



European Research Council
Executive Agency

Established by the European Commission

RECORD OF PERSONAL DATA PROCESSING

Art. 31 of the 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 (henceforth the "Data Protection Regulation")

Record n°

DPO 55 - 2021

In accordance with Article 31 of the data protection regulation, individuals whose personal data are processed by the Executive Agency in any context whatsoever are to be protected with regard to the processing of personal data and the Executive Agency has to keep records of their processing operations.

This record covers two aspects:

1. Mandatory records under Art 31 of the data protection regulation (recommendation: make the header and part 1 publicly available)
2. Compliance check and risk screening (initial; part 2 is internal only to the Agency, not published)

The ground for the record is (tick the relevant one):

- Regularization of a data processing operation already carried out
- Record of a new data processing operation prior to its implementation
- Change of a data processing operation.
- Migration from notification to record.

Processing of personal data within the framework of the anti-harassment policy

1	Last update of this record if applicable	Anti-Harassment Policy and Inter Executive Agency Network of Confidential Counsellors: DPO 3-2011 (b) Ares(2011)118939 - 03/02/2011
2	Short description of the processing	This processing operation aims at preventing and remedying cases of alleged harassment within the Agency during the informal procedure. The formal procedure falls outside the scope of this processing as this is not processed by the Agency but by IDOC. The steps of the informal procedure can be divided between opening of a file, conciliation and closure. During the first step, the Confidential Counsellor informs the alleged victim about the procedure, his/her rights and provides any relevant information including the confidentiality declaration. The alleged victim needs to

	<p>complete the opening form, which will later be sent to the Anti-Harassment Coordinator, who assigns a unique reference number to the case for confidentiality purposes.</p> <p>During the conciliation and with the consent of the alleged victim, the alleged harasser is informed by the Confidential Counsellor about the ongoing procedure, his/her rights, envisaging the possibility to find an amicable solution.</p> <p>To close the file, the Confidential Counsellor shall pass the closing form and the case file to the Anti-Harassment Coordinator.</p>
--	---

Part 1 - Article 31 Record

3	Function and contact details of the controller	Head of Human Resources Unit (ERCEA.D.2) ERC-HARASSMENT@ec.europa.eu
4	Contact details of the Data Protection Officer (DPO)	ERC-DATA-PROTECTION@ec.europa.eu
5	Name and contact details of joint controller (where applicable)	N/A
6	Name and contact details of processor (where applicable)	Directorate-General for Informatics (DG DIGIT) DIGIT-SYSPER2-INTERNALSUPPORT@ec.europa.eu European Commission Directorate General Human Resources (DG HR) – Medical Service HR-MAIL-D3@ec.europa.eu
7	Purpose of the processing	<p>The processing aims at preventing and remedying cases of alleged harassment within the Agency during the informal procedure. The informal procedure aims at helping and protecting the alleged victim at an early stage. Presumed victims may also initiate the formal procedure under Article 24 of the Staff Regulations, which may be processed by IDOC.</p> <p>The personal data is collected and processed with the following aims:</p> <ul style="list-style-type: none"> • to support and protect the victim; • to be able to refer cases to the relevant services; • to provide efficient and proper administration of cases to be solved as soon as possible; • to guarantee confidentiality and create conciliation; • to prevent cases; • to review request for help and any need for psychological support; • to identify recurrent cases and provide references for disciplinary actions where applicable; • to provide data for the formal procedure and to reply to the Ombudsman or legal authorities at the national or European level in the case that the complaint

