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

Anti-harassment

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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)\(^1\).

Contact Details of Data Controller(s)

Fausto Parente, Executive Director
Westhafenplatz 1, 60327 Frankfurt am Main, Germany
fausto.parente@eiopa.europa.eu

Contact Details of the Data Protection Officer

Eleni Karatza
Westhafenplatz 1, 60327 Frankfurt am Main, Germany
dpo@eiopa.europa.eu

Contact Details of Processor

EIOPA’s Team/Unit/Department responsible for the processing:
- HR Unit

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\(^1\) 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

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, which comprises of the consultation of a confidential counsellor.

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.

### Purpose(s) of the processing

- [x] Staff administration
- [x] Relations with external parties
- [ ] Procurement and accounting
- [ ] Administration of membership records
- [x] Auditing
- [ ] Information administration
- [ ] Other (please give details): ........................................................................................................................................................................

### Lawfulness of Processing

- **Legal Basis justifying the processing:**
  - Article 12a of the Staff Regulations and Articles 11 and 81 of the CEOS.
  - Decision of EIOPA Management Board 17/061 on EIOPA policy protecting the dignity of the person and preventing psychological harassment and sexual harassment.

- **Processing is necessary:**
  - [x] for the performance of a task carried out in the public interest
  - [x] for compliance with a legal obligation to which the Controller is subject
  - [ ] 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
  - [x] in order to protect the vital interests of the data subject or of another natural person
  - 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 [ethicsofficer@eiopa.europa.eu] or 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). Alternatively, data subjects can also have at any time recourse to the European Data Protection Supervisor (www.edps.europa.eu).

Restrictions:
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).

Categories of Data Subjects & Personal Data

<table>
<thead>
<tr>
<th>Categories of Data Subjects</th>
</tr>
</thead>
<tbody>
<tr>
<td>✔ EIOPA permanent staff, Temporary or Contract Agents</td>
</tr>
<tr>
<td>✔ SNEs or trainees</td>
</tr>
<tr>
<td>☐ Visitors to EIOPA (BOS, MB, WG, Seminars, Events, other)</td>
</tr>
</tbody>
</table>
## Categories of personal data

### (a) General personal data:

The personal data contains:

- Personal details:
  - For the selection of confidential counsellors: names, email address, contract type, position, job title, Department/Unit.
  - For the informal procedure: name, email address, Department/Unit Team of the alleged victim, alleged harasser and the confidential counsellor.

- Education & Training details
- Employment details
- Financial details
- Family, lifestyle and social circumstances
- Other (please give details):
  - For the selection of confidential counsellors: 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.
  - For the informal procedure: “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.

### (b) Special categories of personal data

The personal data reveals:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Genetic or Biometric data
- Data concerning health, sex life or sexual orientation
Categories of Recipients & Data Transfers

<table>
<thead>
<tr>
<th>Recipient(s) of the data</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Managers of data subjects</td>
</tr>
<tr>
<td>□ Designated EIOPA staff members</td>
</tr>
<tr>
<td>□ If selected, please specify</td>
</tr>
<tr>
<td>For the selection of the confidential counsellors:</td>
</tr>
<tr>
<td>- HR Unit and Staff Committee as member of the selection panel</td>
</tr>
<tr>
<td>- EIOPA staff, informed of the name and contact details of the confidential counsellors</td>
</tr>
<tr>
<td>- Inter-agency network of confidential counsellors</td>
</tr>
<tr>
<td>For the informal procedure:</td>
</tr>
<tr>
<td>- 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.</td>
</tr>
<tr>
<td>- 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).</td>
</tr>
<tr>
<td>- Parties involved in the context of the informal procedure (Alleged victim and alleged harasser). Legal Unit and DPO, if applicable</td>
</tr>
<tr>
<td>□ Relatives or others associated with data subjects</td>
</tr>
<tr>
<td>□ Current, past or prospective employers</td>
</tr>
<tr>
<td>□ Healthcare practitioners : medical service, if applicable</td>
</tr>
<tr>
<td>□ Education/training establishments</td>
</tr>
<tr>
<td>□ Financial organisations</td>
</tr>
<tr>
<td>□ External contractor</td>
</tr>
<tr>
<td>□ Other (please specify):</td>
</tr>
<tr>
<td>For the confidential counsellors:</td>
</tr>
<tr>
<td>- 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)</td>
</tr>
<tr>
<td>For the informal procedure:</td>
</tr>
<tr>
<td>- disciplinary board, if applicable</td>
</tr>
<tr>
<td>- external authorised persons involved in the litigation procedure.</td>
</tr>
</tbody>
</table>
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.

In case of audit, internal/external audit service and the European Court of Auditors.

Data transfer(s)

- [ ] Within EIOPA or to other EU Institutions/Agencies/Bodies
  
  - If selected, please specify:
  
- [ ] To other recipients within the EU (e.g. NCAs)
  
- [ ] To third countries
  
  - If selected, please specify: ……………………………………………………………………………………………………………………………

  Whether suitable safeguards have been adopted:
  
  - [ ] Adequacy Decision of the European Commission
  
  - [ ] Standard Contractual Clauses (SCC)
  
  - [ ] Binding Corporate Rules (BCR)
  
  - [ ] Administrative Arrangements between public Authorities (AA)

- [ ] 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:

- [x] No
- [ ] Yes

In case of an automated decision-making or profiling, please explain:

…………………………………………………………………………………………………………………………

3 Third countries for which the European Commission has issued adequacy decisions are the following: Adequacy decisions (europa.eu)
Retention Period & Security Measures

<table>
<thead>
<tr>
<th>Retention period</th>
</tr>
</thead>
<tbody>
<tr>
<td>How long will the data be retained?</td>
</tr>
<tr>
<td>For the selection procedure of the confidential counsellor, EIOPA shall apply the following retention periods</td>
</tr>
<tr>
<td>- Non-selected candidates: the data will be retained until the deadline for challenging the selection decision has passed.</td>
</tr>
<tr>
<td>- Selected candidates: the data will be retained until the end of their respective mandate(s).</td>
</tr>
<tr>
<td>For the informal procedure:</td>
</tr>
<tr>
<td>- 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 any legal questions and identify multiple or recurring 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.</td>
</tr>
<tr>
<td>- 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.</td>
</tr>
<tr>
<td>- 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.</td>
</tr>
</tbody>
</table>

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 II a).