

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

### ▶ Whistleblowing pertaining to EIOPA's operations

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#### General information

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| <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<br>Westhafenplatz 1, 60327 Frankfurt am Main, Germany<br><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<br>Westhafenplatz 1, 60327 Frankfurt am Main, Germany<br><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:<br>EIOPA's Internal Control<br>Email: <a href="mailto:Internalwhistleblowing@eiopa.europa.eu">Internalwhistleblowing@eiopa.europa.eu</a>                        |

<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  |
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| <p>On the basis of EIOPA's decision on whistleblowing pertaining to its operations, EIOPA encourages staff members and non-staff members to report serious irregularities taking place at EIOPA, which they discover in the course of the performance of their duties or that otherwise come to their attention.</p> <p>Whistleblowing reports, through which irregularities are reported, contain information and personal data relevant to:</p> <p>(1) people working at EIOPA, who have allegedly committed: (a) fraud, corruption or any other illegal activities affecting the financial interests of the EU; (b) other serious irregularities relating to the discharge of their professional duties.</p> <p>(2) the whistleblower, witnesses or third parties.</p> <p>Investigation into these activities may result in disciplinary and/or criminal proceedings.</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 checked="" type="checkbox"/> Other (please give details):</p> <p>In particular, the purpose of this processing operation is to:</p> <ul style="list-style-type: none"> <li>- enable reporting of serious irregularities, including fraud, corruption, or other serious professional wrongdoing in EIOPA;</li> <li>- set out reporting channels for whistleblowers;</li> <li>- manage and follow-up whistleblowing reports;</li> <li>- establish protective measures and prevent potential retaliation against whistleblowers.</li> </ul> |
| Lawfulness of Processing   |
| <ul style="list-style-type: none"> <li>• Legal Basis justifying the processing:<br/>Articles 22a, 22b and 22c of the Staff Regulations and Articles 11 and 81 of the CEOS</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>  |

Or

Data subject has given his/her unambiguous, free, specific and informed consent

### Data Subject's Rights

#### Information on how to exercise data subject's rights

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 [[Internalwhistleblowing@eiopa.europa.eu](mailto:Internalwhistleblowing@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: all of the above

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| <input checked="" type="checkbox"/> Providers of good or services<br><input checked="" type="checkbox"/> Complainants, correspondents and enquirers<br><input checked="" type="checkbox"/> Relatives and associates of data subjects<br><input checked="" type="checkbox"/> Other (please specify):<br>Data subject could be everyone working within EIOPA (f.eg. temporary agents, contract agents, seconded national experts, on-site consultants, temporary workers (interim staff) and trainees) when acting as / being a whistleblower/informant – person under investigation/wrongdoer – witness – third party.  |
| Categories of personal data  |
| <p><b>(a) General personal data:</b></p> <p>The personal data contains:</p> <input checked="" type="checkbox"/> Personal details (name, address etc)<br><input type="checkbox"/> Education & Training details<br><input checked="" type="checkbox"/> Employment details<br><input checked="" type="checkbox"/> Financial details<br><input checked="" type="checkbox"/> Family, lifestyle and social circumstances<br><input checked="" type="checkbox"/> Other (please give details):<br>The whistleblowing report, as well as the information transmitted to OLAF and the reports that form part of an internal assessment, may contain identification data such as: names, contact details and other personal data.<br>In particular, the identity of whistleblowers will be treated in confidence, i.e. their name will not be revealed to the persons potentially implicated in the alleged wrongdoings or to any other person without a strict need to know, unless:<br>a) the whistleblower personally authorises the disclosure of his identity;<br>b) this is a requirement in any subsequent criminal law proceedings; and/or<br>c) the whistleblower maliciously makes a false statement.<br>Depending on the irregularity reported, special categories of data may also be processed such as: information relating to the economic or social behaviour of an individual. |
| <p><b>(b) Special categories of personal data</b></p> <p>The personal data reveals:</p> <input checked="" type="checkbox"/> Racial or ethnic origin<br><input checked="" type="checkbox"/> Political opinions<br><input checked="" type="checkbox"/> Religious or philosophical beliefs<br><input checked="" type="checkbox"/> Trade union membership<br><input type="checkbox"/> Genetic or Biometric data<br><input checked="" type="checkbox"/> Data concerning health, sex life or sexual orientation<br><input checked="" type="checkbox"/> Data relating to suspected offences, offences, criminal convictions or security measures  |

It cannot be excluded that in a certain whistleblowing case some of the mentioned categories of personal data are revealed.