		<p>leads to a formal procedure.</p> <p>This processing does not cover the selection of Confidential Counsellors, which is covered by another record, nor the formal procedure per se, which is not handled by the Agency. Administrative inquiries are also covered by another specific record.</p>
8	<p>Description of the categories of data subjects</p>	<p><input checked="" type="checkbox"/> EA staff</p> <p>[Temporary Agents, Contract Agents].</p> <p><input checked="" type="checkbox"/> Visitors to the EA</p> <p><input checked="" type="checkbox"/> Contractors providing goods or services</p> <p>[Intra-muros experts, interim staff, people working under national contracts].</p> <p><input checked="" type="checkbox"/> Applicants</p> <p>[Project applicants].</p> <p><input type="checkbox"/> Relatives of the data subject</p> <p><input type="checkbox"/> Complainants, correspondents and enquirers</p> <p><input checked="" type="checkbox"/> Witnesses</p> <p><input checked="" type="checkbox"/> Beneficiaries</p> <p><input checked="" type="checkbox"/> External experts</p> <p>[Seconded National Experts].</p> <p><input checked="" type="checkbox"/> Other:</p> <p>[Blue Book trainees].</p> <p>[Any persons potentially concerned who could be alleged harasser, alleged victim or other person implicated].</p>
9	<p>Description of personal data categories</p> <p>Indicate all the categories of personal data processed and specify which personal data are being processed for each category (between brackets under/next to each category):</p>	<p><i>Categories of personal data:</i></p> <p><input checked="" type="checkbox"/> in the form of personal identification numbers</p> <p>[Personnel number]</p> <p><input type="checkbox"/> concerning the physical characteristics of persons as well as the image, voice or fingerprints</p> <p><input checked="" type="checkbox"/> concerning the data subject's private sphere</p> <p>[Date and place of birth, gender, nationality].</p> <p><input type="checkbox"/> concerning pay, allowances and bank accounts</p> <p><input checked="" type="checkbox"/> concerning recruitment and contracts</p> <p>[Organisation (Sector, Unit, Department)].</p> <p><input type="checkbox"/> concerning the data subject's family</p>

<p>10</p>	<p>Retention time (time limit for keeping the personal data)</p>	<p> <input type="checkbox"/> concerning the data subject's career <input type="checkbox"/> concerning leave and absences <input type="checkbox"/> concerning missions and journeys <input type="checkbox"/> concerning social security and pensions <input type="checkbox"/> concerning expenses and medical benefits <input checked="" type="checkbox"/> concerning telephone numbers and communications [Phone number (office & GSM), office number]. <input checked="" type="checkbox"/> concerning names and addresses (including email addresses) [Name, surname, professional address and e-mail address]. <input type="checkbox"/> Other :please specify : _____ <i>Categories of personal data processing likely to present specific risks:</i> <input type="checkbox"/> data relating to suspected offences, offences, criminal convictions or security measures <input type="checkbox"/> data being used to evaluate personal aspects of the data subject (ability, efficiency, conduct) <i>Categories of personal data whose processing is prohibited, with exceptions (art. 10 new Regulation):</i> <input type="checkbox"/> revealing racial or ethnic origin <input type="checkbox"/> revealing political opinions <input type="checkbox"/> revealing religious or philosophical beliefs <input type="checkbox"/> revealing trade-union membership <input type="checkbox"/> concerning health <input type="checkbox"/> genetic data, biometric data for the purpose of uniquely identifying a natural person <input type="checkbox"/> concerning sex life or sexual orientation <i>Specify any additional data or explanatory information on the data being processed, if any:</i> <u>Relevant data for the harassment case collected through the Confidential Counsellors and Anti-harassment Coordinator or directly from the alleged victim, including the alleged working and personal situation of the data subject and of other implicated persons. In particular, sensitive data relating to physical or psychological harassment may be processed.</u> The ERCEA applies by analogy the principles and retention periods indicated in the Common Commission- </p>
-----------	---	--

