

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

### ▶ Anti-harassment

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#### General information

<b>Introduction</b>
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> .
<b>Contact Details of Data Controller(s)</b>
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>
<b>Contact Details of the Data Protection Officer</b>
Eleni Karatza Westhafenplatz 1, 60327 Frankfurt am Main, Germany <a href="mailto:dpo@eiopa.europa.eu">dpo@eiopa.europa.eu</a>
<b>Contact Details of Processor</b>
EIOPA’s Team/Unit/Department responsible for the processing: - HR Unit

<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>1. The purpose of the processing is to prevent harassment at EIOPA and to aim at a work environment free of any form of psychological or sexual harassment. In order to achieve this, EIOPA has set up informal procedure, in accordance with EIOPA’s anti-harassment Policy<sup>2</sup>, which comprises of the consultation of a confidential counsellor.</p> <p>2. Personal data will, therefore, have to be processed both in the course of this internal procedure, for investigating and combatting harassment cases, and during the selection of confidential counsellors, for assessing their aptitude and appropriateness to perform the specific task of confidential counsellor.</p>
Purpose (s) of the processing
<p><input checked="" 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 checked="" type="checkbox"/> Auditing</p> <p><input type="checkbox"/> Information administration</p> <p><input type="checkbox"/> Other (please give details): .....</p>
Lawfulness of Processing
<ul style="list-style-type: none"> <li>• Legal Basis justifying the processing:             <ul style="list-style-type: none"> <li>- Article 12a of the Staff Regulations and Articles 11 and 81 of the CEOS.</li> <li>- Decision of EIOPA Management Board 17/061 on EIOPA policy protecting the dignity of the person and preventing psychological harassment and sexual harassment.</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</li> <li><input checked="" 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 checked="" 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
<p>Data subjects may exercise their data privacy rights provided in Articles 17 to 24 of the Regulation (EU) 1725/2018.</p> <p>Data subjects have the right to:</p> <ul style="list-style-type: none"><li>• 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.</li><li>• request the erasure of their personal data, as well as object to or obtain the restriction of their processing.</li><li>• withdraw their consent to the processing of their personal data at any time in case such processing is based solely on their consent.</li></ul> <p>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.</p> <p>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 [ethicsofficer@eiopa.europa.eu] or <a href="mailto:DPO@eiopa.europa.eu">DPO@eiopa.europa.eu</a>.]</p> <p><u>Complaint:</u></p> <p>Any complaint concerning the processing of the data subjects' personal data can be addressed to EIOPA's Data Protection Officer (<a href="mailto:DPO@eiopa.europa.eu">DPO@eiopa.europa.eu</a>). Alternatively, data subjects can also have at any time recourse to the European Data Protection Supervisor (<a href="http://www.edps.europa.eu">www.edps.europa.eu</a>).</p> <p><u>Restrictions:</u></p> <p>Without prejudice to the above, rights might be restricted in accordance with EIOPA's decision on the restriction of data subject's rights (EIOPA-MB-19-056).</p>

## Categories of Data Subjects & Personal Data

Categories of Data Subjects
<p><input checked="" type="checkbox"/> EIOPA permanent staff, Temporary or Contract Agents</p> <p><input checked="" type="checkbox"/> SNEs or trainees</p> <p><input type="checkbox"/> Visitors to EIOPA (BOS, MB, WG, Seminars, Events, other)</p>

