of Processing
<ul style="list-style-type: none"> <li>• Legal Basis justifying the processing:             <ul style="list-style-type: none"> <li>The legal basis for the purpose of processing the data acquired is set out in Article 17a Regulation (EU) No 1094/2010</li> </ul> </li> <li>• Processing is necessary:             <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> for the performance of a task carried out in the public interest – Article 5(1)(a) of the Regulation</li> <li><input type="checkbox"/> for compliance with a legal obligation to which the Controller is subject</li> <li><input type="checkbox"/> for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract</li> <li><input type="checkbox"/> in order to protect the vital interests of the data subject or of another natural person</li> </ul> </li> </ul> <p>Or</p> <p><input type="checkbox"/> Data subject has given his/her unambiguous, free, specific and informed consent</p>

### Data Subject’s Rights

Information on how to exercise data subject’s rights
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Data subjects may exercise their data privacy rights provided in Articles 17 to 24 of the Regulation (EU) 1725/2018.

Data subjects have the right to:

- access their personal data, receive a copy of them in a structured and machine-readable format or have them directly transmitted to another controller, as well as request their rectification or update in case they are not accurate.
- request the erasure of their personal data, as well as object to or obtain the restriction of their processing.
- withdraw their consent to the processing of their personal data at any time in case such processing is based solely on their consent.

For the protection of the data subjects' privacy and security, every reasonable step shall be taken to ensure that their identity is verified before granting access, or rectification, or deletion.

Should data subjects wish to access/rectify/delete their personal data, or receive a copy of them/have it transmitted to another controller, or object to/restrict their processing, please contact Whistle [Whistle@eiopa.europa.eu](mailto:Whistle@eiopa.europa.eu) or [DPO@eiopa.europa.eu](mailto:DPO@eiopa.europa.eu).]

Complaint:

Any complaint concerning the processing of the data subjects' personal data can be addressed to EIOPA's Data Protection Officer ([DPO@eiopa.europa.eu](mailto:DPO@eiopa.europa.eu)). Alternatively, data subjects can also have at any time recourse to the European Data Protection Supervisor ([www.edps.europa.eu](http://www.edps.europa.eu)).

### Categories of Data Subjects & Personal Data

#### Categories of Data Subjects

- EIOPA permanent staff, Temporary or Contract Agents
- SNEs or trainees
- Visitors to EIOPA (BOS, MB, WG, Seminars, Events, other)

If selected, please specify:

- Providers of good or services
- Complainants, correspondents and enquirers
- Relatives and associates of data subjects
- Other (please specify):

- Whistleblowers: Any person who voluntarily provides EIOPA with intelligence about possible violations of EU insurance and occupational pensions law.

- Individuals mentioned in the whistleblowing reports.

Categories of personal data
<p><b>(a) General personal data:</b></p> <p>The personal data contains:</p> <p><input checked="" type="checkbox"/> Personal details (name, address etc)</p> <p><input type="checkbox"/> Education &amp; Training details</p> <p><input checked="" type="checkbox"/> Employment details</p> <p><input checked="" type="checkbox"/> Financial details</p> <p><input type="checkbox"/> Family, lifestyle and social circumstances</p> <p><input type="checkbox"/> Other (please give details):</p> <p><b>(b) Special categories of personal data</b></p> <p>The personal data reveals:</p> <p><input type="checkbox"/> Racial or ethnic origin</p> <p><input type="checkbox"/> Political opinions</p> <p><input type="checkbox"/> Religious or philosophical beliefs</p> <p><input type="checkbox"/> Trade union membership</p> <p><input type="checkbox"/> Genetic or Biometric data</p> <p><input type="checkbox"/> Data concerning health, sex life or sexual orientation</p>

Categories of Recipients & Data Transfers

Recipient(s) of the data
<p><input type="checkbox"/> Managers of data subjects</p> <p><input checked="" type="checkbox"/> Designated EIOPA staff members</p> <p style="padding-left: 20px;">If selected, please specify:</p> <p>EIOPA's Executive Director, Head of Corporate Affairs Department, Head of Oversight Department, Whistleblowing officer (member of the Legal team), and other EIOPA staff on a need-to-know basis</p> <p><input type="checkbox"/> Relatives or others associated with data subjects</p> <p><input type="checkbox"/> Current, past or prospective employers</p> <p><input type="checkbox"/> Healthcare practitioners</p> <p><input type="checkbox"/> Education/training establishments</p> <p><input type="checkbox"/> Financial organisations</p> <p><input type="checkbox"/> External contractor</p> <p><input checked="" type="checkbox"/> Other (please specify): Other competent EU institutions and bodies, National competent authorities</p>

Data transfer(s)
<input checked="" type="checkbox"/> Within EIOPA or to other EU Institutions/Agencies/Bodies If selected, please specify: The EU institution(s), agency or body, that is competent to act upon the information.
<input checked="" type="checkbox"/> To other recipients within the EU (e.g. NCAs): NCA(s) concerned
<input type="checkbox"/> To third countries If selected, please specify: Whether suitable safeguards have been adopted: <input type="checkbox"/> Adequacy Decision of the European Commission <sup>2</sup> <input type="checkbox"/> Standard Contractual Clauses (SCC) <input type="checkbox"/> Binding Corporate Rules (BCR) <input type="checkbox"/> Administrative Arrangements between public Authorities (AA)
<input type="checkbox"/> To international organisations If selected, please specify the organisation and whether suitable safeguards have been adopted:
Data subjects could obtain a copy of SCC, BCR or AA here:

### Automated Decision Making

Automated Decision-making, including profiling
A decision is taken in the context of this processing operation solely on the basis of automated means or profiling: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes In case of an automated decision-making or profiling, please explain:

### Retention Period & Security Measures

Retention period
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<sup>2</sup> Third countries for which the European Commission has issued adequacy decisions are the following: [Adequacy decisions \(europa.eu\)](https://europea.eu)

How long will the data be retained?

Files which do not lead to the opening of an inquiry will be kept for 2 years.

Files relating to cases brought before the EU/national courts will be kept for up to 2 years following conclusion of proceedings.

For further processing envisaged beyond the original retention period for historical, statistical or scientific purposes, please specify whether the personal data will be anonymised:

No

Yes

Technical & organisational security measures taken

Several technical and organisational measures have been adopted in order to ensure the optimum security of the documents and personal data collected in the context of the procedures described under section "Description and purpose of the processing".