		<p>Level Retention List SEC(2019)900/2 of 19 April 2019..</p> <p>The Anti-Harassment Coordinator shall keep the files (both opening and closing files with the case) for a period of no more than five years after the outcome of the informal procedure. This period is necessary to evaluate the policy, reply to legal questions and identify possible recurrent cases.</p> <p>If at the date of the expiration of the initial five years, there are ongoing legal or administrative proceedings, which may necessitate the consultation of the files, records shall be kept until the rights for appeal expire.</p> <p>The Confidential Counsellor does not keep any personal data beyond the time limit necessary for him or her to accomplish his /her task.</p> <p>The Confidential Counsellor shall not keep data more than three months after having finished his/her tasks and closure of the case (file closing form). When the term expires, the documents sent by the alleged victim are returned to him or her or forwarded to the Anti-Harassment Coordinator with the alleged victim's explicit consent.</p> <p>If the alleged harasser has not been informed of the existence of an informal procedure, no data relating to him/her shall be kept in the archives of the Anti-Harassment Coordinator.</p> <p>Is any further processing for archiving purposes in the public interest, historical, statistical or scientific purposes envisaged? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no</p> <p>At the end of each year, anonymous statistical data are collected and analysed to enable an assessment to be made of developments in the situation and, where appropriate, to adapt the action to be taken, notably as regards prevention. Confidential Counsellors are responsible for completing an anonymous statistical form for each case handled, even if only in a brief and informal manner. The form is sent to the Anti-Harassment Coordinator of the Agency where the victim works once a case has been closed.</p>
11	<p>Recipients of the data</p>	<p>Data will only be transmitted to the competent bodies when the procedure is launched and with the prior explicit consent of the person who gave them to the recipients.</p> <p>Transmission without explicit prior consent can only occur in exceptional cases covered by Article 5.1 (e) of the Regulation, i.e. when necessary to ensure the protection of the alleged victims (vital interest).</p> <p>The persons with access to your personal data, on a need-to-know basis, are:</p> <ul style="list-style-type: none"> - The Confidential Counsellors and Anti-Harassment Coordinator; - The Authority Empowered to Conclude Contracts of Employment (i.e., the ERCEA's Director) and Heads of Department; - The Legal Affairs and Internal Control Unit in case of

		<p>audits or legal proceedings, etc.;</p> <ul style="list-style-type: none"> - Services of the European Commission (DG HR, Medical Service, Legal Service, Security Directorate); <p>In addition, certain details may be disclosed, in compliance with the relevant current legislation and established case law, and on a temporary basis to legislative or supervisory bodies of the ERCEA or national authorities, as well as auditing bodies or courts.</p>
12	Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?	N/A
13	General description of the technical and organisational security measures	<p>Access to data is only possible via restricted access on an individual need to know basis and through User-ID and password. Personal data resides on the servers of the European Commission, which abide by strict security measures implemented by DG DIGIT to protect the security and integrity of the relevant electronic assets.</p> <p>Organisational measures</p> <p>To guarantee security of confidential data provided to Confidential Counsellors and the Head of Anti-Harassment Coordinator (or the Head of Human Resources Service) respectively, all written exchanges must be in paper-copy in envelopes marked as 'Private and confidential'.</p> <p>All transfer of documents other than to the recipient is forbidden.</p> <p>All notes taken during meetings and other documents compiled in a given case are kept in a locked cabinet or drawer (recommended safe boxes whenever possible). This concern the time when the documents are held by the Confidential Counsellor as well as when all documents have been sent to the Anti-Harassment Coordinator. Where documents are stored on an electronic medium, data shall be protected by password or kept on an encrypted disk, to prevent unauthorized access of third parties.</p> <p>Transfer of documents between the Confidential Counsellor and the Anti-Harassment Coordinator, especially the closing form and files of a case must be delivered by hand in an envelope marked "staff matters and confidential".</p> <p>For the purposes of policy monitoring, and to avoid single cases being recorded twice, the Anti-Harassment Coordinator allocates files a unique number (comprising digits and letters), which it will forward to the Confidential Counsellor responsible for a case. From this point onwards, with a view to preserving confidentiality, the files will be identified solely by their numerical codes and no names will be included in file references</p> <p>Recipients of data transfer are reminded of their obligation of confidentiality and to use the personal data only for the purposes for which they have been transmitted and that</p>

		<p>the principle of confidentiality applies to all personal data.</p> <p>In addition, a Code of Ethics of Confidential Counsellors and persons seeking assistance was adopted.</p> <p>Technical measures</p> <p>All communication between the Anti-Harassment Coordinator and the Confidential Counsellor shall be made through an anonymised number code. All written exchanges must be made in envelopes marked as "private and confidential." Data may also be kept in an encrypted disk by the Confidential Counsellors and the Anti-Harassment Coordinator. The use of encrypted messages (i.e. SECEM) shall also apply.</p>
14	<p>Information to data subjects/Data Protection Notice (DPN)</p>	<p>The Data Protection Notice is available on the Intranet page of the Agency:</p> <p>http://intranet.ercea.cec.eu.int/services/human-resources/priv/Pages/default.aspx</p>