### Categories of Recipients & Data Transfers

| Recipient(s) of the data  |
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| <p><input checked="" 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>Internal Control Specialist, Ethics Officer, EIOPA’s Executive Director and Chair, and EIOPA’s managers where relevant</p> <p><input checked="" 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 checked="" type="checkbox"/> External contractor (the internal assessment could potentially be undertaken by an external contractor)</p> <p><input checked="" type="checkbox"/> Other (please specify):</p> <p>The recipients of the data, strictly on a need-to-know basis, are potentially the following:</p> <ul style="list-style-type: none"> <li>- Internal Control;</li> <li>- Anti-Fraud Officer;</li> <li>- HR;</li> <li>- Head of Unit concerned;</li> <li>- Head of Department concerned;</li> <li>- Staff members entrusted to assess the facts reported;</li> <li>- Executive Director;</li> <li>- Legal Team and external lawyers;</li> <li>- OLAF;</li> <li>- European Court of Auditors (ECA) (in case of audit);</li> <li>- Internal Audit Service of the COM (in case of audit);</li> <li>- EU Courts (in the event of a case being brought before them) and/or European Ombudsman; and/or</li> <li>- Judicial and other competent national authorities (in case of infringement of national law).</li> </ul> |
| Data transfer(s)  |
| <p><input checked="" type="checkbox"/> Within EIOPA or to other EU Institutions/Agencies/Bodies</p> <p style="padding-left: 20px;">If selected, please specify: Within EIOPA’s departments if needed for a specific case; to OLAF/ECA / CJEU</p>  |

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| <p><input checked="" type="checkbox"/> To other recipients within the EU (e.g. NCAs) potentially, if necessary for a specific case, to NCAs / external lawyers / external investigators</p> <p><input type="checkbox"/> To third countries</p> <p>If selected, please specify:</p> <p>Whether suitable safeguards have been adopted:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Adequacy Decision of the European Commission<sup>2</sup></li><li><input type="checkbox"/> Standard Contractual Clauses (SCC)</li><li><input type="checkbox"/> Binding Corporate Rules (BCR)</li><li><input type="checkbox"/> Administrative Arrangements between public Authorities (AA)</li></ul> <p>*Personal data is not transferred to third countries, however, exceptionally, depending on the case, it might be necessary to transfer personal data collected to third countries' judicial or other competent authorities. In such cases, the appropriate safeguards will be put in place to ensure that the requirements of EUDPR are met.</p> <p><input type="checkbox"/> To international organisations</p> <p>If selected, please specify the organisation and whether suitable safeguards have been adopted:</p> |
| <p>Data subjects could obtain a copy of SCC, BCR or AA here:</p> <p>NA</p>   |

### Automated Decision Making

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

### Retention Period & Security Measures

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| <p>Retention period</p>   |
| <p>How long will the data be retained?</p> <p>The following retention periods will be applied as concerns whistleblowing reports:</p> |

<sup>2</sup> Third countries for which the European Commission has issued adequacy decisions are the following: [Adequacy decisions \(europa.eu\)](https://european-council.europa.eu/media/en/press-room/pages/press-room.aspx?CIDPR=13224)

- Personal information that is not relevant to the allegations is not further processed;
- If no investigation is initiated or planned (by OLAF or local law enforcement authorities), the information will be deleted as soon as possible, and usually within 2 months from the final decision that no investigation will be launched by any party;
- Should an investigation (by OLAF or law enforcement authorities) conclude without indicating wrong-doing on the part of the implicated person, personal information will be deleted promptly and usually within 2 months of the completion of the investigation;
- Should an investigation (by OLAF or law enforcement authorities) find there to have been wrong-doing on the part of the person implicated and EIOPA adopts remedial measures via an administrative procedure:
  - a) if no appeals are made and there is no clear need to retain the personal data (i.e. no suspicion of links to further cases of fraud), the personal data will be deleted within 2 months following the conclusion of the procedure;
  - b) should it be deemed that there is a need to further retain the personal data, EIOPA will only do so for a maximum of 5 years, following the completion of any relevant investigation.
- If a case is brought before the EU or the national Courts, personal data will be kept for a period of up to 2 years following the conclusion of the relevant 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'.