<p>If selected, please specify: .....</p> <p><input type="checkbox"/> Providers of good or services</p> <p><input type="checkbox"/> Complainants, correspondents and enquirers</p> <p><input type="checkbox"/> Relatives and associates of data subjects</p> <p><input checked="" type="checkbox"/> Other (please specify): Job Applicants</p>
<p>Categories of personal data</p>
<p><b>(a) General personal data:</b></p> <p>The personal data contains:</p> <p><input checked="" type="checkbox"/> Personal details :</p> <ul style="list-style-type: none"><li>- <u>for the selection of confidential counsellors:</u> names, email address, contract type, position, job title, Department/Unit.</li><li>- For the informal procedure: name, email address, Department/Unit Team of the alleged victim, alleged harasser and the confidential counsellor.</li></ul> <p><input type="checkbox"/> Education &amp; Training details</p> <p><input checked="" type="checkbox"/> Employment details</p> <p><input type="checkbox"/> Financial details</p> <p><input type="checkbox"/> Family, lifestyle and social circumstances</p> <p><input checked="" type="checkbox"/> Other (please give details):</p> <ul style="list-style-type: none"><li>- <u>For the selection of confidential counsellors:</u> The abilities, the sensitivity and the empathy skills of the candidates are being evaluated. In addition, past professional experiences and whether the data subjects have ever been subject to an administrative inquiry / disciplinary proceedings could be assessed too.</li><li>- <u>For the informal procedure:</u> “Subjective” data are processed, i.e. allegations and declarations based upon subjective perceptions of data subjects mainly collected by means of personal notes of the counsellors. The subjective data may include special categories of 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) 1725/2018.</li></ul>
<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 checked="" type="checkbox"/> Managers of data subjects</p> <p><input checked="" type="checkbox"/> Designated EIOPA staff members</p> <p>If selected, please specify:</p> <p>For the selection of the confidential counsellors:</p> <ul style="list-style-type: none"> <li>- HR Unit and Staff Committee as member of the selection panel</li> <li>- EIOPA staff, informed of the name and contact details of the confidential counsellors</li> <li>- Inter-agency network of confidential counsellors</li> </ul> <p>For the informal procedure:</p> <ul style="list-style-type: none"> <li>- The confidential counsellors (they have access to all personal data collected). 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.</li> <li>- Human Resources Unit, and in particular the Head of HR Unit and the Harassment Prevention Coordinator(s) (s/he only has access to identification data / administrative information).</li> <li>- Parties involved in the context of the informal procedure (Alleged victim and alleged harasser). Legal Unit and DPO, if applicable</li> </ul> <p><input type="checkbox"/> Relatives or others associated with data subjects</p> <p><input type="checkbox"/> Current, past or prospective employers</p> <p><input checked="" type="checkbox"/> Healthcare practitioners : medical service, if applicable</p> <p><input checked="" 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):</p> <p>For the confidential counsellors:</p> <ul style="list-style-type: none"> <li>- Training providers (for compulsory training before appointment: they are informed of the names of the candidate confidential counsellors; for further training: they are informed of the names of selected confidential counsellors)</li> </ul> <p>For the informal procedure:</p> <ul style="list-style-type: none"> <li>- disciplinary board, if applicable</li> <li>- external authorised persons involved in the litigation procedure.</li> </ul>

<ul style="list-style-type: none"><li>- In case of control or dispute, the data may be requested for instance by the European Ombudsman, Court of Justice of the European Union, or the European Data Protection Supervisor or competent national judicial authorities in the context of legal action.</li><li>- In case of audit, internal/external audit service and the European Court of Auditors.</li></ul>
<b>Data transfer(s)</b>
<input type="checkbox"/> Within EIOPA or to other EU Institutions/Agencies/Bodies If selected, please specify:
<input type="checkbox"/> To other recipients within the EU (e.g. NCAs)
<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>3</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**

<b>Automated Decision-making, including profiling</b>
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:

<sup>3</sup> Third countries for which the European Commission has issued adequacy decisions are the following: Adequacy decisions (europa.eu)

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### Retention Period & Security Measures

<b>Retention period</b>
<p>How long will the data be retained?</p> <p>For the selection procedure of the confidential counsellor, EIOPA shall apply the following retention periods</p> <ul style="list-style-type: none"><li>- Non-selected candidates: the data will be retained until the deadline for challenging the selection decision has passed.</li><li>- Selected candidates: the data will be retained until the end of their respective mandate(s).</li></ul> <p>For the informal procedure:</p> <ul style="list-style-type: none"><li>- The opening and closing forms will be stored for a maximum period of 5 years following the closure of the harassment case. Such period is necessary to evaluate reoy to any legal questions and identify multiple or reccurent cases. Longer retention period may be justified in case an administrative or legal action is pending before the European Ombudsman and/or the EU Courts.</li><li>- Personal data collected in the context of EIOPA’s anti-harassment Policy might be stored for historical or statistical purposes for periods longer than the ones described only on an anonymous basis.</li><li>- The Confidential Counsellors shall not keep personal data longer than 3 months following the closure of the case. Personal data are either destroyed and returned to the data subject who provided them.</li></ul>
<p>For further processing envisaged beyond the original retention period for historical, statistical or scientific purposes, please specify whether the personal data will be anonymised:</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes</p>
<b>Technical &amp; organisational security measures taken</b>
<p>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 II a).</p>